

SENATE JOURNAL

— 1984 —

REGULAR SESSION

FORTY-EIGHTH LEGISLATURE

STATE OF WASHINGTON

AT

OLYMPIA, the State Capitol

Convened: January 9, 1984
SINE DIE March 8, 1984

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**JOURNAL OF THE SENATE
STATE OF WASHINGTON
1984 REGULAR SESSION
FORTY-EIGHTH LEGISLATURE**

FIRST DAY

NOON SESSION

Senate Chamber, Olympia, Monday, January 9, 1984

The 1984 Regular Session of the Forty-eighth Senate of the State of Washington assembled in the State Capitol, pursuant to law, at noon. Lieutenant Governor John A. Cherberg, President of the Senate, called the Senate to order.

The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Robin Anne Lang and Don Smith, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

INTRODUCTION OF SPECIAL GUEST

The President introduced Olympia's Lakelair Queen, Cecilia Carlson, who was seated with him on the rostrum. With permission of the Senate, business was suspended to permit Queen Cecilia to welcome the members of the Senate to Olympia.

MESSAGE FROM THE SECRETARY OF STATE

January 9, 1984

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

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the constitutional amendments which were submitted to the vote of the people at the state general election held on the 8th day of November, 1983, that the total number of ballots cast at this state general election was 1,238,395 and that the total number of votes cast for and against each of these measures was as follows:

SENATE JOINT RESOLUTION NO. 103

"Shall a commission be appointed by legislative leaders to redistrict legislative and congressional districts each decade based on equal population?"

YES	639,981
NO	407,916

SENATE JOINT RESOLUTION 105

"Shall the state Constitution be amended to increase from thirty to fifty-five years the maximum term for state harbor leases?"

YES	383,081
NO	622,840

SENATE JOINT RESOLUTION 112

"Shall local governments marketing energy be permitted to use funds or credit to finance energy conservation by individuals and corporations?"

YES	405,820
NO	602,719

I, further certify that the following is a full, true, and correct abstract of votes cast at the State General Election held on the 8th day of November, 1983, as canvassed by me from the returns received from the County Auditors of the thirty-nine counties of the state for the office of United States Senator (5 year unexpired term) and for offices in joint legislative and judicial districts:

U.S. SENATE

Dan Evans	Republican	672,326
Mike Lowry	Democrat	540,981

STATE SENATE, 18th DISTRICT

Bill Hallanger	Republican	6,079
Alan Thompson	Democrat	12,356

STATE REPRESENTATIVE, 18th DISTRICT, Position 1

Linda A. Smith	Republican	9,866
Oliver J. Ristuben	Democrat	9,160

COURT OF APPEALS, Division 3, District 1

Philip J. Thompson	Nonpartisan	55,660
Michael F. Keyes	Nonpartisan	46,690

SUPERIOR COURT, Asotin, Columbia, Garfield

Jay Roy Jones	Nonpartisan	4,130
Donald W. Moore	Nonpartisan	2,590

IN WITNESS WHEREOF, I have set my hand and affixed the seal of the State of Washington, this 8th day of December, 1983.

(Seal)

Laura Eckert, Assistant Secretary of State.

APPOINTMENT OF SPECIAL COMMITTEE

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

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Bauer, Zimmerman and Hurley to escort the Honorable Alan Thompson to the Senate rostrum.

Chief Justice Williams administered the oath of office to Senator Alan Thompson.

The committee of honor escorted the newly-elected Senator to his seat in the Senate Chamber and the committee was discharged.

Senators Talmadge, Clarke and Granlund escorted the Honorable William H. Williams from the Senate Chamber and the committee was discharged.

MOTION

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

SENATE RESOLUTION 1984-124

By Senators Bottiger, Fleming, Hayner and Sellar

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

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Woody, McDonald and Rinehart as a committee of three under the provisions of Senate Resolution 1984-124 to notify the House the Senate is organized and ready to transact business.

MOTION

On motion of Senator Goltz, the appointees were confirmed and retired to the House.

PERSONAL PRIVILEGE

Senator Goltz: "Mr. President, a point of personal privilege. I think before Senator McDonald leaves the chamber on his first mission, we should all acknowledge that we have in our midst today, a new member. We are very glad to have such a distinguished member of the House here in place of Senator Jones, who retired. Because he was not sworn in, does not mean that he is officially not among us yet, because he was sworn in at the time of his appointment. So, we all join in welcoming Senator McDonald here today."

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives Kreidler, Halsan and Schmidt appeared before the bar of the Senate to notify the Senate the House was organized and ready to transact business.

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

INTRODUCTION AND FIRST READING

SCR 137 by Senators Bottiger, Fleming, Hayner and Sellar

Reintroducing bills introduced at the 1983 regular and special sessions of the 48th Legislature.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Senate Concurrent Resolution No. 137 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 137 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Woody, McDonald and Rinehart appeared before the bar of the Senate to report that the House had been notified, under the provisions of Senate Resolution 1984-124, that the Senate is organized and ready to transact business.

The report was received and the committee was discharged.

MESSAGE FROM THE HOUSE

January 9, 1984

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE RESOLUTION

HCR 31 by Representatives Heck and G. Nelson

Beginning the legislative session.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and House Concurrent Resolution No. 31 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 31 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators McManus, Wojahn and Haley to serve as a committee of three from the Senate to join a like committee from the House under

the provisions of House Concurrent Resolution No. 31 to notify the Governor that the legislature is organized and ready to transact business.

MOTION

On motion of Senator Shinpoch, the appointees were confirmed.

INTRODUCTION AND FIRST READING

SCR 138 by Senators Bottiger and Fleming

Adopting joint rules for the Forty-eighth Legislature.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Senate Concurrent Resolution No. 138 was advanced to second reading and read the second time.

Senator Hayner moved the following amendments by Senators Hayner and Sellar be considered and adopted simultaneously:

On page 7, line 20 strike "~~((five))~~ a majority of the ~~((six))~~" and insert: "five of the six"

On page 7, line 30 after "signatures of" strike "~~((five))~~ a majority of the ~~((six))~~" and insert: "five of the six"

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hayner and Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 138 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 138.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 138 and the resolution passed the Senate by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

SENATE CONCURRENT RESOLUTION NO. 138, having received the constitutional majority, was declared passed.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators McManus, Wojahn and Haley appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 31 that the Legislature was organized and ready to transact business.

The report was received and the committee was discharged.

MESSAGES FROM THE HOUSE

January 9, 1984

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 137, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 9, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 137.

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 31.

COMMITTEE ASSIGNMENT CHANGES

The President announced the following committee assignments:

SENATOR BENITZ is appointed to the Rules Committee, replacing Senator Jones.

SENATOR MCDONALD is appointed to the Commerce and Labor Committee, replacing Senator Sellar.

SENATOR MCDONALD is appointed to the Financial Institutions Committee, replacing Senator Jones.

SENATOR MCDONALD is appointed to the Ways and Means Committee, replacing Senator Metcalf.

SENATOR QUIGG is appointed to State Government Committee, replacing Senator Jones.

MOTION

On motion of Senator Shinpoch, the appointees were confirmed.

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

MOTION

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

SENATE RESOLUTION 1984-125

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

WHEREAS, The Seahawks' incredible season has come to an end, and the glass slipper of our Cinderella team has not been tarnished; and

WHEREAS, The Seahawks stormed through the season and fell just one game short of the pinnacle of professional football; and

WHEREAS, Our sensational running back Curt Warner was chosen both AFC Offensive Player of the Year and Rookie of the Year; and

WHEREAS, Coach Knox, in one short season at the helm, has brought our hawks respect throughout the NFL; and

WHEREAS, The momentum of the Seahawk "wave" has propelled our team into the hearts of all Washingtonians; and

WHEREAS, Their performance this season brings excited anticipation of "wait 'til next year";

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we salute the Seahawks and their tremendous fans on a spectacular and enjoyable season; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate shall transmit copies of this resolution to head Coach Chuck Knox, manager Mike McCormack and the members of the Seahawks football team.

MOTION

On motion of Senator Haley, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-125.

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

MESSAGE FROM THE HOUSE

January 9, 1984

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING

SB 4280 by Senators Williams, Warnke, Rasmussen and Gaspard

AN ACT Relating to firearms control; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4281 by Senator Williams

AN ACT Relating to firearms control; and amending section 1, page 67, Laws of 1883 as last amended by section 1, chapter 34, Laws of 1971 and RCW 9.41.240.

Referred to Committee on Judiciary.

SB 4282 by Senators Williams and Haley

AN ACT Relating to firearms control; amending section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 232, Laws of 1983 and RCW 9.41.070; amending section 1, chapter 109, Laws of 1953 as last amended by section 3, chapter 158, Laws of 1979 and RCW 9.41.170; and adding a new section to chapter 9.41 RCW.

Referred to Committee on Judiciary.

SB 4283 by Senator Williams

AN ACT Relating to firearms; amending section 9, chapter 172, Laws of 1935 as last amended by section 4, chapter 232, Laws of 1983 and RCW 9.41.090; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4284 by Senator Williams

AN ACT Relating to firearms control; amending section 7, chapter 172, Laws of 1935 as last amended by section 3, chapter 232, Laws of 1983 and RCW 9.41.070; amending section 9, chapter 172, Laws of 1935 as last amended by section 4, chapter 232, Laws of 1983 and RCW 9.41.090; amending section 1, chapter 109, Laws of 1953 as last amended by section 3, chapter 158, Laws of 1979 and RCW 9.41.170; amending section 1, page 67, Laws of 1883 as last amended by section 1, chapter 34, Laws of 1971 and RCW 9.41.240; amending section 4, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.41.280; adding new sections to chapter 9.41 RCW; repealing section 14, chapter 124, Laws of 1961 (uncodified); and prescribing penalties.

Referred to Committee on Judiciary.

SB 4285 by Senators Warnke, Owen, Fuller, Gaspard and Peterson

AN ACT Relating to employee suggestion awards; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Education.

SB 4286 by Senators Vognild, Quigg and Wojahn (by Gambling Commission request)

AN ACT Relating to gambling devices; repealing section 1, chapter 87, Laws of 1975-'76 2nd ex. sess., section 6, chapter 326, Laws of 1977 ex. sess., section 9, chapter 139, Laws of 1981 and RCW 9.46.115; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4287 by Senators Barr, Thompson, Zimmerman and Peterson

AN ACT Relating to the employment of the county road engineer; amending section 36.80.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 93, Laws of 1980 and RCW 36.80.010; and declaring an emergency.

Referred to Committee on Transportation.

SB 4288 by Senators Barr, Thompson, Zimmerman, Patterson, Hansen and Peterson

AN ACT Relating to the rural arterial program; amending section 14, chapter 49, Laws of 1983 1st ex. sess. and RCW 36.79.140; and declaring an emergency.

Referred to Committee on Transportation.

SB 4289 by Senators Granlund, Thompson and Vognild

AN ACT Relating to motor vehicle rules of the road; and amending section 40, chapter 155, Laws of 1965 ex. sess. as last amended by section 28, chapter 62, Laws of 1975 and RCW 46.61.290.

Referred to Committee on Transportation.

SB 4290 by Senators Gaspard, Hansen, Goltz, Barr and Benitz

AN ACT Relating to the taxation of fish farms; amending section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330; amending section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4291 by Senators Shinpoch, Zimmerman and McDermott (by Legislative Budget Committee request)

AN ACT Relating to veterans' loan insurance; amending section 43.19.015, chapter 8, Laws of 1965 as last amended by section 101, chapter 3, Laws of 1983 and RCW 43.19.015; repealing section 1, chapter 217, Laws of 1945 and RCW 73.12.010; repealing section 4, chapter 217, Laws of 1945 and RCW 73.12.030; repealing section 5, chapter 217, Laws of 1945 and RCW 73.12.040; repealing section 6, chapter 217, Laws of 1945 and RCW 73.12.050; and repealing section 7, chapter 217, Laws of 1945, section 42, chapter 3, Laws of 1981 and RCW 73.12.060.

Referred to Committee on Ways and Means.

SB 4292 by Senators Shinpoch, Clarke, Zimmerman and Haley (by Legislative Budget Committee request)

AN ACT Relating to life-cycle cost in public buildings; and adding a new chapter to Title 39 RCW to be designated as chapter 39.35A RCW.

Referred to Committee on Ways and Means.

SB 4293 by Senators McDermott, Zimmerman, Haley, Fleming, Clarke, Shinpoch and Talmadge (by Legislative Budget Committee request)

AN ACT Relating to the governor's council on criminal justice; repealing section 1, chapter 79, Laws of 1979, section 9, chapter 213, Laws of 1981 and RCW 43.06.300; repealing section 2, chapter 79, Laws of 1979 and RCW 43.06.310; repealing section 3, chapter 79,

Laws of 1979 and RCW 43.06.320; repealing section 4, chapter 79, Laws of 1979 and RCW 43.06.330; and repealing section 5, chapter 79, Laws of 1979 and RCW 43.06.340.

Referred to Committee on Judiciary.

SB 4294 by Senator Warnke

AN ACT Relating to excess levies for school districts; and reenacting and amending section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531.

Referred to Committee on Ways and Means.

SB 4295 by Senators Warnke and Peterson

AN ACT Relating to alcohol beverage control; and adding a new section to chapter 66.24 RCW.

Referred to Committee on State Government.

SB 4296 by Senator McManus

AN ACT Relating to public health and safety; amending section 4, chapter 232, Laws of 1967 as last amended by section 7, chapter 77, Laws of 1982 and RCW 46.37.530; amending section 10, chapter 232, Laws of 1967 as amended by section 56, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.535; amending section 38, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 38, Laws of 1972 ex. sess. and RCW 46.61.255; adding a new section to chapter 46.37 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 4297 by Senators Hurley and Hughes

AN ACT Relating to taxation of travel trailers and campers; and amending section 66, chapter 299, Laws of 1971 ex. sess. as amended by section 1, chapter 75, Laws of 1975-76 2nd ex. sess. and RCW 82.50.510.

Referred to Committee on Ways and Means.

SB 4298 by Senators McManus, Woody, Rinehart, Bender, Gaspard, Talmadge, Granlund and Peterson

AN ACT Relating to community mental health services; amending section 2, chapter 204, Laws of 1982 and RCW 71.24.015; amending section 3, chapter 204, Laws of 1982 and RCW 71.24.025; amending section 4, chapter 204, Laws of 1982 and RCW 71.24.035; and amending section 5, chapter 204, Laws of 1982 and RCW 71.24.045.

Referred to Committee on Social and Health Services.

SB 4299 by Senators Granlund, McDermott, Talmadge, Rinehart, Hemstad and Woody

AN ACT Relating to corrections; creating new sections; and providing an expiration date.

Referred to Committee on Institutions.

SB 4300 by Senators Peterson and Vognild

AN ACT Relating to participation in gambling activities by members of charitable or nonprofit organizations; and amending section 2, chapter 139, Laws of 1981 and RCW 9.46.030.

Referred to Committee on Commerce and Labor.

SB 4301 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to disposal of surplus property by sewer districts; and amending section 1, chapter 51, Laws of 1953 and RCW 56.08.080.

Referred to Committee on Local Government.

SB 4302 by Senators McManus and Moore

AN ACT Relating to the practice of pharmacy; amending section 1, chapter 98, Laws of 1935 as last amended by section 17, chapter 338, Laws of 1981 and RCW 18.64.001; amending section 3, chapter 98, Laws of 1935 as last amended by section 21, chapter 67, Laws of 1981 and RCW 18.64.005; amending section 1, chapter 38, Laws of 1963 as last amended by section 29, chapter 182, Laws of 1982 and RCW 18.64.011; amending section 12, chapter 213, Laws of 1909 as last amended by section 8, chapter 90, Laws of 1979 and

RCW 18.64.043; amending section 5, chapter 153, Laws of 1949 as last amended by section 9, chapter 90, Laws of 1979 and RCW 18.64.045; amending section 18, chapter 90, Laws of 1979 and RCW 18.64.046; amending section 9, chapter 98, Laws of 1935 as amended by section 6, chapter 38, Laws of 1963 and RCW 18.64.050; amending section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 1, chapter 147, Laws of 1981 and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 12, chapter 90, Laws of 1979 and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160; amending section 2, chapter 28, Laws of 1939 as amended by section 1, chapter 99, Laws of 1971 ex. sess. and RCW 18.64.246; amending section 3, chapter 223, Laws of 1982 and RCW 43.131.249; amending section 7, chapter 223, Laws of 1982 and RCW 43.131.250; amending section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 and RCW 69.41.010; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101; repealing section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044; repealing section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047; repealing section 1, chapter 192, Laws of 1939 and RCW 18.81.010; repealing section 2, chapter 192, Laws of 1939 and RCW 18.81.020; repealing section 5, chapter 192, Laws of 1939 and RCW 18.81.025; repealing section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035; repealing section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040; repealing section 8, chapter 192, Laws of 1939 and RCW 18.81.050; repealing section 6, chapter 192, Laws of 1939 and RCW 18.81.060; repealing section 9, chapter 192, Laws of 1939 and RCW 18.81.065; repealing section 10, chapter 192, Laws of 1939 and RCW 18.81.070; repealing section 7, chapter 192, Laws of 1939 and RCW 18.81.080; and repealing section 11, chapter 192, Laws of 1939 and RCW 18.81.900.

Referred to Committee on Social and Health Services.

SB 4303 by Senators McManus, Woody, Wojahn, Bender, Gaspard and Bauer

AN ACT Relating to support of dependent children; and amending section 5, chapter 322, Laws of 1959 as last amended by section 20, chapter 201, Laws of 1982 and RCW 74.20.040.

Referred to Committee on Social and Health Services.

SB 4304 by Senator Talmadge

AN ACT Relating to reapportionment and redistricting; amending section 3, chapter 16, Laws of 1983 and RCW 44.05.030; amending section 5, chapter 16, Laws of 1983 and RCW 44.05.050; amending section 6, chapter 16, Laws of 1983 and RCW 44.05.060; and amending section 27, chapter 2, Laws of 1982 as amended by section 15, chapter 16, Laws of 1983 and RCW 29.70.100.

Referred to Committee on Judiciary.

SB 4305 by Senators Talmadge, Hughes and Moore

AN ACT Relating to campaign financing; adding new sections to chapter 42.17 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 4306 by Senator Warnke

AN ACT Relating to public health; amending section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on State Government.

SB 4307 by Senator Barr

AN ACT Relating to underwater fishing; amending section 77.32.010, chapter 36, Laws of 1955 as last amended by section 2, chapter 284, Laws of 1983 and RCW 77.32.010; amending section 20, chapter 15, Laws of 1975 1st ex. sess. as last amended by section 20, chapter 310, Laws of 1981 and RCW 77.32.101; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 4308 by Senators Talmadge, Hemstad and Moore (by Public Disclosure Commission request)

AN ACT Relating to the public disclosure law; amending section 2, chapter 1, Laws of 1973 as last amended by section 1, chapter 50, Laws of 1979 ex. sess. and RCW 42.17.020; amending section 3, chapter 1, Laws of 1973 as amended by section 2, chapter 313, Laws of 1977 ex. sess. and RCW 42.17.030; amending section 5, chapter 1, Laws of 1973 as amended by section 2, chapter 147, Laws of 1982 and RCW 42.17.050; amending section 6, chapter 1, Laws of 1973 as last amended by section 3, chapter 147, Laws of 1982 and RCW 42.17.060; amending section 7, chapter 1, Laws of 1973 and RCW 42.17.070; amending section 10, chapter 1, Laws of 1973 as last amended by section 9, chapter 147, Laws of 1982 and RCW 42.17.100; amending section 20, chapter 1, Laws of 1973 and RCW 42.17.200; amending section 37, chapter 1, Laws of 1973 as last amended by section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370; amending section 12, chapter 112, Laws of 1975-'76 2nd ex. sess. as amended by section 16, chapter 147, Laws of 1982 and RCW 42.17.395; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4309 by Senators Talmadge, Vognild, Hughes, Hemstad, Moore, Hayner, Granlund, Woody and Peterson

AN ACT Relating to sexual exploitation of children; adding new sections to chapter 9.68A RCW; repealing section 1, chapter 53, Laws of 1980 and RCW 9.68A.010; repealing section 2, chapter 53, Laws of 1980 and RCW 9.68A.020; repealing section 3, chapter 53, Laws of 1980 and RCW 9.68A.030; repealing section 5, chapter 53, Laws of 1980 and RCW 9.68A.900; repealing section 9A.88.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.110; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4310 by Senators Talmadge, Hughes and Hemstad

AN ACT Relating to computer crime; amending section 2, chapter 260, Laws of 1981 and RCW 9A.48.100; amending section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 8, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.010; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4311 by Senator Warnke

AN ACT Relating to the taxation of liquor sales; and amending section 82.08.150, chapter 15, Laws of 1961 as last amended by section 12, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.150.

Referred to Committee on Ways and Means.

SB 4312 by Senators Talmadge and Hemstad (by Public Disclosure Commission request)

AN ACT Relating to reporting of financial affairs; amending section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240; amending section 42, chapter 126, Laws of 1979 ex. sess. and RCW 42.17.241; amending section 4, chapter 311, Laws of 1981 and RCW 41.64.030; amending section 2, chapter 1, Laws of 1973 as last amended by section 1, chapter 50, Laws of 1979 ex. sess. and RCW 42.17.020; amending section 18, chapter 1, Laws of 1973 as amended by section 11, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.180; amending section 37, chapter 1, Laws of 1973 as last amended by section 7, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.370; amending section 3, chapter 14, Laws of 1981 and RCW 43.52A.030; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Judiciary.

SB 4313 by Senators Thompson, Zimmerman, Hemstad and Moore

AN ACT Relating to local government; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SB 4314 by Senator Warnke; (by Military Department request)

AN ACT Relating to the state militia; amending section 1, chapter 72, Laws of 1925 ex. sess. as amended by section 31, chapter 130, Laws of 1943 and RCW 38.12.170; amending section 33, chapter 130, Laws of 1943 and RCW 38.12.180; amending section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.24.050; amending section 2, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.060; amending section 40, chapter 130, Laws of 1943 and RCW 38.40.030; repealing section 23, chapter 130, Laws of 1943 and RCW 38.12.090; repealing section 51, chapter

130. Laws of 1943 and RCW 38.24.030; and repealing section 50, chapter 130, Laws of 1943 and RCW 38.24.040.

Referred to Committee on State Government.

SB 4315 by Senator Owen; (by Department of Game request)

AN ACT Relating to hunting; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Natural Resources.

SB 4316 by Senators Talmadge, Hemstad, Moore and Woody

AN ACT Relating to mobile home landlords and tenants; amending section 6, chapter 279, Laws of 1977 ex. sess. as last amended by section 18, chapter 304, Laws of 1981 and RCW 59.20.060; amending section 7, chapter 279, Laws of 1977 ex. sess. as last amended by section 19, chapter 304, Laws of 1981 and RCW 59.20.070; amending section 6, chapter 152, Laws of 1980 and RCW 59.20.075; amending section 8, chapter 279, Laws of 1977 ex. sess. as last amended by section 21, chapter 304, Laws of 1981 and RCW 59.20.080; amending section 8, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.130; amending section 13, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.180; amending section 11, chapter 186, Laws of 1979 ex. sess. and RCW 59.20.160; adding new sections to chapter 59.20 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4317 by Senator Talmadge

AN ACT Relating to vacancy elections for federal offices; amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; amending section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080; amending section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100; amending section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120; amending section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; creating a new section; repealing section 29.68.090, chapter 9, Laws of 1965 as amended by section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and repealing section 29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110.

Referred to Committee on Judiciary.

SB 4318 by Senators Warnke and Zimmerman (by Office of Financial Management request)

AN ACT Relating to state government; amending section 3, chapter 157, Laws of 1951 as amended by section 1, chapter 21, Laws of 1969 and RCW 1.08.005; amending section 1, chapter 185, Laws of 1943 as amended by section 1, chapter 42, Laws of 1971 and RCW 2.32.160; amending section 5, chapter 268, Laws of 1981 and RCW 2.64.040; amending section 5, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.050; amending section 6, chapter 137, Laws of 1981 and RCW 9.94A.060; amending section 3, chapter 299, Laws of 1981 and RCW 13.40.025; amending section 15.24.050, chapter 11, Laws of 1961 as last amended by section 12, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.24.050; amending section 10, chapter 129, Laws of 1969 as amended by section 13, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.26.100; amending section 15.28.090, chapter 11, Laws of 1961 as last amended by section 14, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.28.090; amending section 15.44.038, chapter 11, Laws of 1961 as last amended by section 15, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.44.038; amending section 27, chapter 256, Laws of 1961 as amended by section 19, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.65.270; amending section 15.66.130, chapter 11, Laws of 1961 as last amended by section 20, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 as last amended by section 21, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.76.170; amending section 6, chapter 133, Laws of 1969 as amended by section 22, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 16.67.070; amending section 7, chapter 226, Laws of 1949 as last amended by section 22, chapter 234, Laws of 1983 and RCW 18.04.080; amending section 3, chapter 323, Laws of 1959 as amended by section 27, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.08.120; amending section 11, chapter 101, Laws of 1957 as last amended by section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055; amending section 5, chapter 101, Laws of 1957

as last amended by section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15-.140; amending section 2, chapter 168, Laws of 1953 as last amended by section 12, chapter 225, Laws of 1982 and RCW 18.18.104; amending section 14, chapter 3, Laws of 1965 ex. sess. as last amended by section 9, chapter 75, Laws of 1977 and RCW 18.18.251; amending section 9, chapter 21, Laws of 1982 and RCW 18.22.014; amending section 2, chapter 53, Laws of 1959 as last amended by section 32, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.25.017; amending section 2, chapter 46, Laws of 1980 and RCW 18.26.070; amending section 14, chapter 168, Laws of 1983 and RCW 18.29.031; amending section 3, chapter 93, Laws of 1953 as last amended by section 3, chapter 38, Laws of 1979 and RCW 18.32.050; amending section 10, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.600; amending section 5, chapter 43, Laws of 1957 and RCW 18.34.050; amending section 15, chapter 106, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 39, Laws of 1983 and RCW 18.35.150; amending section 9, chapter 93, Laws of 1977 ex. sess. as amended by section 11, chapter 43, Laws of 1981 and RCW 18.39.175; amending section 3, chapter 283, Laws of 1947 as amended by section 37, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.43.030; amending section 11, chapter 117, Laws of 1951 as last amended by section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100; amending section 6, chapter 57, Laws of 1970 ex. sess. as last amended by section 45, chapter 158, Laws of 1979 and RCW 18.52.060; amending section 13, chapter 25, Laws of 1963 as last amended by section 39, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.54.130; amending section 2, chapter 117, Laws of 1979 and RCW 18.57.003; amending section 2, chapter 98, Laws of 1935 as last amended by section 1, chapter 90, Laws of 1979 and RCW 18.64.003; amending section 2, chapter 284, Laws of 1961 as last amended by section 52, chapter 158, Laws of 1979 and RCW 18.71.015; amending section 10, chapter 202, Laws of 1955 as last amended by section 3, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.100; amending section 2, chapter 239, Laws of 1949 as last amended by section 3, chapter 116, Laws of 1983 and RCW 18.74.020; amending section 4, chapter 222, Laws of 1949 as last amended by section 5, chapter 55, Laws of 1983 and RCW 18.78.040; amending section 21, chapter 70, Laws of 1965 as last amended by section 10, chapter 168, Laws of 1983 and RCW 18.83.051; amending section 14, chapter 252, Laws of 1941 as last amended by section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080; amending section 8, chapter 202, Laws of 1949 as last amended by section 12, chapter 75, Laws of 1977 and RCW 18.88.080; amending section 13, chapter 124, Laws of 1907 as last amended by section 4, chapter 102, Laws of 1983 and RCW 18.92.040; amending section 5, chapter 158, Laws of 1969 ex. sess. as amended by section 54, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.96.050; amending section 2, chapter 280, Laws of 1975 1st ex. sess. as amended by section 57, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.108.020; amending section 22, chapter 253, Laws of 1971 ex. sess. as amended by section 58, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.16.310; amending section 7, chapter 96, Laws of 1974 ex. sess. as amended by section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; amending section 5, chapter 207, Laws of 1963 as last amended by section 60, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.065; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123; amending section 1, chapter 5, Laws of 1941 as last amended by section 66, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 27.04.020; amending section 11, chapter 119, Laws of 1935 as amended by section 12, chapter 106, Laws of 1973 and RCW 27.08.010; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.04.110; amending section 28A.92.050, chapter 223, Laws of 1969 ex. sess. as amended by section 71, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.92.050; amending section 3, chapter 169, Laws of 1983 and RCW 28B.07.030; amending section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 19, chapter 338, Laws of 1981 and RCW 28B.16.060; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 30, Laws of 1982 1st ex. sess. and RCW 28B.50.050; amending section 12, chapter 277, Laws of 1969 ex. sess. as amended by section 77, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.80.110; amending section 8, chapter 174, Laws of 1975 1st ex. sess. as amended by section 79, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.070; amending section 52, chapter 283, Laws of 1969 ex. sess. as amended by section 76, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.300; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025; amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110; amending section 4, chapter 263, Laws of 1955 as last amended by section 87, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.270; amending section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 146, Laws of 1979 ex. sess. and RCW 41.58.015; amending section 1, chapter 167, Laws of 1982 as amended by section 2, chapter 54, Laws of 1983 and RCW 41.60.015; amending section 4, chapter 311, Laws of 1981 and RCW 41.64.030; amending section 35, chapter 1, Laws of 1973 as last amended by section 15, chapter 147, Laws of 1982 and

RCW 42.17.350; amending section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030; amending section 18, chapter 62, Laws of 1970 ex. sess. as amended by section 100, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21A.180; amending section 6, chapter 44, Laws of 1970 ex. sess. as last amended by section 104, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.475; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 15, chapter 227, Laws of 1982 and RCW 43.24.060; amending section 43.24.110, chapter 8, Laws of 1965 as last amended by section 101, chapter 158, Laws of 1979 and RCW 43.24.110; amending section 5, chapter 3, Laws of 1981 and RCW 43.33A.050; amending section 43.49.010, chapter 8, Laws of 1965 and RCW 43.49.010; amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 116, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.020; amending section 43.57.020, chapter 8, Laws of 1965 as last amended by section 119, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.57.020; reenacting and amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110; amending section 7, chapter 94, Laws of 1974 ex. sess. as amended by section 126, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.070; amending section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032; amending section 3, chapter 4, Laws of 1982 and RCW 43.121.030; amending section 7, chapter 273, Laws of 1983 and RCW 43.126.075; amending section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030; amending section 4, chapter 161, Laws of 1983 and RCW 43.180.040; amending section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040; amending section 5, chapter 150, Laws of 1967 ex. sess. as last amended by section 159, chapter 151, Laws of 1979 and RCW 44.60.050; amending section 3, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.300; amending section 6, chapter 151, Laws of 1977 ex. sess. as last amended by section 29, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.061; amending section 19, chapter 15, Laws of 1983 and RCW 47.64.280; amending section 14, chapter 150, Laws of 1967 as amended by section 142, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 48.17.135; amending section 1, chapter 231, Laws of 1941 as last amended by section 2, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.010; amending section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.070; amending section 1, chapter 9, Laws of 1977 and RCW 67.08.003; amending section 2, chapter 233, Laws of 1969 ex. sess. as amended by section 155, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.16.017; amending section 27, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.270; amending section 33, chapter 290, Laws of 1953 as amended by section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060; amending section 3, chapter 147, Laws of 1974 ex. sess. as last amended by section 1, chapter 210, Laws of 1983 and RCW 70.37.030; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 2, chapter 32, Laws of 1951 as amended by section 159, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.79.020; amending section 7, chapter 139, Laws of 1973 as amended by section 161, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.95B.070; amending section 21, chapter 136, Laws of 1981 and RCW 72.09.150; amending section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 173, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.030; amending section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 5, chapter 47, Laws of 1979 ex. sess. and RCW 76.09.220; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060; amending section 2, chapter 18, Laws of 1935 as last amended by section 3, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.020; amending section 4, chapter 304, Laws of 1955 as last amended by section 179, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 89.08.040; adding new sections to chapter 43.03 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government.

SB 4319 by Senators Owen and Granlund

AN ACT Relating to the department of corrections; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Institutions.

SB 4320 by Senators Wojahn and Sellar

AN ACT Relating to persons eighteen years of age and older on licensed premises during employment; and amending section 1, chapter 96, Laws of 1973 1st ex. sess. as amended by section 1, chapter 22, Laws of 1980 and RCW 66.44.316.

Referred to Committee on Commerce and Labor.

SB 4321 by Senator Warnke; (by Washington State Library request)

AN ACT Relating to the state library; amending section 1, chapter 5, Laws of 1941 as last amended by section 66, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 27.04.020; amending section 2, chapter 5, Laws of 1941 as amended by section 2, chapter 207, Laws of 1943 and RCW 27.04.030; amending section 3, chapter 207, Laws of 1943 and RCW 27.04.050; adding a new section to chapter 27.04 RCW; repealing section 1, chapter 170, Laws of 1955 and RCW 27.04.035; repealing section 7, chapter 232, Laws of 1977 ex. sess. and RCW 27.04.037; repealing section 1, chapter 232, Laws of 1945 and RCW 27.04.040; repealing section 1, chapter 39, Laws of 1949 and RCW 27.04.060; repealing section 1, chapter 67, Laws of 1967 and RCW 27.04.070; and repealing section 1, chapter 220, Laws of 1981 and RCW 27.04.090.

Referred to Committee on State Government.

SB 4322 by Senators Moore and Sellar

AN ACT Relating to credit unions; adding new sections to chapter 31.12 RCW; repealing section 2, chapter 23, Laws of 1957 and RCW 31.12.010; repealing section 3, chapter 23, Laws of 1957, section 2, chapter 180, Laws of 1967, section 1, chapter 8, Laws of 1973 1st ex. sess., section 1, chapter 81, Laws of 1981 and RCW 31.12.020; repealing section 4, chapter 23, Laws of 1957, section 2, chapter 81, Laws of 1981 and RCW 31.12.030; repealing section 2, chapter 173, Laws of 1933, section 2, chapter 131, Laws of 1943 and RCW 31.12.040; repealing section 3, chapter 173, Laws of 1933, section 3, chapter 131, Laws of 1943, section 3, chapter 180, Laws of 1967, section 1, chapter 65, Laws of 1969, section 82, chapter 81, Laws of 1971, section 23, chapter 302, Laws of 1981 and RCW 31.12.050; repealing section 4, chapter 173, Laws of 1933, section 4, chapter 131, Laws of 1943, section 1, chapter 41, Laws of 1980, section 3, chapter 81, Laws of 1981 and RCW 31.12.080; repealing section 5, chapter 173, Laws of 1933, section 5, chapter 131, Laws of 1943, section 1, chapter 138, Laws of 1959, section 2, chapter 41, Laws of 1980 and RCW 31.12.090; repealing section 6, chapter 173, Laws of 1933 and RCW 31.12.100; repealing section 7, chapter 173, Laws of 1933, section 6, chapter 131, Laws of 1943, section 2, chapter 65, Laws of 1969 and RCW 31.12.110; repealing section 8, chapter 173, Laws of 1933, section 7, chapter 131, Laws of 1943 and RCW 31.12.120; repealing section 9, chapter 173, Laws of 1933, section 8, chapter 131, Laws of 1943, section 1, chapter 213, Laws of 1947, section 1, chapter 48, Laws of 1953, section 3, chapter 41, Laws of 1980, section 4, chapter 81, Laws of 1981 and RCW 31.12.130; repealing section 24, chapter 192, Laws of 1981 and RCW 31.12.135; repealing section 10, chapter 173, Laws of 1933, section 9, chapter 131, Laws of 1943, section 26, chapter 192, Laws of 1981 and RCW 31.12.140; repealing section 1, chapter 173, Laws of 1933 and RCW 31.12.150; repealing section 12, chapter 173, Laws of 1933, section 10, chapter 131, Laws of 1943, section 2, chapter 48, Laws of 1953, section 4, chapter 180, Laws of 1967, section 2, chapter 8, Laws of 1973 1st ex. sess., section 1, chapter 37, Laws of 1983 and RCW 31.12.160; repealing section 13, chapter 173, Laws of 1933, section 11, chapter 131, Laws of 1943, section 5, chapter 180, Laws of 1967 and RCW 31.12.170; repealing section 14, chapter 173, Laws of 1933, section 2, chapter 65, Laws of 1939, section 3, chapter 48, Laws of 1953, section 2, chapter 138, Laws of 1959, section 6, chapter 180, Laws of 1967, section 3, chapter 8, Laws of 1973 1st ex. sess., section 2, chapter 37, Laws of 1983 and RCW 31.12.180; repealing section 15, chapter 173, Laws of 1933, section 12, chapter 131, Laws of 1943, section 4, chapter 48, Laws of 1953, section 5, chapter 23, Laws of 1957, section 3, chapter 138, Laws of 1959, section 7, chapter 180, Laws of 1967, section 3, chapter 65, Laws of 1969, section 5, chapter 8, Laws of 1973 1st ex. sess., section 1, chapter 222, Laws of 1975 1st ex. sess., section 4, chapter 41, Laws of 1980, section 5, chapter 81, Laws of 1981 and RCW 31.12.190; repealing section 16, chapter 173, Laws of 1933, section 13, chapter 131, Laws of 1943, section 5, chapter 48, Laws of 1953, section 4, chapter 138, Laws of 1959, section 4, chapter 65, Laws of 1969, section 2, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.200; repealing section 4, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.205; repealing section 17, chapter 173, Laws of 1933, section 14, chapter 131, Laws of 1943, section 6, chapter 23, Laws of 1957, section 6, chapter 8, Laws of 1973 1st ex. sess., section 3, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.210; repealing section 18, chapter 173, Laws of 1933, section 15, chapter 131, Laws of 1943, section 8, chapter 180, Laws of 1967, section 5, chapter 65, Laws of 1969, section 7, chapter 8, Laws of 1973 1st ex. sess., section 5, chapter 41, Laws of 1980, section 6, chapter 81, Laws of 1981 and RCW 31.12.220; repealing section 19, chapter 173, Laws of 1933, section 16, chapter 131, Laws of 1943, section 9, chapter 180, Laws of 1967 and RCW 31.12.230; repealing section 21, chapter 173, Laws of 1933, section 17, chapter 131, Laws of 1943, section 7, chapter 23, Laws of 1957, section 6, chapter 65, Laws of 1969, section 8, chapter 8, Laws of 1973 1st ex. sess., section 4, chapter 222, Laws of 1975 1st ex. sess., section 3, chapter 37, Laws of 1983 and RCW 31.12.240; repealing section 8, chapter 23, Laws of 1957, section 5, chapter 138, Laws of 1959, section 10, chapter 180, Laws of 1967, section 7, chapter 65, Laws of 1969, section 9, chapter 8, Laws of 1973 1st ex. sess., section 7, chapter 81, Laws of 1981 and RCW 31.12.245; repealing section 22, chapter 173, Laws of 1933, section 3, chapter 213, Laws of 1947 and RCW 31.12.250; repealing section 20, chapter 173, Laws of 1933, section 2, chapter 213, Laws of 1947, section 9, chapter 23, Laws of 1957,

section 6, chapter 138, Laws of 1959, section 8, chapter 65, Laws of 1969, section 10, chapter 8, Laws of 1973 1st ex. sess., section 5, chapter 222, Laws of 1975 1st ex. sess., section 8, chapter 81, Laws of 1981 and RCW 31.12.260; repealing section 11, chapter 23, Laws of 1957, section 1, chapter 38, Laws of 1965 ex. sess., section 11, chapter 180, Laws of 1967, section 9, chapter 65, Laws of 1969, section 11, chapter 8, Laws of 1973 1st ex. sess., section 6, chapter 222, Laws of 1975 1st ex. sess., section 6, chapter 41, Laws of 1980 and RCW 31.12.270; repealing section 12, chapter 23, Laws of 1957, section 7, chapter 138, Laws of 1959, section 2, chapter 38, Laws of 1965 ex. sess., section 12, chapter 180, Laws of 1967, section 10, chapter 65, Laws of 1969, section 12, chapter 8, Laws of 1973 1st ex. sess., section 7, chapter 222, Laws of 1975 1st ex. sess., section 7, chapter 41, Laws of 1980, section 9, chapter 81, Laws of 1981 and RCW 31.12.280; repealing section 13, chapter 23, Laws of 1957, section 8, chapter 138, Laws of 1959, section 13, chapter 180, Laws of 1967, section 13, chapter 8, Laws of 1973 1st ex. sess., section 10, chapter 81, Laws of 1981 and RCW 31.12.290; repealing section 24, chapter 173, Laws of 1933 and RCW 31.12.300; repealing section 9, chapter 41, Laws of 1980 and RCW 31.12.305; repealing section 25, chapter 173, Laws of 1933, section 19, chapter 131, Laws of 1943, section 8, chapter 222, Laws of 1975 1st ex. sess., section 11, chapter 81, Laws of 1981 and RCW 31.12.310; repealing section 26, chapter 173, Laws of 1933, section 20, chapter 131, Laws of 1943, section 5, chapter 213, Laws of 1947, section 14, chapter 8, Laws of 1973 1st ex. sess., section 8, chapter 41, Laws of 1980 and RCW 31.12.320; repealing section 4, chapter 245, Laws of 1977 ex. sess., section 4, chapter 37, Laws of 1983 and RCW 31.12.325; repealing section 27, chapter 173, Laws of 1933, section 9, chapter 48, Laws of 1953, section 14, chapter 180, Laws of 1967, section 12, chapter 81, Laws of 1981, section 5, chapter 37, Laws of 1983 and RCW 31.12.330; repealing section 28, chapter 173, Laws of 1933, section 21, chapter 131, Laws of 1943 and RCW 31.12.340; repealing section 29, chapter 173, Laws of 1933 and RCW 31.12.350; repealing section 31, chapter 173, Laws of 1933, section 23, chapter 131, Laws of 1943, section 10, chapter 48, Laws of 1953, section 15, chapter 180, Laws of 1967, section 83, chapter 81, Laws of 1971 and RCW 31.12.360; repealing section 32, chapter 173, Laws of 1933, section 24, chapter 131, Laws of 1943 and RCW 31.12.370; repealing section 1, chapter 90, Laws of 1981 and RCW 31.12.373; repealing section 3, chapter 90, Laws of 1981 and RCW 31.12.377; repealing section 34 added to chapter 173, Laws of 1933 by section 26, chapter 131, Laws of 1943 and RCW 31.12.380; repealing section 35 added to chapter 173, Laws of 1933 by section 26, chapter 131, Laws of 1943 and RCW 31.12.390; repealing section 36 added to chapter 173, Laws of 1933 by section 26, chapter 131, Laws of 1943 and RCW 31.12.400; repealing section 30, chapter 173, Laws of 1933, section 22, chapter 131, Laws of 1943 and RCW 31.12.410; repealing section 34, chapter 173, Laws of 1933, section 25, chapter 131, Laws of 1943 and RCW 31.12.430; repealing section 15, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.440; repealing section 16, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.450; repealing section 17, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.460; repealing section 18, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.470; repealing section 13, chapter 37, Laws of 1983 and RCW 31.12.480; repealing section 6, chapter 37, Laws of 1983 and RCW 31.12.500; repealing section 7, chapter 37, Laws of 1983 and RCW 31.12.505; repealing section 8, chapter 37, Laws of 1983 and RCW 31.12.510; repealing section 9, chapter 37, Laws of 1983 and RCW 31.12.515; repealing section 10, chapter 37, Laws of 1983 and RCW 31.12.520; repealing section 11, chapter 37, Laws of 1983 and RCW 31.12.525; repealing section 12, chapter 37, Laws of 1983 and RCW 31.12.530; repealing section 19, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.900; repealing section 9, chapter 222, Laws of 1975 1st ex. sess. and RCW 31.12.901; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4323 by Senators Bottiger and Vognild (by Emergency Commission on Economic Development request)

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

Referred to Committee on Commerce and Labor.

SB 4324 by Senators Bottiger, Vognild and Guess (by Emergency Commission on Economic Development request)

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

Referred to Committee on Commerce and Labor.

SB 4325 by Senators Wojahn, McCaslin and Vognild

AN ACT Relating to unfair cigarette sales; and amending section 3, chapter 2, Laws of 1983 and RCW 19.91.010.

Referred to Committee on Commerce and Labor.

SB 4326 by Senators Vognild, Newhouse and Hemstad (by Employment Security Department request)

AN ACT Relating to unemployment compensation; and amending section 41, chapter 35, Laws of 1945 as amended by section 2, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.12.020.

Referred to Committee on Commerce and Labor.

SB 4327 by Senators Peterson, Hansen, Patterson, Sellar and von Reichbauer (by Department of Transportation request)

AN ACT Relating to the state-wide transportation plan; and amending section 7, chapter 151, Laws of 1977 ex. sess. as last amended by section 2, chapter 59, Laws of 1981 and RCW 47.01.071.

Referred to Committee on Transportation.

SB 4328 by Senators Rasmussen and Barr

AN ACT Relating to the office of minority and women's business enterprises; amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 15, chapter 120, Laws of 1983 and RCW 47.28.030; amending section 47.28.050, chapter 13, Laws of 1961 as last amended by section 16, chapter 120, Laws of 1983 and RCW 47.28.050; amending section 47.28.090, chapter 13, Laws of 1961 as last amended by section 17, chapter 120, Laws of 1983 and RCW 47.28.090; repealing section 10, chapter 120, Laws of 1983 and RCW 28B.10.023; repealing section 11, chapter 120, Laws of 1983 and RCW 39.04.160; repealing section 1, chapter 120, Laws of 1983 and RCW 39.19.010; repealing section 2, chapter 120, Laws of 1983 and RCW 39.19.020; repealing section 3, chapter 120, Laws of 1983 and RCW 39.19.030; repealing section 4, chapter 120, Laws of 1983 and RCW 39.19.040; repealing section 5, chapter 120, Laws of 1983 and RCW 39.19.050; repealing section 6, chapter 120, Laws of 1983 and RCW 39.19.060; repealing section 7, chapter 120, Laws of 1983 and RCW 39.19.070; repealing section 8, chapter 120, Laws of 1983 and RCW 39.19.080; repealing section 9, chapter 120, Laws of 1983 and RCW 39.19.090; repealing section 19, chapter 120, Laws of 1983 and RCW 39.19.900; repealing section 20, chapter 120, Laws of 1983 (uncodified); repealing section 21, chapter 120, Laws of 1983 and RCW 39.19.910; repealing section 18, chapter 120, Laws of 1983 and RCW 39.19.920; repealing section 12, chapter 120, Laws of 1983 and RCW 39.29.050; repealing section 14, chapter 120, Laws of 1983 and RCW 41.06.082; and repealing section 13, chapter 120, Laws of 1983 and RCW 43.19.536.

Referred to Committee on State Government.

SB 4329 by Senators McDermott, Hansen and Barr

AN ACT Relating to the Milwaukee Road; and creating new sections.

Referred to Committee on Agriculture.

SB 4330 by Senators Bottiger, Fleming, Shinpoch, Rinehart, Peterson and Moore

AN ACT Relating to public assistance; and amending section 74.08.120, chapter 26, Laws of 1959 as last amended by section 15, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.08.120.

Referred to Committee on Social and Health Services.

SB 4331 by Senator Rasmussen

AN ACT Relating to leasehold excise taxation; amending section 3, chapter 61, Laws of 1975-'76 2nd ex. sess. as last amended by section 18, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.29A.030; amending section 4, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 82.29A.040; and amending section 84.40.175, chapter 15, Laws of 1961 as amended by section 15, chapter 61, Laws of 1975-'76 2nd ex. sess. and RCW 84.40.175.

Referred to Committee on Ways and Means.

SB 4332 by Senators Moore, Warnke and Sellar (by Public Deposit Protection Commission request)

AN ACT Relating to public depositaries; amending section 35.38.010, chapter 7, Laws of 1965 as last amended by section 1, chapter 126, Laws of 1973 and RCW 35.38.010; amending section 35.38.040, chapter 7, Laws of 1965 as last amended by section 3, chapter 126, Laws of 1973 and RCW 35.38.040; amending section 35.38.055, chapter 7, Laws of 1965 and RCW 35.38.055; amending section 35.38.060, chapter 7, Laws of 1965 and RCW 35.38.060; amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 73, Laws of 1982 and RCW 36.29.020; amending section 36.48.010, chapter 4, Laws of 1963 as last amended by section 5, chapter 126, Laws of 1973 and RCW 36.48.010;

amending section 36.48.020, chapter 4, Laws of 1963 as last amended by section 6, chapter 126, Laws of 1973 and RCW 36.48.020; amending section 36.48.060, chapter 4, Laws of 1963 and RCW 36.48.060; amending section 1, chapter 193, Laws of 1969 ex. sess. as last amended by section 3, chapter 66, Laws of 1983 and RCW 39.58.010; amending section 2, chapter 193, Laws of 1969 ex. sess. as last amended by section 5, chapter 66, Laws of 1983 and RCW 39.58.020; amending section 4, chapter 193, Laws of 1969 ex. sess. as last amended by section 7, chapter 66, Laws of 1983 and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as last amended by section 8, chapter 66, Laws of 1983 and RCW 39.58.050; amending section 8, chapter 193, Laws of 1969 ex. sess. as amended by section 11, chapter 66, Laws of 1983 and RCW 39.58.080; amending section 9, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.090; amending section 10, chapter 193, Laws of 1969 ex. sess. as amended by section 12, chapter 66, Laws of 1983 and RCW 39.58.100; amending section 6, chapter 77, Laws of 1975 1st ex. sess. as amended by section 15, chapter 66, Laws of 1983 and RCW 39.58.108; amending section 13, chapter 193, Laws of 1969 ex. sess. as amended by section 16, chapter 66, Laws of 1983 and RCW 39.58.130; amending section 43.85.230, chapter 8, Laws of 1965 as amended by section 19, chapter 66, Laws of 1983 and RCW 43.85.230; adding a new section to chapter 39.58 RCW; repealing section 35.38.030, chapter 7, Laws of 1965, section 24, chapter 193, Laws of 1969 ex. sess., section 2, chapter 126, Laws of 1973 and RCW 35.38.030; repealing section 17, chapter 126, Laws of 1973 and RCW 35.38.041; repealing section 43.85.020, chapter 8, Laws of 1965 and RCW 43.85.020; and repealing section 9, chapter 230, Laws of 1969 ex. sess. and RCW 43.85.270.

Referred to Committee on Financial Institutions.

SB 4333 by Senators Newhouse, Quigg, Hayner and Fuller

AN ACT Relating to unemployment insurance; amending section 80, chapter 35, Laws of 1945 as last amended by section 11, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 17, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.010; amending section 46, chapter 35, Laws of 1945 as last amended by section 8, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.12.070; amending section 7, chapter 13, Laws of 1983 1st ex. sess. and RCW 50.16.070; amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090; amending section 76, chapter 35, Laws of 1945 as last amended by section 1, chapter 321, Laws of 1959 and RCW 50.20.080; amending section 78, chapter 35, Laws of 1945 as last amended by section 6, chapter 33, Laws of 1977 ex. sess. and RCW 50.20.100; amending section 11, chapter 2, Laws of 1970 ex. sess. as amended by section 6, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.29.020; amending section 182, chapter 35, Laws of 1945 and RCW 50.40.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 50.24 RCW; adding new sections to chapter 50.29 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4334 by Senators Owen, Peterson, McManus, Thompson and Talmadge

AN ACT Relating to county community service; amending section 2, chapter 266, Laws of 1981 and RCW 13.40.270; amending section 1, chapter 266, Laws of 1981 and RCW 51.12.045; and adding a new section to chapter 36.16 RCW.

Referred to Committee on Local Government.

SB 4335 by Senator Owen

AN ACT Relating to disabilities of persons licensed to operate aircraft; amending section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060; and adding a new section to chapter 18.71 RCW.

Referred to Committee on Judiciary.

SB 4336 by Senators Vognild and Wojahn

AN ACT Relating to unemployment insurance; amending section 80, chapter 35, Laws of 1945 as last amended by section 11, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 17, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.010; and adding new sections to chapter 50.29 RCW.

Referred to Committee on Commerce and Labor.

SB 4337 by Senator Vognild

AN ACT Relating to unemployment compensation flat-rate taxation; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; adding a new section to chapter 50.04 RCW; creating a new section; repealing section 10, chapter 2, Laws of 1970 ex. sess., section 16, chapter 3, Laws of 1971, section 11, chapter 158, Laws of 1973 1st ex. sess., section 17, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.010; repealing section 11, chapter 2, Laws of 1970 ex. sess., section 6, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.29.020; repealing section 12, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.030; repealing section 15, chapter 2, Laws of 1970 ex. sess., section 13, chapter 158, Laws of 1973 1st ex. sess., section 18, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.060; repealing section 16, chapter 2, Laws of 1970 ex. sess., section 14, chapter 158, Laws of 1973 1st ex. sess., section 19, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.070; repealing section 17, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.080; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4338 by Senators Peterson and Sellar

AN ACT Relating to parking violations; amending section 8, chapter 136, Laws of 1979 ex. sess. as last amended by section 2, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.070; reenacting and amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110; amending section 46.20.270, chapter 12, Laws of 1961 as last amended by section 5, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.20.270; repealing section 1, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.16.215; and providing an effective date.

Referred to Committee on Transportation.

SB 4339 by Senators Peterson, Patterson, Goltz, Rinehart, Gaspard and Woody

AN ACT Relating to tuition and fees at institutions of higher education; amending section 6, chapter 257, Laws of 1981 as amended by section 18, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.202; amending section 7, chapter 257, Laws of 1981 as amended by section 19, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.402; amending section 8, chapter 257, Laws of 1981 as amended by section 10, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.502; and providing an effective date.

Referred to Committee on Education.

SB 4340 by Senator Gaspard

AN ACT Relating to the taxation of marihuana and controlled substances; and adding a new chapter to Title 82 RCW.

Referred to Committee on Ways and Means.

SB 4341 by Senators Thompson and Barr

AN ACT Relating to special district employee group insurance; and amending section 8, chapter 245, Laws of 1941 as amended by section 1, chapter 233, Laws of 1959 and RCW 54.04.050.

Referred to Committee on Local Government.

SB 4342 by Senators Vognild and Newhouse (by Employment Security Department request)

AN ACT Relating to the employment security department; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4343 by Senators Peterson, Hansen and Patterson (by Department of Transportation request)

AN ACT Relating to state highway work; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 15, chapter 120, Laws of 1983 and RCW 47.28.030.

Referred to Committee on Transportation.

SB 4344 by Senators Peterson, Hansen, Patterson and Sellar (by Department of Transportation request)

AN ACT Relating to the commission on equipment; and amending section 46.37.005, chapter 12, Laws of 1961 as last amended by section 1, chapter 106, Laws of 1982 and RCW 46.37.005.

Referred to Committee on Transportation.

SB 4345 by Senators Vognild, Newhouse, Wojahn and Talmadge (by Employment Security Department request)

AN ACT Relating to unemployment compensation; amending section 7, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.06.010; amending section 8, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.06.020; amending section 9, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.06.030; and amending section 12, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.06.900.

Referred to Committee on Commerce and Labor.

SB 4346 by Senators Warnke, McDermott, Granlund, Shinpoch, Fleming, Peterson, Bender, Moore, Bauer, Williams, Goltz, Woody and Gaspard

AN ACT Relating to the state council on aging; and repealing section 5, chapter 151, Laws of 1981 and RCW 43.20A.700.

Referred to Committee on Ways and Means.

SB 4347 by Senators Owen, Peterson, McManus, Bender, Hughes, Moore and Bauer

AN ACT Relating to reduced utility rates for certain low income persons; and amending section 1, chapter 116, Laws of 1979 as amended by section 1, chapter 160, Laws of 1980 and RCW 74.38.070.

Referred to Committee on State Government.

SB 4348 by Senator Vognild

AN ACT Relating to permitting public attendance under class K alcoholic beverage licenses; and amending section 12, chapter 173, Laws of 1975 1st ex. sess. as amended by section 47, chapter 5, Laws of 1981 1st ex. sess. and RCW 66.24.510.

Referred to Committee on Commerce and Labor.

SJM 122 by Senators Warnke, Fleming, McManus and Bauer

Petitioning Congress not to adopt a per capita limit on industrial development bonds.

Referred to Committee on State Government.

SJM 123 by Senators Warnke, Granlund, Vognild, Bender, Moore and Bauer

Requesting reenactment of mortgage revenue bond interest tax exemption.

Referred to Committee on State Government.

SCR 139 by Senators Hayner and Sellar

Adopting joint rules for the Legislature.

Referred to Committee on Rules.

SCR 140 by Senators Wojahn, Talmadge, McDermott, Woody and Fleming

Establishing the legislative comparable worth negotiating team.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HCR 32 by Representatives Heck and G. Nelson

Establishing cutoff dates for the introduction and consideration of legislation during the 1984 regular session of the 48th legislature.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and House Concurrent Resolution No. 32 was advanced to second reading and read the second time

Senator Guess moved the following amendments be considered and adopted simultaneously:

On page 1, line 16 after "revenue" insert: ", timber taxation."

On page 1, line 19 after "revenue" insert: ", timber taxation."

On page 1, line 23 after "revenue" insert: ", timber taxation."

On page 2, line 1 after "revenue" insert: ", timber taxation."

On page 2, line 4 after "revenue" insert: ", timber taxation."

On page 2, line 9 after "revenue" insert: ", timber taxation."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. I am a little sorry that these amendments weren't offered earlier so that we could have reached some compromise. Now, this has already passed the House and the first amendment out of the bag is obviously already not subject to the cut-off. It is a large hole in our revenue package. Senator McDermott, perhaps, could speak to the exact dollar amount, but there is no way that we are going to leave here without some kind of timber tax bill. It is clearly a part of the revenue package since it expires on July 1 and the amendment simply isn't needed. It's already exempt."

There being no objection, the amendments were withdrawn by Senator Guess.

MOTION

Senator Quigg moved the following amendments by Senators Quigg, Newhouse and Deccio be considered and adopted simultaneously:

On page 1, line 16 after "revenue" insert ", industrial insurance."

On page 1, line 19 after "revenue" insert ", industrial insurance."

On page 1, line 23 after "revenue" insert ", industrial insurance."

On page 2, line 1 after "revenue" insert ", industrial insurance."

On page 2, line 4 after "revenue" insert ", industrial insurance."

On page 2, line 9 after "revenue" insert ", industrial insurance."

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Quigg, Newhouse and Deccio.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Rasmussen - 1.

MOTION

Senator Sellar moved the following amendments be considered and adopted simultaneously:

On page 1, line 19 after "revenue" strike "and"

On page 1, line 20 after "laws" insert: "and gubernatorial appointments"

On page 1, line 24 after "laws" insert: "and gubernatorial appointments"

On page 2, line 4 after "laws" insert: "and gubernatorial appointments"

On page 2, line 10 after "laws" insert: "and gubernatorial appointments"

Debate ensued.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President and members of the Senate. Before I spoke, I went up to check with Sid Snyder, Secretary of the Senate, and it has never been the custom of the Senate to use the cut-off resolution to eliminate consideration of gubernatorial appointments and it will not be so interpreted during this session, therefore, the amendment is just unnecessary. You have my word, Senator Sellar, that they are alive until the Sine Die resolution."

There being no objection, the amendments were withdrawn by Senator Sellar.

MOTION

Senator Lee moved the following amendments by Senators Lee, Metcalf, Hayner and Bluechel be considered and adopted simultaneously:

On page 1, line 16 after "revenue" insert ", child abuse."

On page 1, line 19 after "revenue" insert ", child abuse."

On page 1, line 23 after "revenue" insert ", child abuse."

On page 2, line 1 after "revenue" insert ", child abuse."

On page 2, line 4 after "revenue" insert ", child abuse."

On page 2, line 9 after "revenue" insert ", child abuse."

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

PERSONAL PRIVILEGE

Senator Wojahn: "A point of personal privilege, Mr. President. I think that when we went to the Governor's Office this morning, he was very somber, and I thought we brought that out when we came back to report to you what happened in the Governor's Office. Just the fact that we all agreed that we were ready and the Governor said, 'then we are together--let us get this session over with.' Now, we came back and we could not report what the Governor had said because we were in a hot debate at that point. We sat here for one half-hour while a point was argued. Fine. Now, we are going to argue individual points to impose additional items on a cut-off. We are never going to get out of here if we are going to do this. The togetherness that we talked about isn't going to happen and it is going to create all kinds of problems.

"Senator Bottiger has already said that we wished to get out of here if we can. We don't want to leave any bit of unfinished business unfinished and we will try to cooperate, but I think this is just lengthening the session--all this talk and I am even lengthening it by standing here talking to you about it. I am going to sit down and beg you to stop it and let's start and try to get this session going on an even keel. Thank you."

Further debate ensued.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Lee, Metcalf, Hayner and Deccio.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

MOTION

Senator Zimmerman moved the following amendments be considered and adopted simultaneously:

On page 1, line 16 after "laws" insert "and private sector job development"

On page 1, line 19 after "laws" insert "and private sector job development"

On page 1, line 24 after "laws" insert "and private sector job development"

On page 2, line 1 after "laws" insert "and private sector job development"

On page 2, line 4 after "laws" insert "and private sector job development"

On page 2, line 10 after "laws" insert "and private sector job development"

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendments were not adopted by the following vote: Yeas, 22; nays, 27; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

MOTION

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 32 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

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

MESSAGE FROM THE HOUSE

January 9, 1984

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 137, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

MOTION

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

MESSAGES FROM THE GOVERNOR GUBERNATORIAL APPOINTMENTS

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Dziedzic appointed July 1, 1983, for a term ending at the Governor's pleasure, as Director of the Department of Services for the Blind.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard H. Watson appointed August 30, 1983, for a term ending at the Governor's pleasure, succeeding Edward Sheets as Director of the State Energy Office.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carolyn V. Patton appointed July 1, 1983, for a term ending at the Governor's pleasure, as Director of the Office of Minority and Women's Business Enterprises.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Larry Sanford reappointed June 14, 1983, for a term ending April 3, 1987, as a member of the State Board for Community College Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

J. H. "Jack" Blosser appointed October 26, 1983, for a term ending October 25, 1987, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brian R. Duff appointed October 26, 1983 for a term ending October 25, 1985, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

D. G. "Jerry" Hendricks appointed October 26, 1983 for a term ending October 25, 1989, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kenneth L. Keach appointed October 26, 1983 for a term ending October 25, 1989, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

Isabelle Lamb appointed October 26, 1983 for a term ending October 25, 1987, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

J. Marvin Lekstrum appointed October 26, 1983 for a term ending October 25, 1985, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

Stanley M. Little, Jr., appointed October 26, 1983, for a term ending October 25, 1989, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

Richard T. Schrock appointed October 26, 1983, for a term ending October 25, 1989, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

Nancy Williams appointed October 26, 1983, for a term ending October 25, 1989, as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

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

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

John A. Earley appointed July 27, 1983, for a term ending June 30, 1988, succeeding Lawrence G. Waldt as a member of the Gambling Commission

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jane M. McCormach appointed July 20, 1983, for a term ending July 1, 1989, succeeding Loren C. Davidson as a member of the Higher Education Personnel Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael Kim Herman appointed July 1, 1983, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James L. Kirschbaum appointed June 20, 1983, for a term ending at the pleasure of the Governor, as Chairman of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol C. Little appointed July 1, 1983, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Marilyn J. Littlejohn appointed July 1, 1983, for a term ending June 30, 1985, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Nanci C. Primley appointed July 1, 1983, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles R. Richmond appointed July 1, 1983, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Anne H. Rose appointed July 1, 1983, for a term ending June 30, 1987, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald R. Wick appointed July 1, 1983, for a term ending June 30, 1985, as a member of the Housing Finance Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Catherine May Haas appointed November 1, 1983, for a term ending June 17, 1988, succeeding Joseph G. Trim as a member of the Human Rights Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ralph E. Mackey appointed August 9, 1983, for a term ending December 31, 1985, succeeding Virgil E. Magruder as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Virginia W. Warden appointed August 9, 1983, for a term ending December 31, 1985, succeeding Ida Jo Simmons as a member of the Interagency Committee for Outdoor Recreation.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Parks and Ecology.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Chief Bernard Colligan appointed September 14, 1983, for a term ending November 2, 1986, succeeding Chief H. M. Vandiver as a member of the Juvenile Disposition Standards Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vanna H. Novak appointed September 7, 1983, for a term ending August 2, 1986, succeeding Carolyn Patton as a member of the State Lottery Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Lawrence Waldt appointed July 15, 1983, for a term ending August 2, 1988, succeeding Paul Mack as a member of the State Lottery Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

David P. Haworth appointed June 16, 1983, for a term ending June 15, 1988, as a member of the Marine Employees' Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald E. Kokjer appointed June 16, 1983, for a term ending June 15, 1987, as a member of the Marine Employees' Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Robert D. Alverson reappointed June 20, 1983, for a term ending June 12, 1987, as a member of the Pacific Marine Fisheries Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Natural Resources.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Brad Owen appointed June 20, 1983, for a term ending June 12, 1987, succeeding John Martinis as a member of the Pacific Marine Fisheries Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Natural Resources.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Kai N. Lee appointed October 13, 1983, for a term ending January 15, 1986, succeeding Daniel J. Evans as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Walter E. White reappointed September 9, 1983, for a term ending July 26, 1989, as a member of the Personnel Appeals Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Michael D. Coan appointed September 19, 1983, for a term coextensive with student tenure, succeeding Kathleen A. Wareham as a member of the Council for Postsecondary Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Mark C. Endresen reappointed September 23, 1983, for a term ending September 8, 1988, as a member of the Public Employment Relations Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on State Government.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Herman Sarkowsky appointed October 13, 1983, for a term ending September 30, 1989, succeeding Dr. J. H. Lehmann as a member of the Board of Regents for the University of Washington.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Janet Skadan appointed October 13, 1983, for a term ending September 30, 1989, succeeding Robert D. Larrabee as a member of the Board of Regents for the University of Washington.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Thomas Hyslop appointed October 13, 1983, for a term ending September 30, 1989, succeeding Jack Cole as a member of the Board of Regents for Washington State University.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Jeanne Rounds Olsen appointed October 13, 1983, for a term ending September 30, 1989, succeeding Dr. D. Chakravarti as a member of the Board of Regents for Washington State University.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Donald C. Brockett reappointed October 11, 1983, for a term ending August 2, 1986, as a member of the Sentencing Guidelines Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Harold D. Clarke reappointed October 11, 1983, for a term ending August 2, 1986, as a member of the Sentencing Guidelines Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles V. Johnson reappointed October 11, 1983, for a term ending August 2, 1986, as a member of the Sentencing Guidelines Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

John D. Jones appointed September 1, 1983, for a term ending March 1, 1985, succeeding Charles E. Newschwander as a member of the Board of Tax Appeals.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Ways and Means.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Bernice Stern reappointed July 18, 1983, for a term ending June 30, 1989, as a member of the State Transportation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Leo B. Sweeney appointed July 26, 1983, for a term ending June 30, 1989, succeeding Robert Mikalson as a member of the State Transportation Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William T. Robinson appointed October 17, 1983, for a term ending September 30, 1989, succeeding Robert J. Flowers as a member of the Board of Trustees for The Evergreen State College.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith T. Maleng appointed October 17, 1983, for a term ending September 30, 1989, succeeding Jerrold Manley as a member of the Board of Trustees for Western Washington University.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Avery K. Loposer reappointed October 25, 1983, for a term ending September 30, 1988, as a member of the Board of Trustees for Community College District No. 3.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Margaret Bruland appointed October 27, 1983, for a term ending September 30, 1988, succeeding James C. Shipman as a member of the Board of Trustees for Community College District No. 5.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

James E. Massart appointed November 9, 1983, for a term ending September 30, 1988, succeeding Pinckney M. Rohrbach as a member of the Board of Trustees for Community College District No. 7.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Carol B. James appointed November 1, 1983, for a term ending September 30, 1988, succeeding Claire Thomas as a member of the Board of Trustees for Community College District No. 8.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Judith J. Borth appointed November 2, 1983, for a term ending September 30, 1988, succeeding Robert L. Parlette as a member of the Board of Trustees for Community College District No. 15.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Paul Hirai appointed October 27, 1983, for a term ending September 30, 1988, succeeding Harry M. Yamamoto, Jr., as a member of the Board of Trustees for Community College District No. 18.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

William J. O'Neil reappointed November 3, 1983, for a term ending September 30, 1988, as a member of the Board of Trustees for Community College District No. 21.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Orphalee Smith appointed November 3, 1983, for a term ending September 30, 1987, succeeding Mabel E. Roberts as a member of the Board of Trustees for Community College District No. 21.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Vaughn A. Sherman reappointed October 27, 1983, for a term ending September 30, 1988 as a member of the Board of Trustees for Community College District No. 23.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Christenia L. Alden reappointed September 19, 1983, for a term ending July 1, 1988, as a member of the Commission for Vocational Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Tsuguo "Ike" Ikeda appointed September 19, 1983, for a term ending July 1, 1985, succeeding Jon G. Thorpe as a member of the Commission for Vocational Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Ronald D. Mayo appointed November 10, 1983, for a term ending June 13, 1985, succeeding William E. Wall as a member of the WPPSS Executive Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Sydney Steinborn appointed October 17, 1983, for a term ending June 13, 1986, succeeding C. Michael Berry as a member of the WPPSS Executive Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

December 2, 1983

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Frank Fennerty reappointed July 18, 1983, for a term ending June 17, 1989 as a member of the Board of Industrial Insurance Appeals.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Richard A. Granger appointed October 26, 1983, for a term ending October 25, 1989 as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Jim Matson appointed October 26, 1983, for a term ending October 25, 1989 as a member of the Export Assistance Center Board of Directors.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Deanna Anderson appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Donald M. Baker appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Robert W. Bradford appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Robert L. Hancock appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

James A. Doub appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Frederick R. Hume appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Douglas E. Olesen appointed September 7, 1983, for a term ending June 30, 1987, as a member of the Washington High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

January 6, 1984

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

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

Louis O. Stewart appointed June 16, 1983, for a term ending June 15, 1986, as a member of the Marine Employees' Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

January 6, 1984

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

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

Thomas Cable appointed September 19, 1983, for a term ending June 30, 1989, succeeding Arthur Anderson as a member of the Council for Postsecondary Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

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

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

Shani Taha appointed September 9, 1983, for a term ending June 30, 1989, succeeding Dr. Robert L. Flennaugh as a member of the Council for Postsecondary Education.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Manuel E. Costa reappointed October 11, 1983, for a term ending August 2, 1986, as a member of the Sentencing Guidelines Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rueben A. Flores appointed October 24, 1983, for a term ending September 30, 1989, succeeding Sterling Munro as a member of the Board of Trustees for Central Washington University.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

W. Kelley Moldstad appointed November 30, 1983, for a term ending September 30, 1988, succeeding Joyce M. Nielson as a member of the Board of Trustees for Community College District No. 4.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Rindelita D. Stewart appointed December 9, 1983, for a term ending September 30, 1988, succeeding Jack K. Gamble as a member of the Board of Trustees for Community College District No. 11.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Earlyse Allen Swift appointed November 30, 1983, for a term ending September 30, 1988, succeeding Merrily Knutsen as a member of the Board of Trustees for Community College District No. 12.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

C. Thomas Rice appointed November 30, 1983, for a term ending September 30, 1988, succeeding Mar Cine Miles as a member of the Board of Trustees for Community College District No. 14.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

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

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

Betty L. Edmondson appointed November 30, 1983, for a term ending September 30, 1988, succeeding Virginia Hislop as a member of the Board of Trustees for Community College District No. 16.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

January 6, 1984

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

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

Donald L. Olson reappointed November 30, 1983, for a term ending September 30, 1988, as a member of the Board of Trustees for Community College District No. 17.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

MOTIONS

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

On motion of Senator Shinpoch, the Ways and Means Committee was relieved of further consideration of the following bills and the bills were referred to the committees as listed:

- SSB 3027--EIS Hanford Waste to Committee on Energy and Utilities
- SB 3075--Securities filing fee to Committee on Financial Institutions
- SSB 3192--Nonresident sales tax to Committee on Local Government
- SB 3214--St. Conservation Comm. to Committee on Agriculture
- SSB 3228--Nutrition in schools to Committee on Education
- SB 3229--British Columbia Expo '86 to Committee on State Government
- SSB 3249--Boating regis. and safety to Committee on Transportation
- SB 3293--Timber sold public lands to Committee on Natural Resources
- SSB 3296--Mental health in schools to Committee on Education
- SSB 3375--Jobs for youth to Committee on Commerce and Labor
- SSB 3423--DNR duties to Committee on Natural Resources
- SSB 3454--Provisional driver's license to Committee on Transportation
- SSB 3603--School earthquake inspection to Committee on Education
- SB 3778--Handicapped child education to Committee on Education
- SSB 3815--Jail finance responsibility to Committee on Institutions
- SB 3836--Matching revenues local govt. to Committee on Transportation
- SSB 3882--Higher Education t.o. to Committee on Education
- SB 3902--Fire protection districts to Committee on Local Government
- SSB 3973--Retraining & reemploy. program to Committee on Commerce and Labor

- SSB 4031--Community correct. program to Committee on Institutions
- SSB 4141--School excess levies to Committee on Education
- SSB 4157--Teacher incentive to Committee on Education
- SSB 4214--Drug & Alcohol treatment to Committee on Institutions
- SSB 4232--Aquatic land sale to Committee on Natural Resources

SSB 4244--Milwaukee Rd. Advis. Comm. to Committee on Parks and Ecology

MOTION

Senator Shinpoch moved that the Rules Committee be relieved of the following bills and that the bills be referred to the Committees as listed:

AGRICULTURE

Rules 2

- SB 3783--Wine
- SB 3819--Agric. Commodity Warehouse

Rules 3

- SSB 3205--Noxious Weed Control
- SSB 3866--Agriculture
- SB 4010--Dairy Product Standards
- ESSB 4251--Milwaukee Road

COMMERCE AND LABOR

Rules 2

- SB 3086--Unemployment Insur. Levels
- SB 3977--Promotional drawings
- SB 4220--Theatrical Wages
- SJR 113--Public Corp. Econ. Devel.

Rules 3

- ESB 3114--Gambling
- ESSB 3434--Gambling
- ESB 3850--Private Sector Job Placement
- SB 3981--Jobs Again Council
- SSB 3982--Small Business Improve.
- SSB 4090--Pawn Brokers
- ESB 4110--Cemeteries
- ESB 4145--Financial Interest, Alcohol

EDUCATION

Rules 2

- SB 3488--Higher Ed 18 Hrs. No Extra
- SB 3761--Sch. Dist. Director Elections
- ESB 3773--School Directors' Assoc.
- SB 4095--Religious Sch. Exemp.
- SB 4106--Instructional Services Cont.
- SB 4221--School Closures

Rules 3

- ESB 3044--Military Tuition Exemption
- SSB 3062--School Dist. Service Credit
- ESB 3306--Resident Student Defined
- SSB 3455--St. Bd. Educ. Private Members
- SSB 3589--Vietnam Veterans/Higher Educ.
- E2SSB 3768--Public Broadcasting Comm.
- ESB 4089--Inst. Long-Term Loan
- ESB 4093--School Appropriations

ENERGY AND UTILITIES

Rules 2

- SB 3231--Energy conservation Standard
- SB 3265--Electrical Rate Structures
- SB 3491--Cogeneration
- SB 3890--Conversion Standards

Rules 3

- ESSB 3183--Utility Poles
- SSB 3225--District Heating System
- SSB 3256--Energy Conservat. Financing
- ESSB 3277--Hot Water Heaters
- ESCR 107--WPPSS Financial Situation

Gubernatorial Appointment

GA 63--Mary D. Hall

FINANCIAL INSTITUTIONSRules 2

SB 3445--Trustees

SB 3701--Savings and Loans

INSTITUTIONSRules 2

SB 3641--Juvenile Offenders

SB 4247--Juvenile Offenders

SB 4252--Child and Family Services

Rules

ESB 3243--1% Art Correct Inst. Exempt

ESB 3526--Interstate Correc. Compact

ESB 3527--Inst. Indus. Perish Food Sale

SB 3528--Vocational Educ/Product Sale

SB 3529--Foreign Transfer of Prisoner

SB 3530--Death Sentence Cell

JUDICIARYRules 2

SB 3499--Juvenile Justice

Rules 3

SSB 3057--Fire Safety Personnel

ESSB 3107--Drunk Driving

ESB 3131--Prevailing Party Costs

ESB 3143--Justices of the Peace

SSB 3158--Trade Name Regulation

SB 3196--Age Discrimination

ESB 3310--Conservation Easements

SB 3376--Admin. of Court Salary

SSB 3382--Alcoholism Treatment

SB 3386--Corporation Laws Modified

SB 3408--Pers. Prop. Exempt Attachment

ESSB 3414--Sentencing Guidelines

ESB 3424--Marriage

SB 3447--Homesteads Value Increased

ESSB 3766--Choke Holds

ESB 4105--Justice of Peace Subpoena

ESB 4202--WSP Disciplinary Process

NATURAL RESOURCESRules 3

SB 3169--Game Laws

SSB 3800--Fishing Licenses

SSB 4084--Bow and Arrow

PARKS AND ECOLOGYRules 2

SB 3193--Clean Air Act

SB 4235--Historic Properties

SB 4236--Water Permits

Rules 3

SSB 3722--Hazardous Waste

ESB 4079--Endrin

SOCIAL AND HEALTH SERVICESRules 2

SB 4094--Physical Therapists

SB 4206--Health Coverage Survivors

Rules 3

SSB 3617--Alcohol Awareness
 ESSB 3739--Day Care

STATE GOVERNMENTRules 3

ESB 3222--Disabled Parking Laws
 SB 3233--Asian-American Affairs Comm.
 SB 3238--PCAA Name Change
 SB 3412--Purchasing Limits
 SB 3422--Bids/In-State Preference
 ESB 3427--State Salaries
 SSB 4259--Veterans Relief Fund

TRANSPORTATIONRules 2

SB 4043--Transportation Funding, t.o.

Rules 3

SSB 3122--Drivers Vision Tests
 ESB 3191--Local Speed Limits
 SSB 3740--Hazardous Materials

WAYS AND MEANSRules 3

SSB 3104--Rent Public Assistance
 SSB 3267--Property Tax Exemption

MOTION

Senator Bluechel moved the following amendment to the Shinpoch motion be adopted:

Under AGRICULTURE, Rules 3: Strike: "ESSB 4251--Milwaukee Road"

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bluechel to amend the Shinpoch motion.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel to amend the Shinpoch motion failed by the following vote: Yeas, 14; nays, 35; absent, 00; excused, 00.

Voting yea: Senators Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Quigg, Zimmerman - 14.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

The President declared the question before the Senate to be adoption of the Shinpoch motion to relieve the Rules Committee of the indicated bills and that the bills be referred to the committees as listed.

The motion by Senator Shinpoch carried and the Rules Committee was relieved of further consideration of the listed bills and the bills were referred to the appropriate committees.

MOTION

At 2:16 p.m., on motion of Senator Bottiger, the Senate recessed for the purpose of a Joint Session.

At 2:18 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message by Governor John Spellman.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the House and the Senate to escort the President of the Senate, Lieutenant Governor John Cherberg, President

Pro Tempore H. A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen, Democratic Majority Leader R. Ted Bottiger and Republican Leader Jeanette Hayner to seats on the rostrum.

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

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

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

The Clerk of the House called the roll of the House and all members were present except Representatives Bond, Isaacson and Monohon, who were excused.

The President of the Senate appointed Senators Bottiger, Hayner and Fleming and Representatives Niemi, Hastings and Kaiser to escort the state elected officials from the State Reception Room to seats within the House Chamber.

The President of the Senate appointed Senators Craswell, Hurley, Conner and Hemstad and Representatives Hine, Gallagher, Barrett and Wang to escort the Supreme Court Justices to seats within the House Chamber.

The President of the Senate appointed Senators Gaspard, Moore, Quigg and McCaslin and Representatives Belcher, Allen, Armstrong and Padden to escort Governor Spellman from his office to the rostrum.

The President introduced Governor John Spellman.

STATE OF THE STATE ADDRESS

TOWARD A GENERATION OF PROSPERITY

Governor Spellman: "Lieutenant Governor Cherberg, Speaker Ehlers, Honorable Justices of the Supreme Court, Honorable members of the 48th Legislature, other honorable statewide elected officials, ladies and gentlemen:

"In these past three years, our most fundamental governmental priorities have been tested. We have had to redefine who we are and what we demand of our government. We have to count every dollar, and we have had to make every dollar count. Let the record of these past three years show that we have met the great challenges of our time, that we kept the faith. We maintained our education system. We cut the growth of state government in half; and we restored its fiscal integrity. With the help and guidance of our citizens, we made enlightened, although difficult, reductions in social services while still preserving those that are vital. We have launched the most aggressive and broadly based jobs-and-economic-development initiatives in a generation. We have dramatically reduced carnage on our highways and we have protected our environment. In short, we have kept Washington State the best place to live in America.

"Our great challenges were borne on mounting flood tides of global and national recession -- factors beyond our borders and outside our control. Washington found itself in a depression. Two separate legislatures, under two different majorities, were called upon to raise taxes, in order that tens of thousands of their fellow Washingtonians would not be deprived of all resources. We did not abandon government's most basic pledge -- to protect the commonwealth and serve the helpless. Those difficult political decisions kept our school system intact and brought health care to poor children, food to hungry families, chore services to our senior citizens, and unemployment checks to jobless breadwinners.

"We have seen the worst of times in a generation, and now we must set our sights on creating the best of times in our generation and for generations to follow. We must now move toward a generation of prosperity for Washington. We must proceed on a steady, responsible course of progress.

"Having now turned the corner of economic recovery, we must not soon forget the lessons we learned in the second darkest economic times of this century. Never again should we tiptoe on the edge of delicately balanced budget books -- without reserves, with pension liabilities mounting and with operating surpluses too slender to respond to inevitable, unexpected needs.

"Today the condition of the affairs of the state of Washington is good and getting better, but we should remember that state government is a patient that has just come through the post-operative period. Its prospects for the future could not be

rosier, but let's be realistic: This is not the time to take on more than we are sure we can handle. We cannot spend a lot of money because we don't have a lot of money to spend. There is a great deal we can do that will not cost a great deal of money. We can, in this session, set the course for Washington's amazing tomorrows.

"As you know, the Governor has the last vote in the legislative process, and I have established three criteria by which I will judge the work of this session. My criteria are: Vision, responsibility and excellence. This session must do the best it can with what we have available now in order to build a better tomorrow for us all, but we cannot so soon forget the repeated fiscal traumas through which we have so recently come. Our vision must be tempered with pragmatism based on experience. We cannot invent mirages of the future simply to satisfy the desires of today.

"Our available revenue remains limited, even in light of our optimistic projections for economic growth throughout 1984, but 1985 remains in doubt. I, for one, will not willingly return to the nightmare syndrome of cuts and taxes brought on by unfulfilled revenue expectations. We must not condemn ourselves to repeat the mistakes of the past, and the past three years have taught us to be fiscally conservative, and so we must remain. That is the responsible course.

"The pension money from the preceding biennium's surplus is untouchable. It is a commitment to retired school teachers, state employees, and police and firefighters. That is the law passed by this Legislature, and it shall be executed in order to ensure the fiscal integrity and stability of this government. That is the responsible course.

"There is much to be done and only sixty days in which to do it. I do not intend today to review with you in detail the elements of my proposed supplemental operating and capital budgets nor my executive request bills; they have they delivered to each of you for your review and approval. In general, what I want from this Legislature is:

- To work for our children;
- To set the course for a generation of prosperity;
- To live within our means, without tax hikes;
- To establish excellence in education;
- To redouble our economic-development efforts; and
- To stop the pollution of our air.

"My theme for this session is children. They are our future. They must be given excellent education. They must be given equal access to mental health care. They must be protected from neglect and abuse. They must be sheltered from the pollution of drugs and alcohol, and they must learn responsible citizenship or lose their driving privileges. I have submitted to you bills that address each item on this children's agenda.

"Even during the past hard times, we consistently applied ourselves to making the Washington our children will inherit a better place to live and work. The need for new jobs in this state remains acute. The welfare of our citizens is best addressed by strong, permanent jobs in a burgeoning economy. We have had the vision to lay foundations for our children's and our own future economic prosperity. We opened a state trade office in Tokyo. We established formal ties with Sichuan Province in the People's Republic of China. We have embarked on aggressive global marketing of our agricultural products, and we have developed the best international relations this state has ever known. World trade is our future. It is the wellspring from which our future jobs will flow. The responsible course for this Legislature is to restore full funding to the development of international trade and to provide new incentives for increased export sales. This is not a one-year budget issue I am talking about; this is the future of our children and our children's children.

"We created a tourism promotion program to create jobs and economic development where they were most needed. Tourism is our nation's fastest producer of jobs and will be a growth industry for decades. The responsible course for this Legislature is to restore full funding to tourism promotion.

"We, together with the people, established local industrial revenue bonding authority that is today bringing hundreds of millions of dollars of private investment

and thousands of jobs into our communities. The responsible course for this Legislature is to expand revenue bonding authority to allow smaller businesses and smaller communities to achieve the program's full benefits.

"Even in our darkest hours, most of the private sector did not lose faith in our future and many enterprises undertook major capital development plans. At the same time, the public sector worked successfully to lure new employers from out of state and from around the world. The responsible course for this Legislature is to restore full funding to the state's industrial development program.

"Requiring a new employer to pay sales tax on the barrelhead for constructing a new commercial or industrial facility before a single job or product is produced there puts us at a competitive disadvantage with other states. The responsible course for this Legislature is to allow the temporary deferral of those taxes until the new business is up and running.

"As we look to the future of Washington, to our children's Washington, we can see limitless opportunities to create the greatest prosperity we have ever known. A clear vision of our future, the right tools and hard work are all we need. One of those tools is community redevelopment financing, an innovative technique used in many other states to finance public improvements necessary for local governments to encourage the private redevelopment of blighted areas. The responsible course for this Legislature is to send this issue to the people next November.

"Throughout all of our jobs and economic development initiatives, the state has worked closely with local governments, and we should never forget that while we have some of the world's greatest urban areas, we are really a state of small communities. The State of Washington today enjoys better relationships with its local governments than ever before, but the innovative agency that created local industrial revenue bonding, Urban Development Action Grants for smaller communities, a \$200 million Housing Finance Commission program, and other major initiatives is now faced with extinction. The responsible course for this Legislature is to reauthorize this agency as the Department of Community Development.

"During our darkest hours, we resisted the temptation to tamper with our unique natural environment, even as we streamlined our environmental laws to accelerate desirable economic development. We took the responsible course. We protected, defended and preserved Puget Sound's clean water from very real threats. Our people love our unique environment. It is the responsible course for this Legislature now to protect, defend and preserve our clean air by taking on the issue of acid rain and by authorizing a two thousand percent increase in the maximum penalty for air pollution. Our environment is our future and our legacy to generations unborn.

"But Washington's most precious environment is not its scenic wonders or its bountiful ecology. Washington's most precious environment is the mind and spirit of our children. The past few years have seen a growing public concern that we, as a society, are failing to achieve the potential of our most precious resource -- our only unlimited resource -- the human mind. It is the indisputable reality that the successful future of this state and its people depends on education more than on any other factor. Our state and its concerned people anticipated the national trend toward educational reform and have worked hard to develop programs that will carry us into the 21st century. This emerging vision of the future for the nearly one million young Washingtonians in public education today -- and for those that follow them -- must become reality now. Failure to pursue vigorously the educational reforms that the Temporary Committee and I, among others, have proposed is to tamper with the bedrock upon which our future rests and to lose faith with the clear and present will of the people.

"Education is the number-one business of this state government, and it is the critical business of this session. We must finish the work of meeting our mandate to provide fully for basic education, but meeting our minimum responsibilities falls short of developing our maximum potential. We should attempt to realize in concrete terms the aspirations of our people for better results in our common schools, as expressed to the Temporary Committee on Educational Policies.

"The Excellence for Education Act of 1984 seeks to turn widely-shared goals into reality. It is a balanced, action-oriented proposal that says that we are not satisfied with pass/fail sufficiency but that we demand A-plus proficiency. It is not

enough for the people of Washington to have an O.K. educational system. We want the best system we can have, and it is the responsible course for this Legislature to take the first steps toward making that happen.

"I have asked for tougher standards and better training for students and new teachers. I have asked that you mandate programs for the gifted as part of our basic education responsibility, while maintaining our commitment to each student based upon his or her unique potential. That the State Board of Education be allowed to ensure that a high school diploma represents a measure of functional literacy and that special provisions be made for our disabled students. I have asked that teachers be recognized and rewarded for excellence, and be given effective, focused training to broaden their skills. That the effort to help dropouts and to reduce the drop-out rate be intensified. As part of that effort, I have also proposed passage of the Juvenile Responsibility Act of 1984. The minds of too many of our young people are being polluted with drugs and alcohol. They cannot learn when they sit in the classroom stoned. I propose that if they are caught being irresponsible with drugs and alcohol, then they must be forced to learn responsibility by losing their driving privileges. I have proposed in my supplemental budget an aggressive program of drug and alcohol education throughout our school system. It is the responsible course for this Legislature to help preserve, protect and defend young minds from the pollution of drugs and alcohol.

"As Governor, I have traveled extensively throughout the Pacific Rim of Asia. What I have seen--whether in China or Japan or Korea--are societies that place a tremendous emphasis on education as their means of achieving the ends of prosperity and happiness for their people. Some of these nations are resource-poor, but their economic growth in recent decades has been nothing short of awesome. The reason for their success is that they have aggressively developed their most precious resources of the mind. They have succeeded in their factories because they first succeeded in their classrooms.

"The economic condition and the quality of life in the Washington and United States of the 21st century will depend profoundly upon how well-educated our people are. It is vital that our educational system provide means of retraining workers displaced by an increasingly complex and changing world. The strength of our college and university program is critical to our children's social and economic success. Let us be mindful that today's kindergarteners are the college graduating class of the year 2000. The time for us to act in order to ensure their future place in the world is now.

"They do indeed have a central role to play in the Century of the Pacific. In my foreign travels to promote the friendship and trade interests of this state, I have seen the future and it is us. The Washington of the 21st century is the crossroads of a new global economic order. Washingtonians will communicate in all the languages of the world, especially those of Asia. Our cities will be international service centers catering to the professional needs of the world. Our people will be the best-educated in America. Our agricultural products will be staples on the dinner tables of six continents and our wines will be the envy of France. Our ports will be crowded with global traffic -- we will be one of the great hubs of global commerce. We will be America's new front door and its turnstile to Asia.

"Our partnership in prosperity with Alaska will be bearing its richest fruits. Our environment's clean air and water, its breathtaking beauty, will be legend throughout the globe, and the whole world will come to visit and share with us this great place in which it is our blessing to live. Our communities will be alive with arts and culture. We will be a prosperous people who will represent the culmination of the great American experiment in tolerance and cooperation. There will be good jobs, good living and an unencumbered pursuit of happiness in the Washington of the 21st century. Our senior citizens, who have shared and contributed to this vision will enjoy security and respect. We will be what Washingtonians have always wanted to be -- the best at everything.

"It is the responsible course for this Legislature to step confidently toward the 21st century.

"As ever, I wish you well and I offer you my cooperation, an open door and an open mind. It would be nice if we could all get through the next sixty days as

friends, but if we can't do that, we should be able to get through it as ladies and gentlemen.

"Thank you for your attention and God bless you."

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

The President of the Senate instructed the committees to escort the State Elected Officials and the Supreme Court Justices from the House Chamber.

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

MOTION

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

The Speaker instructed the committee to escort President Cherberg, President Pro Tempore Goltz, Vice President Pro Tempore Rasmussen, Democratic Majority Leader Bottiger, Republican Leader Hayner and the members of the Senate from the House Chamber.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:27 p.m.

MOTION

At 3:28 p.m., on motion of Senator Rasmussen, the Senate adjourned until 10:00 a.m., Tuesday, January 10, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 10, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Mardella Brekke and Joe Leighton, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR GUBERNATORIAL APPOINTMENT

January 9, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Karen Rahm appointed November 21, 1983, for a term ending at the Governor's pleasure, succeeding Alan J. Gibbs as Secretary of the Department of Social and Health Services.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services.

MESSAGE FROM THE HOUSE

January 9, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 152,

ENGROSSED HOUSE BILL NO. 411,

ENGROSSED HOUSE BILL NO. 412,

HOUSE BILL NO. 531,

SUBSTITUTE HOUSE BILL NO. 571,

ENGROSSED HOUSE BILL NO. 574,

ENGROSSED HOUSE BILL NO. 724,

SUBSTITUTE HOUSE BILL NO. 749,

HOUSE BILL NO. 911,

ENGROSSED HOUSE JOINT MEMORIAL NO. 16, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 4349 by Senators McDermott, Zimmerman and Shinpoch (by Legislative Budget Committee request)

AN ACT Relating to state funds; amending section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270; amending section 4, chapter 144, Laws of 1973 and RCW 43.79.282; adding a new section to chapter 43.79 RCW; adding a new section to chapter 44.28 RCW; repealing section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4350 by Senators McDermott, Zimmerman, Gaspard and Shinpoch (by Legislative Budget Committee request)

AN ACT Relating to the legislative budget committee's report to the legislature detailing the fiscal impact of educational clinics; and repealing section 3, chapter 174, Laws of 1979 ex. sess., section 8, chapter 87, Laws of 1980 and RCW 28A.97.100.

Referred to Committee on Education.

SB 4351 by Senators Gaspard, Guess, Goltz and Talmadge

AN ACT Relating to the high-technology coordinating board; and amending section 5, chapter 72, Laws of 1983 1st ex. sess. and RCW 28B.65.040.

Referred to Committee on Education.

SB 4352 by Senators McDermott, Zimmerman, Gaspard, Granlund and Shinpoch (by Legislative Budget Committee request)

AN ACT Relating to criminal procedure; amending section 4, chapter 133, Laws of 1955 and RCW 9.95.030; amending section 2, chapter 158, Laws of 1929 and RCW 9.95.032; amending section 15, chapter 214, Laws of 1959 as amended by section 208, chapter 141, Laws of 1979 and RCW 72.13.150; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4353 by Senator Conner

AN ACT Relating to sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4354 by Senators Vognild, Granlund, von Reichbauer and Pullen

AN ACT Relating to the law enforcement officers' and fire fighters' retirement system; and amending section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 294, Laws of 1981 and RCW 41.26.120.

Referred to Committee on Ways and Means.

SB 4355 by Senators Moore and Newhouse

AN ACT Relating to judgments; and amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 12.20.060.

Referred to Committee on Judiciary.

SB 4356 by Senators Williams, Hemstad, Woody, Sellar, Fuller and Conner

AN ACT Relating to public utilities; amending section 80.36.130, chapter 14, Laws of 1961 and RCW 80.36.130; amending section 80.12.010, chapter 14, Laws of 1961 and RCW 80.12.010; amending section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16.010; adding new sections to chapter 14, Laws of 1961 and to chapter 80.36 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4357 by Senators Moore and Newhouse

AN ACT Relating to justice courts; amending section 95, page 240, Laws of 1854 as last amended by section 1795, Code of 1881 and RCW 12.24.100; and creating a new section.

Referred to Committee on Judiciary.

SB 4358 by Senators Warnke, McDermott, Moore, Newhouse, McManus, Deccio and Fuller

AN ACT Relating to convention or trade facilities; repealing section 20, chapter 22, Laws of 1982 1st ex. sess. and RCW 35.21.285; and declaring an emergency.

Referred to Committee on State Government.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 152 by Representatives Pruitt, Barnes, Fisch, Miller, Fisher, Long, Zellinsky, Tanner, Sommers, Jacobsen, B. Williams, Kaiser, Armstrong, Ristuben, Wang, Lewis, McMullen, Patrick, Johnson, Isaacson, Burns, Silver, Stratton, Haugen, McDonald, Todd, Moon, Halsan,

Hine, Allen, Dellwo, Lux, Holland, Schmidt, D. Nelson, Brekke and Locke

Regulating fund-raising activities during legislative sessions.

Referred to Committee on Judiciary.

EHB 411 by Representatives Monohon, Sommers and Fiske

Modifying water power license fees.

Referred to Committee on Agriculture.

EHB 412 by Representatives Monohon, Sommers and Fiske

Modifying fees and expenses under the water rights codes.

Referred to Committee on Agriculture.

HB 531 by Representatives Hine and Charnley

Authorizing certain studies by groups of local government entities formed for joint insurance purposes.

Referred to Committee on Local Government.

SHB 571 by Committee on Local Government (originally sponsored by Representatives Hankins, Isaacson, Sutherland, Dickie, Stratton, Lewis, Moon, Nealey, Clayton and Van Dyken)

Specifying procedure for removal of territory from public hospital districts.

Referred to Committee on Local Government.

EHB 574 by Representatives Hine, Van Dyken, Garrett, Isaacson, Kreidler, Haugen, Mitchell, Allen, Ballard and Broback

Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts.

Referred to Committee on Local Government.

EHB 724 by Representatives R. King and Isaacson

Restricting circumstances under which an employer may lay off injured workers.

Referred to Committee on Commerce and Labor.

SHB 749 by Committee on Local Government (originally sponsored by Representatives Charnley and Ebersole)

Providing procedures for municipalities to prequalify contractors.

Referred to Committee on Local Government.

HB 911 by Representative Barrett

Authorizing an additional method of county road improvement district formation.

Referred to Committee on Local Government.

EHJM 16 by Representatives Belcher, Hankins, Hine, Long, Ellis, Schmidt, Sommers, Allen, Niemi, Silver, Powers, Brough, Brekke, Miller, Rust, Fisher, Galloway, Stratton, Monohon, Haugen, Heck, G. Nelson, Wang, Schoon, Appelwick, Betrozoff, Pruitt, Johnson, Smitherman, Mitchell, Zellinsky, Vander Stoep, Burns, Patrick, Jacobsen, Ballard, D. Nelson, McDonald, Garrett, Addison, Fisch, Taylor, McMullen, Van Dyken, Vekich, Chandler, Gallagher, Tanner, Sutherland, Ristuben, Crane, Braddock, Moon, Armstrong, Lux, J. King, Todd, Kreidler, Charnley, R. King, Halsan, Locke,

Martinis, Kaiser, J. Williams, Ebersole, Isaacson, Dellwo, Holland, O'Brien and Lewis

Requesting the adoption of the Economic Equity Act II.

Referred to Committee on State Government.

MOTION

At 10:13 a.m. on motion of Senator Fleming, the Senate was declared to be at case.

The President Pro Tempore called the Senate to order at 11:03 a.m.

INTRODUCTION AND FIRST READING

SB 4359 by Senator Thompson

AN ACT Relating to a simplified timber tax distribution system; amending section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080; amending section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010; amending section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015; amending section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010; amending section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020; amending section 1, chapter 146, Laws of 1981 as amended by section 3, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.073; amending section 2, chapter 146, Laws of 1981 and RCW 84.33.074; amending section 6, chapter 134, Laws of 1980 and RCW 84.33.075; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120; amending section 16, chapter 294, Laws of 1971 ex. sess. as amended by section 225, chapter 3, Laws of 1983 and RCW 84.33.160; amending section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170; amending section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; adding a new chapter to Title 82 RCW to be designated chapter 82.33 RCW; adding a new section to chapter 84.36 RCW; recodifying RCW 84.33.073, 84.33.074, 84.33.075, 84.33.077, and 84.33.078 as new sections in chapter 82.33 RCW; creating a new section; repealing section 4, chapter 294, Laws of 1971 ex. sess., section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040; repealing section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050; repealing section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060; repealing section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071; repealing section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072; repealing section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080; repealing section 5, chapter 4, Laws of 1981 and RCW 84.33.085; repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

MOTION

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

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 3051, by Committee on Agriculture (originally sponsored by Senators Hansen and Barr)

Modifying the laws governing transportation or confining animals.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Hansen, is there anything in this bill which would preclude standards and traditional rodeo practices?"

Senator Hansen: "No, there is not and if it would be determined by the Humane Society on the enclosure part of it, we would have to deal with it at that time."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3051.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3051, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SECOND SUBSTITUTE SENATE BILL NO. 3051, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3868, by Committee on Agriculture (originally sponsored by Senator Hansen)

Expanding the authority of irrigation districts.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3868.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3868, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3118, by Senators Talmadge, Newhouse and Vognild

Modifying provisions relating to workers' compensation.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3118.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3118, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SENATE BILL NO. 3118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 4237, by Senators Gaspard, Kiskaddon and Bauer (by Superintendent of Public Instruction request)

Providing for drug and alcohol abuse education.

MOTIONS

On motion of Senator Gaspard, the rules were suspended and Senate Bill No. 4237 was returned to second reading.

On motion of Senator Pullen, the following amendment by Senators Pullen and Gaspard was adopted:

On page 1, line 12, after "such abuse" and before ", the" insert "and inclusion of the fact that alcohol itself is a drug"

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4237 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4237.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 4237, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 4237, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Substitute Senate Bill No. 3152 held its place on the third reading calendar for tomorrow.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3741, by Committee on Financial Institutions (originally sponsored by Senators Moore, Haley and McManus)

Modifying provisions relating to health insurance.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3741.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3741, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3741, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 4018, by Senator Moore

Altering provisions relating to credit life insurance.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4018.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 4018, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SENATE BILL NO. 4018, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, Engrossed Senate Bill No. 3060, which was on the third reading calendar, was referred to the Committee on Ways and Means.

THIRD READING

ENGROSSED SENATE BILL NO. 3117, by Senators Thompson, Zimmerman and Bauer

Regulating substances containing toxic vapors or fumes.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3117.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3117, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3117, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3119, by Senators Thompson, Zimmerman and Bauer

Including theft and fraud by a minor child within the parent's civil liability.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3119.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3119, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3128, by Senators Talmadge, Hemstad and Hughes

Modifying conditions under which attorneys fees and costs may be awarded in condemnation proceedings.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Senate Bill No. 3128 was returned to second reading.

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

On page 2, line 10, after "(4)" strike all the material down to and including "(5)" on page 2, line 23 and insert "~~(Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day for actual trial time and the general hourly rate for preparation as provided in the minimum bar fee schedule of the county or judicial district in which the proceeding was instituted, or if no minimum bar fee schedule has been adopted in the county, then the trial and hourly rates as provided in the minimum bar fee schedule customarily used in such county. Not later than July 1, 1971 the administrator for the courts shall adopt a rule establishing standards for verifying fees authorized by this section. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.~~

(5)"

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3128, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3132, by Senators Talmadge and Hemstad

Providing for damages and attorney fees when mortgagees fail to release mortgage upon satisfaction.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3132.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3132, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SENATE BILL NO. 3132, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3181, by Committee on Judiciary (originally sponsored by Senators Talmadge, Hemstad, Hughes and Pullen)

Modifying provisions relating to involuntary treatment.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3181.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3181, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

SUBSTITUTE SENATE BILL NO. 3181, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3387, by Committee on Judiciary (originally sponsored by Senators Moore, Jones, Goltz, Shinpoch and Talmadge)

Penalizing interference with the lawful custody of a child.

MOTIONS

On motion of Senator Talmadge, the rules were suspended and Engrossed Substitute Senate Bill No. 3387 was returned to second reading.

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

On page 3, beginning on line 2, strike all of New Section 4.

Renumber the remaining section consecutively and correct any internal references accordingly.

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

On page 1, line 4, after "RCW," strike "adding a new section to chapter 26.21 RCW."

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Reengrossed Substitute Senate Bill No. 3387 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3387.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3387, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3387, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3437, by Senators Talmadge and Patterson

Modifying provisions relating to malicious prosecution.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, I'm very sympathetic to the intent of this bill, but I wanted to get a better example in my mind of what an unfounded lawsuit is. Could you give me an example of some of the kinds of unfounded lawsuits that precipitated this bill?"

Senator Talmadge: "There was a lawsuit that I recall, Senator, in the Advance Sheet where an individual brought an action against the judge who handled a particular case sentencing him to prison, against the prosecuting attorney, against the Governor of the state of Washington, against the judge that sentenced him, and so on and so forth. The problem now is with respect to malicious prosecution counterclaims that there has to be an arrest, an attack or seizure of property, and a number of other requirements under the common law--none of which necessarily fits the situation of all of those individuals that I just enumerated. This simply makes clear that these individuals, where this kind of essentially frivolous lawsuit is brought against them after they processed someone through the criminal justice system, can be brought and is something that would be analyzed and treated by the jury in the course of deciding a lawsuit."

Senator Pullen: "Just one other question. Would it be a frivolous lawsuit in itself if a person sued a judge, or prosecuting attorney for what that person contends is a violation of the Constitution?"

Senator Talmadge: "It is my understanding, Senator, that under the Civil Rights Act at the federal level that state officers are subject to suit--they can be sued. The assessment of whether or not the suit had any merit or not would be made by the jury."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3437.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3437, and the bill passed the Senate by the following vote: Yeas, 48; nays, 01; absent, 00; excused, 00.

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

Voting nay: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Transportation was relieved of further consideration of Senate Bill No. 4296.

On motion of Senator Shinpoch, Senate Bill No. 4296 was referred to the Committee on Social and Health Services.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 4347.

On motion of Senator Shinpoch, Senate Bill No. 4347 was referred to the Committee on Social and Health Services.

MOTION

At 12:00 noon, on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, January 11, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 11, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bauer, Deccio, Fleming, Hemstad, Pullen, Thompson and Williams. On motion of Senator Sellar, Senator Pullen was excused. On motion of Senator Vognild, Senators Fleming and Thompson were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michael Bounds and Dawn Marshbank, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 10, 1984

ESB 3044 Prime Sponsor, Senator Gaspard: Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Referred to Committee on Ways and Means.

January 10, 1984

SB 3488 Prime Sponsor, Senator Rinehart: Removing the extra charge for students registered for more than eighteen credit hours. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Hughes, Kiskaddon, McDermott, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Guess, Lee.

Referred to Committee on Ways and Means

January 10, 1984

SB 4309 Prime Sponsor, Senator Talmadge: Prohibiting the sexual exploitation of children. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Woody.

Passed to Committee on Rules for second reading.

January 10, 1984

SB 4339 Prime Sponsor, Senator Peterson: Modifying tuition and fees for institutions of higher education. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Patterson, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Guess, Hemstad, Lee.

Referred to Committee on Ways and Means

January 10, 1984

SB 4358 Prime Sponsor, Senator Warnke: Repealing the hotel excise tax for convention and trade facilities. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McCaslin, McDermott, Quigg, Rinehart.

Passed to Committee on Rules for second reading

January 10, 1984

SJM 123 Prime Sponsor, Senator Warnke: Requesting reenactment of mortgage revenue bond interest tax exemption. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; McCaslin, McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading

MESSAGES FROM THE HOUSE

January 10, 1984

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 138, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 10, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 517,

SUBSTITUTE HOUSE BILL NO. 551,

SUBSTITUTE HOUSE BILL NO. 552, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 10, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 32, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 32.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3984, by Committee on Judiciary (originally sponsored by Senators Talmadge and Pullen) (by Secretary of State request) Clarifying recall procedures.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3984.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3984, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Deccio, Hemstad, Williams - 3.

Excused: Senators Fleming, Pullen, Thompson - 3.

SUBSTITUTE SENATE BILL NO. 3984, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3045, by Senators Hansen, Rasmussen, Woody and Barr

Removing the requirement for a warm water fish stamp.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3045.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3045, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Fleming, Pullen, Thompson - 3.

SENATE BILL NO. 3045, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3379, by Senators Owen, Fuller, Vognild, Bender and Quigg

Providing group fishing permits for the handicapped and senior citizens.

The bill was read the third time and placed on final passage.

MOTION

On motion of Senator Bluechel, Senator Deccio was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3379.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 3379, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Deccio, Fleming, Pullen - 3.

SENATE BILL NO. 3379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

January 11, 1984

To Secretary of the Senate:

I wish to enter my yes vote for Substitute Senate Bill No. 3984, Senate Bill No. 3045 and Senate Bill No. 3379.

Alex Deccio,
Senator, 14th District

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 138.

ANNOUNCEMENTS

The President Pro Tempore announced the following changes in the Senate Standing Committee assignments:

Senator McCaslin is added to the Committee on Institutions and removed from the Committee on State Government.

Senator Pullen is added to the Committee on State Government and removed from the Committee on Institutions.

MOTION

On motion of Senator Shinpoch, the changes in the Senate Standing Committee assignments were approved.

MOTION

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

INTRODUCTION AND FIRST READING

SB 4360 by Senators Vognild, Quigg, Moore, Woody and Sellar

AN ACT Relating to gambling activities by holders of class B or H liquor licenses; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 4361 by Senators Talmadge and Hemstad

AN ACT Relating to emergency assistance; amending section 1, chapter 58, Laws of 1975 and RCW 4.24.300; amending section 2, chapter 58, Laws of 1975 and RCW 4.24.310; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4362 by Senators Hemstad, Talmadge, Fuller and Granlund

AN ACT Relating to open alcoholic beverage containers in motor vehicles; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4363 by Senators McDermott and Lee (by Department of Revenue request)

AN ACT Relating to small-scale timber harvesting; amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071; amending section 1, chapter 146, Laws of 1981 as amended by section 3, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.073; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4364 by Senators Gaspard, Hemstad, Goltz, Warnke and Hayner

AN ACT Relating to education; amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010; amending section 4, chapter 217, Laws of 1969 ex. sess. as last amended by section 8, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.145; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW; adding a new section to chapter 223, Laws of

1969 ex. sess. and to chapter 28A.27 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Education.

SB 4365 by Senators Talmadge, Lee and Moore

AN ACT Relating to discrimination on the basis of sex or marital status in the business of insurance; adding a new section to chapter 48.30 RCW; and creating new sections.

Referred to Committee on Financial Institutions.

SB 4366 by Senators Woody, Hayner, Talmadge, Clarke and Moore

AN ACT Relating to negotiable instruments; and amending section 1, chapter 23, Laws of 1967 ex. sess. as last amended by section 1, chapter 254, Laws of 1981 and RCW 62A.3-515.

Referred to Committee on Financial Institutions.

SB 4367 by Senators Owen, Peterson, McManus, Metcalf, Quigg and Fuller

AN ACT Relating to volunteer cooperative fish and game enhancement and conservation; and adding a new chapter to Title 77 RCW.

Referred to Committee on Natural Resources.

SB 4368 by Senators McDermott and Lee (by Department of Revenue request)

AN ACT Relating to the equalization of property taxation; and amending section 84.48.080, chapter 15, Laws of 1961 as last amended by section 1, chapter 28, Laws of 1982 1st ex. sess. and RCW 84.48.080.

Referred to Committee on Ways and Means.

SB 4369 by Senator Bluechel

AN ACT Relating to municipal water supplies; and adding a new section to chapter 35.92 RCW.

Referred to Committee on Local Government.

SB 4370 by Senators Fleming, Rasmussen, Hurley, Bender, Wojahn and McDermott

AN ACT Relating to sales and use taxation; amending section 33, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.08.0293; amending section 34, chapter 35, Laws of 1982 1st ex. sess. and RCW 82.12.0293; and providing an effective date contingent upon voter approval.

Referred to Committee on Ways and Means.

SB 4371 by Senators Talmadge, Newhouse, Hemstad and Hughes

AN ACT Relating to real property; amending section 1, chapter 278, Laws of 1927 and RCW 65.08.060; and repealing section 3, chapter 278, Laws of 1927 and RCW 65.08.080.

Referred to Committee on Judiciary.

SB 4372 by Senator Rasmussen

AN ACT Relating to electrician training; and amending section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530.

Referred to Committee on Commerce and Labor.

SB 4373 by Senators McManus, Deccio, Wojahn, Conner, Sellar, Bottiger and Woody

AN ACT Relating to paternity and the support of dependent children; amending section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 and RCW 4.56.200; amending section 1, chapter 10, Laws of 1982 and RCW 6.12.100; amending section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010; amending section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030; amending section 2, chapter 28, Laws of 1913 as last amended by section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050; amending section 5, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.040; adding new sections to chapter 4.56 RCW; adding new sections to chapter 26.09 RCW; adding a new chapter to Title 7 RCW; adding a

new chapter to Title 26 RCW; adding new sections to chapter 44.04 RCW; providing an expiration date; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4374 by Senator Fleming

AN ACT Relating to revenue and taxation; and amending section 7, chapter 37, Laws of 1974 ex. sess. as last amended by section 9, chapter 196, Laws of 1979 ex. sess. and RCW 35.21.755.

Referred to Committee on Ways and Means.

SB 4375 by Senators Thompson and Zimmerman

AN ACT Relating to cities and towns; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 35A.21 RCW.

Referred to Committee on Local Government.

SB 4376 by Senators Bender, Zimmerman and Thompson

AN ACT Relating to local government; amending section 22, chapter 49, Laws of 1982 1st ex. sess. and RCW 82.14.210; adding a new section to chapter 82.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government.

SB 4377 by Senators Moore, Hemstad and Talmadge

AN ACT Relating to fireworks; amending section 2, chapter 230, Laws of 1982 and RCW 70.77.131; amending section 3, chapter 230, Laws of 1982 and RCW 70.77.136; amending section 74, chapter 228, Laws of 1961 and RCW 70.77.485; amending section 85, chapter 228, Laws of 1961 and RCW 70.77.540; adding new sections to chapter 70.77 RCW; creating a new section; repealing section 56, chapter 228, Laws of 1961, section 31, chapter 230, Laws of 1982 and RCW 70.77.395; repealing section 80, chapter 228, Laws of 1961, section 41, chapter 230, Laws of 1982 and RCW 70.77.515; repealing section 82, chapter 228, Laws of 1961, section 42, chapter 230, Laws of 1982 and RCW 70.77.525; repealing section 13, chapter 230, Laws of 1982 and RCW 70.77.570; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4378 by Senators Bottiger and Sellar

AN ACT Relating to altering the corporate status of a water district; and adding a new section to chapter 56.04 RCW.

Referred to Committee on Local Government.

SB 4379 by Senators McManus, Moore, Deccio, Sellar and Guess

AN ACT Relating to licensing dietitians; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 4380 by Senators Granlund, Hemstad and Deccio (by Office of Financial Management request)

AN ACT Relating to criminal justice information; amending section 1, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.700; amending section 16, chapter 16, Laws of 1983 1st ex. sess. and RCW 68.08.355; amending section 17, chapter 16, Laws of 1983 1st ex. sess. and RCW 68.08.360; adding a new chapter to Title 10 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Institutions.

SB 4381 by Senators Fleming and Sellar

AN ACT Relating to elections; amending section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322; amending section 3, chapter 107, Laws of 1980 and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055; amending section 1, chapter 52, Laws of 1965 and RCW 29.18.015; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.21.010, chapter 9, Laws of 1965 as last amended by section 3, chapter 53, Laws of 1977 and RCW 29.21.010; amending section 29.21.060, chapter 9, Laws of

1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060; amending section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060; amending section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190; amending section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080; amending section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120; amending section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080; amending section 29, chapter 34, Laws of 1939 and RCW 52.12.070; amending section 8, chapter 17, Laws of 1959 as last amended by section 1, chapter 11, Laws of 1983 and RCW 53.12.150; amending section 10, chapter 265, Laws of 1959 and RCW 54.12.100; amending section 18, chapter 6, Laws of 1947 and RCW 68.16.180; recodifying RCW 2.04.071; recodifying RCW 2.04.100; recodifying RCW 2.06.070; recodifying RCW 2.06.075; recodifying RCW 2.08.060; recodifying RCW 2.08.069; recodifying RCW 2.08.070; recodifying RCW 2.08.120; recodifying RCW 3.04.010; recodifying RCW 3.04.050; recodifying RCW 3.14.020; recodifying RCW 3.34.050; recodifying RCW 28A.57.090; recodifying RCW 28A.57.130; recodifying RCW 28A.57.160; recodifying RCW 28A.57.170; recodifying RCW 28A.57.180; recodifying RCW 28A.57.190; recodifying RCW 28A.57.195; recodifying RCW 28A.57.196; recodifying RCW 28A.57.200; recodifying RCW 28A.57.210; recodifying RCW 28A.57.220; recodifying RCW 28A.57.318; recodifying RCW 35.17.020; recodifying RCW 35.17.360; recodifying RCW 35.17.370; recodifying RCW 35.17.380; recodifying RCW 35.17.390; recodifying RCW 35.17.400; recodifying RCW 35.17.410; recodifying RCW 35.17.420; recodifying RCW 35.18.020; recodifying RCW 35.18.150; recodifying RCW 35.18.230; recodifying RCW 35.18.240; recodifying RCW 35.18.250; recodifying RCW 35.18.260; recodifying RCW 35.18.270; recodifying RCW 35.18.280; recodifying RCW 35.18.285; recodifying RCW 35.23.030; recodifying RCW 35.23.040; recodifying RCW 35.24.030; recodifying RCW 35.24.050; recodifying RCW 35.24.100; recodifying RCW 35.27.080; recodifying RCW 35.27.090; recodifying RCW 35.27.140; recodifying RCW 35A.12.030; recodifying RCW 35A.12.040; recodifying RCW 35A.12.050; recodifying RCW 35A.13.020; recodifying RCW 52.04.020; recodifying RCW 52.04.030; recodifying RCW 52.04.040; recodifying RCW 52.04.050; recodifying RCW 52.04.060; recodifying RCW 52.04.070; recodifying RCW 52.04.080; recodifying RCW 52.04.090; recodifying RCW 52.04.100; recodifying RCW 52.04.110; recodifying RCW 52.04.120; recodifying RCW 52.04.150; recodifying RCW 52.04.155; recodifying RCW 52.04.170; recodifying RCW 52.04.180; recodifying RCW 52.04.190; recodifying RCW 52.04.200; recodifying RCW 52.12.020; recodifying RCW 52.12.030; recodifying RCW 52.12.040; recodifying RCW 52.12.050; recodifying RCW 52.12.060; recodifying RCW 53.04.010; recodifying RCW 53.04.015; recodifying RCW 53.04.016; recodifying RCW 53.04.017; recodifying RCW 53.04.020; recodifying RCW 53.04.060; recodifying RCW 53.04.070; recodifying RCW 53.04.080; recodifying RCW 53.04.085; recodifying RCW 53.04.100; recodifying RCW 53.04.110; recodifying RCW 53.04.120; recodifying RCW 53.12.010; recodifying RCW 53.12.020; recodifying RCW 53.12.035; recodifying RCW 53.12.040; recodifying RCW 53.12.044; recodifying RCW 53.12.050; recodifying RCW 53.12.055; recodifying RCW 53.12.057; recodifying RCW 53.12.060; recodifying RCW 53.12.120; recodifying RCW 53.12.130; recodifying RCW 53.12.140; recodifying RCW 53.12.150, as amended by this 1984 act; recodifying RCW 54.08.010; recodifying RCW 54.08.041; recodifying RCW 54.08.050; recodifying RCW 54.08.060; recodifying RCW 54.12.010; recodifying RCW 56.04.020; recodifying RCW 56.04.030; recodifying RCW 56.04.040; recodifying RCW 56.04.050; recodifying RCW 56.04.060; recodifying RCW 56.04.070; recodifying RCW 56.04.080; recodifying RCW 56.12.010; recodifying RCW 56.12.020; recodifying RCW 56.12.030; recodifying RCW 57.04.030; recodifying RCW 57.04.050; recodifying RCW 57.04.060; recodifying RCW 57.04.070; recodifying RCW 57.12.010; recodifying RCW 57.12.020; recodifying RCW 57.12.030; recodifying RCW 68.16.020; recodifying RCW 68.16.030; recodifying RCW 68.16.050; recodifying RCW 68.16.060; recodifying RCW 68.16.070; recodifying RCW 68.16.080; recodifying RCW 68.16.140; recodifying RCW 68.16.150; recodifying RCW 68.16.160; and repealing section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180.

Referred to Committee on Judiciary.

SB 4382 by Senator Fleming

AN ACT Relating to used cars; amending section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011; and adding new sections to chapter 46.70 RCW.

Referred to Committee on Commerce and Labor.

SB 4383 by Senators Fleming, Talmadge and Wojahn

AN ACT Relating to jurors; and amending section 212, page 51, Laws of 1869 as last amended by section 208, Code of 1881 and RCW 4.44.140.

Referred to Committee on Judiciary.

SB 4384 by Senators Thompson, Guess and Zimmerman

AN ACT Relating to code cities; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 1, chapter 128, Laws of 1983 and RCW 35A.12.010; and amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 2, chapter 128, Laws of 1983 and RCW 35A.13.010.

Referred to Committee on Local Government.

SB 4385 by Senators McDermott, Shinpoch, Gaspard, Haley, Newhouse, Clarke and Zimmerman (by Legislative Budget Committee request)

AN ACT Relating to annuities and retirement plans for employees at institutions of higher education; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.415; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Ways and Means.

SB 4386 by Senators McDermott and Lee (by Department of Revenue request)

AN ACT Relating to the consolidation of the real estate excise tax and the conveyance tax; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.45.060; repealing section 82.20.005, chapter 15, Laws of 1961 and RCW 82.20.005; repealing section 82.20.010, chapter 15, Laws of 1961, section 7, chapter 35, Laws of 1982 1st ex. sess., section 14, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.20.010; repealing section 82.20.020, chapter 15, Laws of 1961, section 57, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.020; repealing section 82.20.030, chapter 15, Laws of 1961, section 58, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.030; repealing section 82.20.040, chapter 15, Laws of 1961, section 59, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.040; repealing section 82.20.050, chapter 15, Laws of 1961 and RCW 82.20.050; repealing section 82.20.060, chapter 15, Laws of 1961, section 60, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.20.060; repealing section 2, chapter 90, Laws of 1980 and RCW 82.20.065; repealing section 82.20.070, chapter 15, Laws of 1961 and RCW 82.20.070; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4387 by Senators Vognild, Newhouse, Quigg, Moore, Woody and Sellar

AN ACT Relating to charges for and taxation of card games; amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020; and amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 4388 by Senators Warnke and Zimmerman (by State Treasurer request)

AN ACT Relating to check cashing by the state treasurer's office; and amending section 1, chapter 5, Laws of 1971 and RCW 43.08.180.

Referred to Committee on State Government.

SB 4389 by Senators Vognild, Newhouse, Quigg, Moore, Woody and Sellar

AN ACT Relating to charges for and taxation of punch boards and pull-tabs; and amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 139, Laws of 1981 and RCW 9.46.110.

Referred to Committee on Commerce and Labor.

SB 4390 by Senators Talmadge and Lee

AN ACT Relating to waste water treatment; and adding new sections to chapter 90.48 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4391 by Senators Peterson, Patterson and Goltz

AN ACT Relating to railroad rights-of-way; and adding new sections to chapter 64.04 RCW.

Referred to Committee on Transportation.

SB 4392 by Senators McManus, Deccio, Shinpoch, McDonald, Moore, Bender and Owen

AN ACT Relating to capital projects; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 4393 by Senator Rasmussen

AN ACT Relating to federal regionalism; adding new sections to Title 42 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

SB 4394 by Senators Gaspard, Rinehart, Wojahn, Haley, von Reichbauer, Granlund, Rasmussen, Bottiger and Hemstad

AN ACT Relating to community colleges; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and providing an expiration date.

Referred to Committee on Education.

SB 4395 by Senators Gaspard, Bauer, Lee, Rinehart, McDermott, McManus, Kiskaddon, Hurley, Peterson, Bender, Woody, Shinpoch, Conner, Wojahn and Bottiger

AN ACT Relating to implementation of educational excellence; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 4396 by Senators Gaspard, Patterson, Rinehart, Peterson and Goltz

AN ACT Relating to exemption from payment of operating fees for certain students at the state universities and regional universities; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW.

Referred to Committee on Education.

SB 4397 by Senators Hansen, Barr, Goltz, Bauer, Hayner, Benitz and Gaspard

AN ACT Relating to cattle assessments; and repealing section 2, chapter 64, Laws of 1971 and RCW 16.67.124.

Referred to Committee on Agriculture.

SB 4398 by Senators Hansen, Patterson, Hughes, Bauer, Goltz, Fleming, Vognilid, Newhouse and Gaspard

AN ACT Relating to international trade; establishing a provisional international marketing program for agricultural commodities and trade (IMPACT) center; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4399 by Senators Hansen, Barr, Goltz, Bauer, Benitz and Gaspard

AN ACT Relating to agricultural fees; amending section 15.04.100, chapter 11, Laws of 1961 as amended by section 1, chapter 76, Laws of 1969 ex. sess. and RCW 15.04.100; amending section 10, chapter 83, Laws of 1961 and RCW 15.14.100; amending section 20, chapter 29, Laws of 1961 and RCW 15.30.200; amending section 47, chapter 63, Laws of 1969 as last amended by section 2, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.49.470; amending section 15.52.320, chapter 11, Laws of 1961 and RCW 15.52.320; amending section 19, chapter 31, Laws of 1965 ex. sess. as amended by section 8, chapter 257, Laws of 1975 1st ex. sess. and RCW 15.53.9044; amending section 37, chapter 54, Laws of 1959 and RCW 16.57.370; amending section 14, chapter 181, Laws of 1971 ex. sess. as amended by section 5, chapter 81, Laws of 1979 and RCW 16.58.140; amending section 5, chapter 107, Laws of 1959 and RCW 16.65.050; amending section 28, chapter 249, Laws of 1961 as amended by section 15, chapter 199, Laws of 1969 ex. sess. and RCW 17.21.280; amending section 13, chapter 139, Laws of 1959 as last amended by section 1, chapter 142, Laws of 1973 and RCW 20.01.130; and amending section 50, chapter 124, Laws of 1963 as amended

by section 25, chapter 297, Laws of 1981 and RCW 22.09.500, recodified as RCW 22.09.830 by section 68, chapter 305, Laws of 1983.

Referred to Committee on Agriculture.

SB 4400 by Senators Owen, Sellar, Hansen, Deccio and Quigg

AN ACT Relating to industrial insurance; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; adding a new chapter to Title 48 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4401 by Senators Thompson, Lee, Moore and Sellar

AN ACT Relating to port district property; amending section 14, chapter 73, Laws of 1955 and RCW 53.25.140; and amending section 15, chapter 73, Laws of 1955 and RCW 53.25.150.

Referred to Committee on Local Government.

SB 4402 by Senators McDermott, Goltz, Williams, Woody, Shinpoch, Gaspard and Fleming

AN ACT Relating to teacher excellence programs; amending section 2, chapter 16, Laws of 1981 as amended by section 1, chapter 275, Laws of 1983 and RCW 28A.58.095; and creating a new section.

Referred to Committee on Education.

SB 4403 by Senators McDermott, Zimmerman, Talmadge, Patterson, Fleming, Hughes and Peterson

AN ACT Relating to health care costs; amending section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010; amending section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020; amending section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030; amending section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080; amending section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090; amending section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100; amending section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110; amending section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120; amending section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130; amending section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140; amending section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150; amending section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160; amending section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115; amending section 9, chapter 223, Laws of 1982 and RCW 43.131.253; amending section 10, chapter 223, Laws of 1982 and RCW 43.131.254; adding new sections to chapter 70.39 RCW; creating a new section; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4404 by Senators McDermott, Thompson, Patterson, Hughes, Woody, Zimmerman, Sellar, Gaspard, Peterson, Conner, Bauer, Barr and Fleming

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

Referred to Committee on Ways and Means.

SB 4405 by Senators Thompson, Zimmerman and Granlund

AN ACT Relating to filling vacancies by county legislative authorities; and amending section 36.16.110, chapter 4, Laws of 1963 and RCW 36.16.110.

Referred to Committee on Local Government.

SB 4406 by Senators Granlund, Owen, McCaslin, Metcalf, McManus, Fuller, Peterson and Woody

AN ACT Relating to institutions; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); and amending section 72.01.050, chapter 28, Laws of 1959 as last amended by section 68, chapter 136, Laws of 1981 and RCW 72.01.050.

Referred to Committee on Institutions.

SB 4407 by Senators Hurley, Woody, Thompson, Hansen, McDermott and Granlund

AN ACT Relating to compensation of school district administrators; and amending section 2, chapter 16, Laws of 1981 as amended by section 1, chapter 275, Laws of 1983 and RCW 28A.58.095.

Referred to Committee on Ways and Means.

SB 4408 by Senators McManus, Deccio, Wojahn, Peterson, Moore, Guess and Bluechel (by Governor Spellman request)

AN ACT Relating to the Washington council for the prevention of child abuse and neglect; amending section 2, chapter 4, Laws of 1982 and RCW 43.121.020; amending section 9, chapter 4, Laws of 1982 and RCW 43.121.090; amending section 10, chapter 4, Laws of 1982 and RCW 43.121.100; amending section 11, chapter 4, Laws of 1982 and RCW 43.121.900; and amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010.

Referred to Committee on Social and Health Services.

SB 4409 by Senators Hansen, Wojahn, Deccio, Goltz, Barr, McDermott, Hayner, Benitz and Newhouse

AN ACT Relating to the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale; and amending section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 4410 by Senators Gaspard, Bauer, Kiskaddon, Bender, Hughes, Shinpoch and Conner

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4411 by Senators Bottiger, Granlund, Owen, McCaslin, Metcalf, McManus, Fuller, Peterson and Woody

AN ACT Relating to prison work programs; and adding a new chapter to Title 72 RCW.

Referred to Committee on Institutions.

SB 4412 by Senators Hurley and McCaslin

AN ACT Relating to sales and use taxation; amending section 48, chapter 37, Laws of 1980 as amended by section 1, chapter 86, Laws of 1980 and RCW 82.08.0283; amending section 75, chapter 37, Laws of 1980 as amended by section 2, chapter 86, Laws of 1980 and RCW 82.12.0277; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4413 by Senators Moore, Hayner, Talmadge and Hemstad

AN ACT Relating to trusts; amending section 5, page 364, Laws of 1854 as last amended by section 30, Code of 1881 and RCW 4.16.110; amending section 5, chapter 113, Laws of 1935 and RCW 7.24.050; amending section 11.02.005, chapter 145, Laws of 1965 as last amended by section 14, chapter 80, Laws of 1977 ex. sess. and RCW 11.02.005; amending section 11.02.010, chapter 145, Laws of 1965 and RCW 11.02.010; amending section 11.02.020, chapter 145, Laws of 1965 and RCW 11.02.020; amending section 11.02.060, chapter 145, Laws of 1965 and RCW 11.02.060; amending section 11.12.250, chapter 145, Laws of 1965 and RCW 11.12.250; amending section 11.28.240, chapter 145, Laws of 1965 and RCW 11.28.240; amending section 11.36.010, chapter 145, Laws of 1965 as last amended by section 1, chapter 51, Laws of 1983 and RCW 11.36.010; amending section 21, chapter 117, Laws of 1974 ex. sess. and RCW 11.68.090; amending section 23, chapter 117, Laws of 1974 ex. sess. as amended by section 26, chapter 234, Laws of 1977 ex. sess. and RCW 11.68.110; amending section 11.92.040, chapter 145, Laws of 1965 as last amended by

section 2, chapter 32, Laws of 1979 and RCW 11.92.040; amending section 11.92.150, chapter 145, Laws of 1965 as last amended by section 30, chapter 95, Laws of 1975 1st ex. sess. and RCW 11.92.150; amending section 5, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.050; amending section 6, chapter 53, Laws of 1967 ex. sess. as amended by section 2, chapter 226, Laws of 1971 ex. sess. and RCW 19.10.060; amending section 4, chapter 226, Laws of 1971 ex. sess. and RCW 19.10.073; amending section 5, chapter 226, Laws of 1971 ex. sess. and RCW 19.10.075; amending section 11, chapter 53, Laws of 1967 ex. sess. as amended by section 64, chapter 81, Laws of 1971 and RCW 19.10.110; amending section 12, chapter 53, Laws of 1967 ex. sess. and RCW 19.10.120; amending section 1, chapter 58, Laws of 1971 and RCW 19.10.200; amending section 2, chapter 58, Laws of 1971 and RCW 19.10.210; amending section 3, chapter 58, Laws of 1971 and RCW 19.10.220; amending section 4, chapter 58, Laws of 1971 and RCW 19.10.230; amending section 5, chapter 58, Laws of 1971 as amended by section 3, chapter 41, Laws of 1982 1st ex. sess. and RCW 19.10.240; amending section 6, chapter 58, Laws of 1971 and RCW 19.10.250; amending section 7, chapter 58, Laws of 1971 and RCW 19.10.260; amending section 1, chapter 202, Laws of 1959 as last amended by section 30, chapter 292, Laws of 1971 ex. sess. and RCW 21.24.010; amending section 2, chapter 202, Laws of 1959 as amended by section 2, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.020; amending section 3, chapter 202, Laws of 1959 as amended by section 3, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.030; amending section 4, chapter 202, Laws of 1959 as last amended by section 31, chapter 292, Laws of 1971 ex. sess. and RCW 21.24.040; amending section 5, chapter 202, Laws of 1959 and RCW 21.24.050; amending section 6, chapter 202, Laws of 1959 as amended by section 5, chapter 88, Laws of 1967 ex. sess. and RCW 21.24.060; amending section 7, chapter 202, Laws of 1959 as last amended by section 32, chapter 292, Laws of 1971 ex. sess. and RCW 21.24.070; amending section 8, chapter 202, Laws of 1959 and RCW 21.24.080; amending section 52, chapter 117, Laws of 1974 ex. sess. and RCW 11.94.010; amending section 53, chapter 117, Laws of 1974 ex. sess. as amended by section 27, chapter 234, Laws of 1977 ex. sess. and RCW 11.94.020; amending section 1, chapter 160, Laws of 1955 and RCW 64.24.010; amending section 2, chapter 160, Laws of 1955 and RCW 64.24.020; amending section 3, chapter 160, Laws of 1955 and RCW 64.24.030; amending section 4, chapter 160, Laws of 1955 and RCW 64.24.040; amending section 2, chapter 124, Laws of 1959 and RCW 30.99.020; amending section 1, chapter 124, Laws of 1959 as amended by section 49, chapter 3, Laws of 1983 and RCW 30.99.010; amending section 3, chapter 124, Laws of 1959 and RCW 30.99.030; amending section 5, chapter 124, Laws of 1959 and RCW 30.99.050; amending section 7, chapter 124, Laws of 1959 and RCW 30.99.070; amending section 8, chapter 124, Laws of 1959 and RCW 30.99.080; amending section 9, chapter 124, Laws of 1959 and RCW 30.99.090; amending section 10, chapter 124, Laws of 1959 as amended by section 50, chapter 3, Laws of 1983 and RCW 30.99.100; amending section 11.98.010, chapter 145, Laws of 1965 and RCW 11.98.010; amending section 11.98.020, chapter 145, Laws of 1965 and RCW 11.98.020; amending section 11.98.030, chapter 145, Laws of 1965 and RCW 11.98.030; amending section 11.98.040, chapter 145, Laws of 1965 and RCW 11.98.040; amending section 11.98.050, chapter 145, Laws of 1965 as amended by section 1, chapter 229, Laws of 1971 ex. sess. and RCW 11.98.050; amending section 30.24.020, chapter 33, Laws of 1955 and RCW 30.24.020; amending section 30.24.030, chapter 33, Laws of 1955 as amended by section 3, chapter 133, Laws of 1967 and RCW 30.24.037; amending section 30.24.050, chapter 33, Laws of 1955 and RCW 30.24.050; amending section 30.24.070, chapter 33, Laws of 1955 and RCW 30.24.070; amending section 30.24.090, chapter 33, Laws of 1955 and RCW 30.24.090; amending section 1, chapter 89, Laws of 1973 1st ex. sess. and RCW 30.24.120; amending section 1, chapter 74, Laws of 1971 and RCW 11.104.010; amending section 2, chapter 74, Laws of 1971 and RCW 11.104.020; amending section 3, chapter 74, Laws of 1971 and RCW 11.104.030; amending section 4, chapter 74, Laws of 1971 and RCW 11.104.040; amending section 5, chapter 74, Laws of 1971 and RCW 11.104.050; amending section 6, chapter 74, Laws of 1971 and RCW 11.104.060; amending section 7, chapter 74, Laws of 1971 and RCW 11.104.070; amending section 8, chapter 74, Laws of 1971 and RCW 11.104.080; amending section 9, chapter 74, Laws of 1971 and RCW 11.104.090; amending section 12, chapter 74, Laws of 1971 and RCW 11.104.120; amending section 13, chapter 74, laws of 1971 and RCW 11.104.130; amending section 30.30.010, chapter 33, Laws of 1955 and RCW 30.30.010; amending section 30.30.020, chapter 33, Laws of 1955 and RCW 30.30.020; amending section 30.30.030, chapter 33, Laws of 1955 and RCW 30.30.030; amending section 30.30.040, chapter 33, Laws of 1955 and RCW 30.30.040; amending section 30.30.050, chapter 33, Laws of 1955 and RCW 30.30.050; amending section 30.30.060, chapter 33, Laws of 1955 as amended by section 31, chapter 80, Laws of 1977 ex. sess. and RCW 30.30.060; amending section 30.30.070, chapter 33, Laws of 1955 and RCW 30.30.070; amending section 30.30.080, chapter 33, Laws of 1955 and RCW 30.30.080; amending section 30.30.090, chapter 33, Laws of 1955 as amended by section 80, chapter 81, Laws of 1971 and RCW 30.30.090; amending section 30.30.100, chapter 33, Laws of 1955 and RCW 30.30.100; amending section 30.30.110, chapter 33, Laws of 1955 and RCW 30.30.110; amending section 8, chapter 122, Laws of 1969 and RCW 18.100.080; amending section 25.04.020, chapter 15, Laws of 1955 and RCW 25.04.020; amending section 25.04.150,

chapter 15, Laws of 1955 and RCW 25.04.150; amending section 30.04.310, chapter 33, Laws of 1955 and RCW 30.04.310; amending section 127, chapter 247, Laws of 1943 as last amended by section 19, chapter 21, Laws of 1979 and RCW 68.44.030; adding a new section to chapter 4.16 RCW; adding new chapters to Title 11 RCW; adding new sections to chapter 11.12 RCW; adding a new section to chapter 11.36 RCW; adding a new section to chapter 11.92 RCW; adding a new section to chapter 11.93 RCW; adding new sections to chapter 11.94 RCW; adding new sections to chapter 11.95 RCW; adding new sections to chapter 11.96 RCW; adding a new section to chapter 11.97 RCW; adding new sections to chapter 11.98 RCW; adding new sections to chapter 11.100 RCW; adding a new section to chapter 64.28 RCW; creating new sections; recodifying RCW 11.02.030; recodifying RCW 19.10.010; recodifying RCW 19.10.020; recodifying RCW 19.10.040; recodifying RCW 19.10.070; recodifying RCW 19.10.080; recodifying RCW 19.10.090; recodifying RCW 19.10.100; recodifying RCW 19.10.125; recodifying RCW 19.10.130; recodifying RCW 19.10.140; recodifying RCW 19.10.270; recodifying RCW 19.10.900; recodifying RCW 21.24.090; recodifying RCW 21.24.091; recodifying RCW 21.24.100; recodifying RCW 21.24.900; recodifying RCW 64.24.050; recodifying RCW 30.30.120; recodifying RCW 11.96.010; recodifying RCW 30.99.040; recodifying RCW 30.99.060; recodifying RCW 30.99.900; recodifying RCW 30.99.910; recodifying RCW 30.24.010; recodifying RCW 30.24.015; recodifying RCW 30.24.035; recodifying RCW 30.24.040; recodifying RCW 30.24.130; recodifying RCW 30.28.010; recodifying RCW 30.28.020; recodifying RCW 30.28.030; recodifying RCW 30.28.040; recodifying RCW 30.28.050; repealing section 11.16.050, chapter 145, Laws of 1965, section 4, chapter 168, Laws of 1967 and RCW 11.16.050; repealing section 8, chapter 88, Laws of 1967 ex. sess., section 33, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.010; repealing section 9, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.020; repealing section 10, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.030; repealing section 11, chapter 88, Laws of 1967 ex. sess., section 34, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.040; repealing section 12, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.050; repealing section 13, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.060; repealing section 14, chapter 88, Laws of 1967 ex. sess., section 35, chapter 292, Laws of 1971 ex. sess. and RCW 21.25.070; repealing section 15, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.080; repealing section 16, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.090; repealing section 17, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.100; repealing section 18, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.110; repealing section 19, chapter 88, Laws of 1967 ex. sess. and RCW 21.25.900; repealing section 30.24.060, chapter 33, Laws of 1955, section 1, chapter 209, Laws of 1967 and RCW 30.24.060; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4414 by Senators Warnke and McDermott

AN ACT Relating to state government.

Referred to Committee on State Government.

SB 4415 by Senators Gaspard, Bauer, Kiskaddon, Bender, Hughes, Shinpoch and Conner

AN ACT Relating to high school transcripts and diplomas; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW.

Referred to Committee on Education.

SJM 124 by Senators Talmadge, Hemstad and Moore

Petitioning the United States Senate to ratify the Hague Convention regarding abduction of children.

Referred to Committee on Judiciary.

SJR 131 by Senators Fleming, Rasmussen, Hurley, Bender, Wojahn, McDermott, Williams and Gaspard

Amending the state Constitution to prohibit a sales and use tax on food for human consumption.

Referred to Committee on Ways and Means.

SJR 132 by Senators Rasmussen, Pullen, Guess and McCaslin

Returning to biennial, sixty-day legislative session.

Referred to Committee on State Government.

SCR 141 by Senators Hurley and Zimmerman

Urging the department of transportation to develop alternatives to constructing a new highway on certain shorelines of the Columbia River.

Referred to Committee on Transportation.

SCR 142 by Senators Hurley, Fuller, Williams, Benitz and Goltz

Requiring legislative approval for nuclear waste disposal sites.

Referred to Committee on Energy and Utilities.

SCR 143 by Senators Hansen, Barr, Goltz, Benitz and Gaspard

Recognizing Future Farmers of America Week.

Referred to Committee on Rules.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 517 by Representatives Grimm, Kreidler, Walk, Halsan and Wang

Requiring operators of carnival rides to possess liability insurance.

Referred to Committee on Commerce and Labor.

SHB 551 by Committee on State Government (originally sponsored by Representatives Nealey, Kaiser and Hastings)

Regulating the use of the state seal.

Referred to Committee on State Government.

SHB 552 by Committee on State Government (originally sponsored by Representatives Halsan, Martinis, Vander Stoep, Padden, Heck, Fiske, Grimm, Miller, Charnley, Silver, Zellinsky, Broback, Jacobsen, Brough, McMullen, Holland, Ristuben, Chandler, Egger, Ballard, Fisher, Schmidt, Ebersole, J. Williams, Powers, Allen, Smitherman, Rust, Belcher, Locke, Galloway, Appelwick, Braddock, Crane, Todd, Walk, Armstrong, P. King, Sutherland, Brekke, Kaiser, Dellwo, McClure, Vekich, O'Brien, Hine, Moon, Niemi, Johnson and Isaacson)

Permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs.

Referred to Committee on State Government.

MOTION

At 10:29 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, January 12, 1984.

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

FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 12, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Metcalf, Patterson, Sellar and Warnke. On motion of Senator Bluechel, Senators Patterson and Sellar were excused.

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

MOTION

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

REPORTS OF STANDING COMMITTEES

January 11, 1984

E2SSB 3019 Prime Sponsor, Senator Thompson: Modifying provisions relating to hearings by local government planning agencies. Reported by Committee on Rules

MAJORITY recommendation: That Engrossed Second Substitute Senate Bill No. 3019 be referred to the Committee on Local Government. Signed by Lieutenant Governor John A. Cherberg, Chairman; Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Metcalf, Newhouse, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Local Government.

January 11, 1984

SB 3514 Prime Sponsor, Senator Hemstad: Permitting children to attend church educational ministries instead of other schools. Reported by Committee on Rules

MAJORITY recommendation: That Senate Bill No. 3514 be referred to the Committee on Education. Signed by Lieutenant Governor John A. Cherberg, Chairman; Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

Referred to Committee on Education.

January 11, 1984

SSB 3800 Prime Sponsor, Senator Owen: Relating to fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do Pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Vognild.

Passed to Committee on Rules for second reading.

January 10, 1984

SB 4302 Prime Sponsor, Senator McManus: Modifying the practice of pharmacy. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4302 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 10, 1984

SB 4342 Prime Sponsor, Senator Vognild: Making an appropriation to the employment security department to implement its automation plan. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Referred to Committee on Ways and Means.

January 10, 1984

SB 4345 Prime Sponsor, Senator Vognild: Providing for eligibility for unemployment compensation for persons receiving crime victims compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 11 1984

SCR 142 Prime Sponsor, Senator Hurley: Requiring legislative approval for nuclear waste disposal sites. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Quigg.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 11, 1984

Mr. President:

The House has passed:

HOUSE BILL NO. 217,

ENGROSSED HOUSE BILL NO. 392,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 685,

HOUSE BILL NO. 939, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 11, 1984

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 138, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 4111, by Committee on Judiciary (originally sponsored by Senators Hughes and Newhouse)

Changing provisions relating to sales under execution and redemption.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4111.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 4111, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Pullen, Quigg - 2.

Excused: Senators Patterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 4111, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3098, by Committee on Local Government (originally sponsored by Senators Bauer, Zimmerman and Thompson)

Providing for filling county freeholder vacancies.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3098.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3098, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Quigg - 1.

Excused: Senators Patterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 3098, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3178, by Committee on Local Government (originally sponsored by Senators Bauer, Zimmerman and Rinehart)

Authorizing the late payment of taxes.

MOTION

Senator Rasmussen moved that the rules be suspended and Substitute Senate Bill No. 3178 be returned to second reading.

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3178 was deferred.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3504, by Committee on Local Government (originally sponsored by Senators Owen and Zimmerman)

Modifying provisions on land classified for current use assessment.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3504.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3504, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf,

Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Patterson, Sellar - 2.

SUBSTITUTE SENATE BILL NO. 3504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3616, by Committee on Parks and Ecology (originally sponsored by Senators Hughes, Hansen, Quigg, Rasmussen, Fuller, Peterson and Guess)

Modifying provisions governing air pollution emissions.

MOTIONS

On motion of Senator Hughes, the rules were suspended and Substitute Senate Bill No. 3616 was returned to second reading.

On motion of Senator Woody, the following amendment by Senators Woody and Lee was adopted:

On page 1, after line 28, insert:

NEW SECTION. Sec. 3. There is added to chapter 70.94 RCW a new section to read as follows:

The department of ecology shall study the emission credits banking program and report to the legislature on its effectiveness by January 1, 1986. The report shall include a recommendation as to whether the program should be continued. The program shall cease to exist on June 30, 1986, unless continued by the legislature."

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 3616 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3616.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3616, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Quigg - 1.

Excused: Senators Patterson, Sellar - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3616, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Substitute Senate Bill No. 3152 was placed at the bottom of the third reading calendar for tomorrow.

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

REPORT OF STANDING COMMITTEE

January 10, 1984

SB 4359

Prime Sponsor, Senator Thompson: Simplifying the timber tax distribution system at existing rates. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4359 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Rinehart, Shipchou, Talmadge, Thompson, Warnke, Wojahn.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended and Senate Bill No. 4359 was placed on the second reading calendar for tomorrow.

MOTION

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

INTRODUCTION AND FIRST READING

SB 4416 by Senators Newhouse, Vognild, Quigg, McManus, Moore and McDonald (by Employment Security Department request)

AN ACT Relating to unemployment insurance; amending section 80, chapter 35, Laws of 1945 as last amended by section 11, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.20.120; amending section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 17, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.010; amending section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090; adding a new section to chapter 50.20 RCW; adding new sections to chapter 50.29 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4417 by Senators McCaslin and Hurley

AN ACT Relating to highway information panels; and amending section 2, chapter 80, Laws of 1974 ex. sess. and RCW 47.42.046.

Referred to Committee on Transportation.

SB 4418 by Senators Clark and Conner (by Attorney General request)

AN ACT Relating to habeas corpus; and amending section 445, page 213, Laws of 1854 as last amended by section 3, chapter 256, Laws of 1947 and RCW 7.36.130.

Referred to Committee on Judiciary.

SB 4419 by Senators Goltz, Hansen and Benitz

AN ACT Relating to milk and milk products; amending section 15.36.120, chapter 11, Laws of 1961 as amended by section 2, chapter 297, Laws of 1981 and RCW 15.36.120; amending section 15.36.140, chapter 11, Laws of 1961 as amended by section 3, chapter 297, Laws of 1981 and RCW 15.36.140; amending section 15.36.260, chapter 11, Laws of 1961 and RCW 15.36.260; adding a new section to chapter 15.36 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 4420 by Senators Wojahn and Fuller (by Attorney General request)

AN ACT Relating to meat sales; adding new sections to chapter 19.94 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture.

SB 4421 by Senators Woody, Hayner and McManus

AN ACT Relating to revenue and taxation; amending section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080; amending section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015; amending section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010; amending section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020; amending section 2, chapter 146, Laws of 1981 and RCW 84.33.074; amending section 6, chapter 134, Laws of 1980 and RCW 84.33.075; amending section 8, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.077; amending section 9, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.078; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120; amending section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170; amending section

9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; amending section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010; adding new sections to chapter 84.28 RCW; adding new sections to chapter 84.33 RCW; creating new sections; repealing section 3, chapter 294, Laws of 1971 ex. sess., section 1, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.030; repealing section 4, chapter 294, Laws of 1971 ex. sess., section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040; repealing section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050; repealing section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060; repealing section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071; repealing section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072; repealing section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080; repealing section 5, chapter 4, Laws of 1981 and RCW 84.33.085; repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4422 by Senators Fleming, Hansen, McDermott, Peterson, Bauer, Williams, Moore, McManus, Bottiger and Shinpoch

AN ACT Relating to state general obligation bonds for agricultural water supply facilities; and adding a new chapter to Title 43 RCW.

Referred to Committee on Agriculture.

SB 4423 by Senators Fleming, Hansen, Rasmussen, Peterson, Rinehart, Barr, Moore, McManus, Bauer, Williams, Goltz, Woody, Shinpoch and Vognilid

AN ACT Relating to the creation of an agricultural market development task force; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture.

SB 4424 by Senators Fleming, Hansen, Peterson, Granlund, Rasmussen, Moore, Barr, Rinehart, Bauer, Williams, Goltz, Woody, Shinpoch and Vognilid

AN ACT Relating to roadside rest areas; adding a new section to chapter 145, Laws of 1967 ex. sess. and to chapter 47.38 RCW; and declaring an emergency.

Referred to Committee on Agriculture.

SB 4425 by Senators McCaslin and Hurley

AN ACT Relating to fuel taxation; and amending section 6, chapter 317, Laws of 1977 ex. sess. as last amended by section 27, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.36.025.

Referred to Committee on Transportation.

SB 4426 by Senator Talmadge

AN ACT Relating to claims against the state; and amending section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 44, Laws of 1973 and RCW 4.92.010.

Referred to Committee on Judiciary.

SB 4427 by Senators McCaslin, Hurley and Haley

AN ACT Relating to sales and use taxation; amending section 46, chapter 37, Laws of 1980 and RCW 82.08.0281; and amending section 73, chapter 37, Laws of 1980 and RCW 82.12.0275.

Referred to Committee on Ways and Means.

SB 4428 by Senators Owen and Fuller

AN ACT Relating to the purchase of fishing vessels and licenses; amending section 4, chapter 183, Laws of 1975 1st ex. sess. as last amended by section 156, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.44.110; and repealing section 10, chapter 183, Laws of 1975 1st ex. sess., section 6, chapter 230, Laws of 1977 ex. sess., section 3, chapter 43, Laws of 1979 ex. sess., section 161, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.44.160.

Referred to Committee on Natural Resources.

SB 4429 by Senators Peterson, Guess and Hansen (by Department of Licensing request)

AN ACT Relating to motor vehicle fuel taxation; amending section 82.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 28, Laws of 1977 and RCW 82.36.040; amending section 82.36.060, chapter 15, Laws of 1961 as amended by section 1, chapter 96, Laws of 1973 and RCW 82.36.060; adding new sections to chapter 82.36 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 4430 by Senators Talmadge, Hemstad and Hughes

AN ACT Relating to courts; amending section 1, chapter 299, Laws of 1961 as last amended by section 1, chapter 151, Laws of 1979 and RCW 3.30.010; amending section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030; amending section 4, chapter 299, Laws of 1961 and RCW 3.30.040; amending section 5, chapter 299, Laws of 1961 as amended by section 2, chapter 73, Laws of 1971 and RCW 3.30.050; amending section 8, chapter 299, Laws of 1961 and RCW 3.30.080; amending section 11, chapter 299, Laws of 1961 as last amended by section 1, chapter 29, Laws of 1982 and RCW 3.34.020; amending section 12, chapter 299, Laws of 1961 as amended by section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; amending section 13, chapter 299, Laws of 1961 as last amended by section 1, chapter 195, Laws of 1983 and RCW 3.34.040; amending section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; amending section 15, chapter 299, Laws of 1961 and RCW 3.34.060; amending section 16, chapter 299, Laws of 1961 and RCW 3.34.070; amending section 17, chapter 299, Laws of 1961 and RCW 3.34.080; amending section 18, chapter 299, Laws of 1961 as amended by section 5, chapter 73, Laws of 1971 and RCW 3.34.090; amending section 19, chapter 299, Laws of 1961 and RCW 3.34.100; amending section 20, chapter 299, Laws of 1961 and RCW 3.34.110; amending section 21, chapter 299, Laws of 1961 and RCW 3.34.120; amending section 22, chapter 299, Laws of 1961 as last amended by section 2, chapter 195, Laws of 1983 and RCW 3.34.130; amending section 23, chapter 299, Laws of 1961 as amended by section 5, chapter 186, Laws of 1981 and RCW 3.34.140; amending section 24, chapter 299, Laws of 1961 and RCW 3.34.150; amending section 25, chapter 299, Laws of 1961 and RCW 3.38.010; amending section 26, chapter 299, Laws of 1961 as amended by section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; amending section 1, chapter 213, Laws of 1963 and RCW 3.38.022; amending section 27, chapter 299, Laws of 1961 as amended by section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; amending section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; amending section 28, chapter 299, Laws of 1961 as amended by section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040; amending section 29, chapter 299, Laws of 1961 and RCW 3.38.050; amending section 30, chapter 299, Laws of 1961 and RCW 3.38.060; amending section 31, chapter 299, Laws of 1961 as amended by section 7, chapter 162, Laws of 1980 and RCW 3.42.010; amending section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020; amending section 33, chapter 299, Laws of 1961 and RCW 3.42.030; amending section 34, chapter 299, Laws of 1961 as amended by section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; amending section 98, chapter 299, Laws of 1961 as amended by section 6, chapter 73, Laws of 1971 and RCW 3.54.010; amending section 101, chapter 299, Laws of 1961 as last amended by section 2, chapter 29, Laws of 1982 and RCW 3.58.020; amending section 102, chapter 299, Laws of 1961 and RCW 3.58.030; amending section 103, chapter 299, Laws of 1961 as amended by section 3, chapter 3, Laws of 1983 and RCW 3.58.040; amending section 104, chapter 299, Laws of 1961 as amended by section 3, chapter 213, Laws of 1963 and RCW 3.58.050; amending section 111, chapter 299, Laws of 1961 as last amended by section 14, chapter 128, Laws of 1980 and RCW 3.62.070; amending section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010; amending section 113, chapter 299, Laws of 1961 as last amended by section 7, chapter 331, Laws of 1981 and RCW 3.66.020; amending section 115, chapter 299, Laws of 1961 and RCW 3.66.040; amending section 116, chapter 299, Laws of 1961 and RCW 3.66.050; amending section 117, chapter 299, Laws of 1961 as last amended by section 176, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.66.060; amending section 7, chapter 110, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1975 and RCW 3.66.065; amending section 1, chapter 75, Laws of 1969 as amended by section 1, chapter 156, Laws of 1983 and RCW

3.66.067; amending section 118, chapter 299, Laws of 1961 as amended by section 32, chapter 165, Laws of 1983 and RCW 3.66.070; amending section 119, chapter 299, Laws of 1961 and RCW 3.66.080; amending section 120, chapter 299, Laws of 1961 as amended by section 1, chapter 241, Laws of 1967 and RCW 3.66.090; amending section 123, chapter 299, Laws of 1961 and RCW 3.70.010; amending section 124, chapter 299, Laws of 1961 and RCW 3.70.020; amending section 125, chapter 299, Laws of 1961 and RCW 3.70.030; amending section 126, chapter 299, Laws of 1961 as amended by section 10, chapter 162, Laws of 1980 and RCW 3.70.040; amending section 130, chapter 299, Laws of 1961 and RCW 3.74.010; amending section 131, chapter 299, Laws of 1961 and RCW 3.74.020; amending section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; amending section 1, chapter 187, Laws of 1919 as last amended by section 10, chapter 331, Laws of 1981 and RCW 12.40.010; amending section 2, chapter 187, Laws of 1919 and RCW 12.40.020; amending section 2, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.025; amending section 3, chapter 187, Laws of 1919 as last amended by section 3, chapter 330, Laws of 1981 and RCW 12.40.030; amending section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 194, Laws of 1981 and RCW 12.40.040; amending section 5, chapter 187, Laws of 1919 and RCW 12.40.050; amending section 6, chapter 187, Laws of 1919 as amended by section 11, chapter 331, Laws of 1981 and RCW 12.40.060; amending section 7, chapter 187, Laws of 1919 and RCW 12.40.070; amending section 8, chapter 187, Laws of 1919 as amended by section 12, chapter 331, Laws of 1981 and RCW 12.40.080; amending section 9, chapter 187, Laws of 1919 and RCW 12.40.090; amending section 10, chapter 187, Laws of 1919 as amended by section 1, chapter 254, Laws of 1983 and RCW 12.40.100; amending section 11, chapter 187, Laws of 1919 as last amended by section 3, chapter 254, Laws of 1983 and RCW 12.40.110; amending section 4, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.120; amending section 680, page 171, Laws of 1869 as last amended by section 738, Code of 1881 and RCW 7.20.140; amending section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100; amending section 35, chapter 299, Laws of 1961 and RCW 3.46.010; amending section 36, chapter 299, Laws of 1961 and RCW 3.46.020; amending section 38, chapter 299, Laws of 1961 and RCW 3.46.040; amending section 40, chapter 299, Laws of 1961 and RCW 3.46.060; amending section 41, chapter 299, Laws of 1961 and RCW 3.46.070; amending section 42, chapter 299, Laws of 1961 and RCW 3.46.080; amending section 43, chapter 299, Laws of 1961 as amended by section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; amending section 44, chapter 299, Laws of 1961 and RCW 3.46.100; amending section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-76 2nd ex. sess. and RCW 12.20.060; amending section 50, chapter 299, Laws of 1961 and RCW 3.50.010; amending section 51, chapter 299, Laws of 1961 as amended by section 17, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 as amended by section 18, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.030; amending section 53, chapter 299, Laws of 1961 as amended by section 1, chapter 35, Laws of 1975-76 2nd ex. sess. and RCW 3.50.040; amending section 54, chapter 299, Laws of 1961 and RCW 3.50.050; amending section 55, chapter 299, Laws of 1961 and RCW 3.50.060; amending section 56, chapter 299, Laws of 1961 and RCW 3.50.070; amending section 57, chapter 299, Laws of 1961 and RCW 3.50.080; amending section 58, chapter 299, Laws of 1961 and RCW 3.50.090; amending section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; amending section 60, chapter 299, Laws of 1961 and RCW 3.50.110; amending section 79, chapter 299, Laws of 1961 as amended by section 1, chapter 84, Laws of 1969 and RCW 3.50.300; amending section 81, chapter 299, Laws of 1961 as amended by section 5, chapter 156, Laws of 1983 and RCW 3.50.320; amending section 82, chapter 299, Laws of 1961 as amended by section 6, chapter 156, Laws of 1983 and RCW 3.50.330; amending section 83, chapter 299, Laws of 1961 as amended by section 7, chapter 156, Laws of 1983 and RCW 3.50.340; amending section 92, chapter 299, Laws of 1961 and RCW 3.50.430; amending section 93, chapter 299, Laws of 1961 and RCW 3.50.440; amending section 94, chapter 299, Laws of 1961 and RCW 3.50.450; amending section 35.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010; amending section 49, chapter 299, Laws of 1961 and RCW 3.46.150; amending section 46, chapter 299, Laws of 1961 as amended by section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120; amending section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; amending section 105, chapter 299, Laws of 1961 and RCW 3.62.010; amending section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020; amending section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; amending section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 330, Laws of 1981 and RCW 3.62.060; amending section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 239, Laws of 1983 and RCW 7.68.035; amending section 16, chapter 172, Laws of 1935 as last amended by section 11, chapter 232, Laws of 1983 and RCW

9.41.160; amending section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as amended by section 55, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.010; amending section 35.20.220, chapter 7, Laws of 1965 as amended by section 5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220; amending section 35A.42.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.010; amending section 1, chapter 158, Laws of 1963 and RCW 46.08.172; amending section 23, chapter 64, Laws of 1975-76 2nd ex. sess. as amended by section 75, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.105; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515; amending section 6, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 57, Laws of 1977 and RCW 46.61.587; reenacting and amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110; amending section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070; amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 23, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.230; reenacting and amending section 77.12.170, chapter 36, Laws of 1955 as amended by section 1, chapter 284, Laws of 1983 and by section 2, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.12.170; amending section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201; amending section 3, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.21.070; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. as amended by section 69, chapter 3, Laws of 1983 and RCW 35A.47.030; amending section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 16, chapter 165, Laws of 1983 and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311; amending section 11, chapter 165, Laws of 1983 and RCW 46.20.680; amending section 1, chapter 259, Laws of 1957 as last amended by section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010; amending section 1, chapter 103, Laws of 1979 and RCW 7.06.010; amending section 206, page 168, Laws of 1854 as amended by section 248, Code of 1881 and RCW 4.48.010; amending section 207, page 168, Laws of 1854 as last amended by section 249, Code of 1881 and RCW 4.48.020; amending section 208, page 168, Laws of 1854 as last amended by section 250, Code of 1881 and RCW 4.48.030; amending section 209, page 169, Laws of 1854 as last amended by section 251, Code of 1881 and RCW 4.48.040; amending section 256, page 61, Laws of 1869 as last amended by section 252, Code of 1881 and RCW 4.48.050; amending section 210, page 169, Laws of 1854 as last amended by section 253, Code of 1881 and RCW 4.48.060; amending section 210, page 169, Laws of 1854 as last amended by section 254, Code of 1881 and RCW 4.48.070; amending section 259, page 62, Laws of 1869 as last amended by section 3, chapter 9, Laws of 1957 and RCW 4.48.080; amending section 260, page 62, Laws of 1869 as last amended by section 256, Code of 1881 and RCW 4.48.090; amending section 376, page 202, Laws of 1854 as last amended by section 514, Code of 1881 and RCW 4.48.100; amending section 121, chapter 299, Laws of 1961 and RCW 3.66.100; amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 20, chapter 316, Laws of 1977 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 28, chapter 136, Laws of 1979 ex. sess. and RCW 35.23.440; amending section 35.24.290, chapter 7, Laws of 1965 as last amended by section 23, chapter 316, Laws of 1977 ex. sess. and RCW 35.24.290; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 25, chapter 316, Laws of 1977 ex. sess. and RCW 35.27.370; amending section 35.30.010, chapter 7, Laws of 1965 and RCW 35.30.010; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding a new section to chapter 2.08 RCW; adding a new section to chapter 2.56 RCW; adding new sections to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; adding new sections to chapter 4.48 RCW; adding a new chapter to Title 7 RCW; adding a new section to chapter 12.16 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.24 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 35.30 RCW; adding a new section to chapter 35A.11 RCW; adding a new section to chapter 43.08 RCW; creating new sections; recodifying RCW 35A.20.150; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1955 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and

RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881, and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1 chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3, 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965, section 2, chapter 102, Laws of 1979, section 6, chapter 331, Laws of 1981 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909, section 175, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.20.040; repealing section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section 3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020;

repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923 and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 211, chapter 249, Laws of 1909, section 1, chapter 100, Laws of 1917 and RCW 9.04.020; repealing section 61, chapter 299, Laws of 1961 and RCW 3.50.120; repealing section 62, chapter 299, Laws of 1961 and RCW 3.50.130; repealing section 63, chapter 299, Laws of 1961 and RCW 3.50.140; repealing section 64, chapter 299, Laws of 1961 and RCW 3.50.150; repealing section 65, chapter 299, Laws of 1961 and RCW 3.50.160; repealing section 66, chapter 299, Laws of 1961 and RCW 3.50.170; repealing section 67, chapter 299, Laws of 1961 and RCW 3.50.180; repealing section 68, chapter 299, Laws of 1961 and RCW 3.50.190; repealing section 69, chapter 299, Laws of 1961 and RCW 3.50.200; repealing section 70, chapter 299, Laws of 1961 and RCW 3.50.210; repealing section 71, chapter 299, Laws of 1961 and RCW 3.50.220; repealing section 72, chapter 299, Laws of 1961 and RCW 3.50.230; repealing section 73, chapter 299, Laws of 1961 and RCW 3.50.240; repealing section 74, chapter 299, Laws of 1961 and RCW 3.50.250; repealing section 75, chapter 299, Laws of 1961 and RCW 3.50.260; repealing section 76, chapter 299, Laws of 1961 and RCW 3.50.270; repealing section 77, chapter 299, Laws of 1961, section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280; repealing section 78, chapter 299, Laws of 1961 and RCW 3.50.290; repealing section 80, chapter 299, Laws of 1961 and RCW 3.50.310; repealing section 84, chapter 299, Laws of 1961 and RCW 3.50.350; repealing section 85, chapter 299, Laws of 1961 and RCW 3.50.360; repealing section 86, chapter 299, Laws of 1961 and RCW 3.50.370; repealing section 87, chapter 299, Laws of 1961 and RCW 3.50.380; repealing section 88, chapter 299, Laws of 1961 and RCW 3.50.390; repealing section 89, chapter 299, Laws of 1961 and RCW 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing section 91, chapter 299, Laws of 1961 and RCW 3.50.420; repealing section 95, chapter 299, Laws of 1961 and RCW 3.50.460; repealing section 96, chapter 299, Laws of 1961 and RCW 3.50.470; repealing section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040; repealing section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050; repealing section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060; repealing section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070; repealing section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080; repealing section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; repealing section 35.21.170, chapter 7, Laws of 1965 and RCW 35.21.170; repealing section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420; repealing section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430; repealing section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440; repealing section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460; repealing section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480; repealing section 5, chapter 241, Laws of 1967 and RCW 35.22.485; repealing section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490; repealing section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500; repealing section 35.22.510, chapter 7, Laws of 1965, section 26, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.510; repealing section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520; repealing section 35.22.530, chapter 7, Laws of 1965, section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530; repealing section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540; repealing section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; repealing section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560; repealing section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590; repealing section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600; repealing section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610; repealing section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620; repealing section 6, chapter 241, Laws of 1967 and RCW 35.23.625; repealing section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630; repealing section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640; repealing section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650; repealing section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660; repealing section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670; repealing section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section

11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450; repealing section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess., section 29, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.460; repealing section 8, chapter 241, Laws of 1967 and RCW 35.24.465; repealing section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess., section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470; repealing section 1, chapter 108, Laws of 1965 and RCW 35.24.480; repealing section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520; repealing section 2, chapter 108, Laws of 1965 and RCW 35.27.525; repealing section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess., section 31, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.530; repealing section 9, chapter 241, Laws of 1967 and RCW 35.27.535; repealing section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess., section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540; repealing section 35A.20.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010; repealing section 35A.20.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.020; repealing section 35A.20.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.030; repealing section 35A.20.040, chapter 119, Laws of 1967 ex. sess., section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040; repealing section 35A.20.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.050; repealing section 35A.20.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.060; repealing section 35A.20.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.070; repealing section 35A.20.080, chapter 119, Laws of 1967 ex. sess., section 34, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.080; repealing section 35A.20.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.090; repealing section 35A.20.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.100; repealing section 35A.20.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.110; repealing section 35A.20.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.120; repealing section 35A.20.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.130; repealing section 7, chapter 132, Laws of 1981, section 1, chapter 9, Laws of 1983 1st ex. sess. and RCW 2.56.100; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess., section 129, chapter 78, Laws of 1980 and RCW 3.62.015; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 2, chapter 330, Laws of 1981 and RCW 3.62.080; repealing section 3, chapter 212, Laws of 1977 ex. sess., section 1, chapter 164, Laws of 1979 ex. sess., section 8, chapter 4, Laws of 1981, section 1, chapter 127, Laws of 1981 and RCW 43.101.210; repealing section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61-518; repealing section 46.68.050, chapter 12, Laws of 1961, section 10, chapter 99, Laws of 1969, section 23, chapter 199, Laws of 1969 ex. sess. and RCW 46.68.050; repealing section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030; repealing section 5, chapter 39, Laws of 1963 and RCW 46.81.040; repealing section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050; repealing section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; repealing section 47.08.030, chapter 13, Laws of 1961, section 26, chapter 199, Laws of 1969 ex. sess. and RCW 47.08.030; repealing section 1, chapter 57, Laws of 1975, section 31, chapter 78, Laws of 1980 and RCW 77.21.050; repealing section 1, chapter 144, Laws of 1953, section 1, chapter 260, Laws of 1957, section 1, chapter 127, Laws of 1965 ex. sess., section 1, chapter 100, Laws of 1972 ex. sess., section 2, chapter 106, Laws of 1973, section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 2, chapter 263, Laws of 1975 1st ex. sess., section 2, chapter 318, Laws of 1977 ex. sess., section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; repealing section 6, chapter 221, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1972 ex. sess., section 3, chapter 106, Laws of 1973, section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 3, chapter 263, Laws of 1975 1st ex. sess., section 3, chapter 318, Laws of 1977 ex. sess., section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060; repealing section 2, chapter 144, Laws of 1953, section 2, chapter 260, Laws of 1957, section 2, chapter 127, Laws of 1965 ex. sess., section 1, chapter 65, Laws of 1967, section 3, chapter 100, Laws of 1972 ex. sess., section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 4, chapter 263, Laws of 1975 1st ex. sess., section 4, chapter 318, Laws of 1977 ex. sess., section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; repealing section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010; repealing section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100; repealing section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; repealing section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120; making an appropriation; and providing effective dates.

Referred to Committee on Judiciary.

AN ACT Relating to river recreational activities; adding a new chapter to Title 67 RCW; prescribing penalties; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

SB 4432 by Senators Fleming, McDermott and Wojahn

AN ACT Relating to educational opportunities; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; creating a new section; and making an appropriation.

Referred to Committee on Education.

SB 4433 by Senators Goltz, McCaslin and Thompson

AN ACT Relating to procedures for name changes for water and sewer districts; amending section 1, chapter 119, Laws of 1969 and RCW 56.08.015; and adding a new section to chapter 114, Laws of 1929 and to chapter 57.04 RCW.

Referred to Committee on Local Government.

SB 4434 by Senators Wojahn, Bottiger, Craswell, Deccio, Fleming, McManus and Kiskaddon

AN ACT Relating to legend drugs and controlled substances; amending section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 and RCW 69.41.010; amending section 3, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 120, Laws of 1981 and RCW 69.41.030; and amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101.

Referred to Committee on Social and Health Services.

SB 4435 by Senators Talmadge, Hemstad and Gaspard

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

Referred to Committee on Judiciary.

SB 4436 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to sheriffs' civil service; and amending section 12, chapter 1, Laws of 1959 as last amended by section 1, chapter 133, Laws of 1982 and RCW 41.14.120.

Referred to Committee on Local Government.

SB 4437 by Senators Talmadge, Hemstad, Clarke and Thompson

AN ACT Relating to credits for certain veterans at law schools in the state; and repealing section 1, chapter 252, Laws of 1947 and RCW 73.04.100.

Referred to Committee on Judiciary.

SB 4438 by Senators Talmadge and Hemstad

AN ACT Relating to the state appellate defense commission; amending section 5, chapter 126, Laws of 1913 as last amended by section 2, chapter 3, Laws of 1983 and RCW 2.32.240; amending section 2, chapter 261, Laws of 1975 1st ex. sess. and RCW 4.88.330; adding a new chapter to Title 2 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

SB 4439 by Senators Talmadge, Hemstad and Hughes

AN ACT Relating to the amendment or repeal of statutes superseded by court rule; amending section 2, page 363, Laws of 1854 as last amended by section 1, chapter 105, Laws of 1980 and RCW 4.16.020; amending section 15, chapter 127, Laws of 1893 as amended by section 4, chapter 86, Laws of 1895 and RCW 4.28.020; amending section 68, page 144, Laws of 1854 as last amended by section 107, Code of 1881 and RCW 4.36.200; amending section 198, page 167, Laws of 1854 as last amended by section 240, Code of 1881 and RCW 4.44.410; amending section 3, chapter 65, Laws of 1921 and RCW 4.64.100; amending section 318, page 64, Laws of 1877 as amended by section 314, Code of 1881 and RCW 4.68.010; amending section 93, page 116, Laws of 1854 as last amended by section 1, chapter 143, Laws of 1969 ex. sess. and RCW 10.52.040; amending section 7, chapter 94, Laws of 1969 and RCW 36.26.070; amending section 9, chapter 94, Laws of 1969 as amended by section 76, chapter 36, Laws of 1983 and RCW 36.26.090; repealing section 1

page 131, Laws of 1854, section 1, page 5, Laws of 1860, section 1, page 3, Laws of 1871, section 2, page 3, Laws of 1877, section 2, Code of 1881 and RCW 4.04.020; repealing section 2, page 131, Laws of 1854, section 4, page 3, Laws of 1877, section 3, Code of 1881 and RCW 4.04.030; repealing section 4, page 131, Laws of 1854, section 5, page 4, Laws of 1869, section 5, page 4, Laws of 1877, section 5, Code of 1881 and RCW 4.08.020; repealing section 10, page 132, Laws of 1854, section 16, page 6, Laws of 1877, section 16, Code of 1881 and RCW 4.08.090; repealing section 20, page 6, Laws of 1869, section 20, page 6, Laws of 1877, section 20, Code of 1881 and RCW 4.08.130; repealing section 23, page 7, Laws of 1877, section 23, Code of 1881 and RCW 4.08.190; repealing section 1, page 362, Laws of 1854, section 1, page 289, Laws of 1860, section 16, page 85, Laws of 1863, section 25, page 8, Laws of 1869, section 25, page 8, Laws of 1873, section 25, Code of 1881, section 1, page 74, Laws of 1885, section 1, chapter 51, Laws of 1891 and RCW 4.16.010; repealing section 1, chapter 127, Laws of 1893, section 1, chapter 86, Laws of 1895, section 2, chapter 131, Laws of 1971 ex. sess. and RCW 4.28.010; repealing section 2, chapter 127, Laws of 1893 and RCW 4.28.030; repealing section 3, chapter 127, Laws of 1893 and RCW 4.28.040; repealing section 4, chapter 127, Laws of 1893 and RCW 4.28.050; repealing section 5, chapter 127, Laws of 1893 and RCW 4.28.060; repealing section 6, chapter 127, Laws of 1893, section 4, chapter 292, Laws of 1971 ex. sess. and RCW 4.28.070; repealing section 1, chapter 144, Laws of 1903 and RCW 4.28.130; repealing section 13, chapter 127, Laws of 1893 and RCW 4.28.190; repealing section 2140, Code of 1881, section 1, chapter 95, Laws of 1897 and RCW 4.28.220; repealing section 18, chapter 127, Laws of 1893 and RCW 4.28.230; repealing section 19, chapter 127, Laws of 1893 and RCW 4.28.240; repealing section 20, chapter 127, Laws of 1893 and RCW 4.28.250; repealing section 21, chapter 127, Laws of 1893 and RCW 4.28.260; repealing section 22, chapter 127, Laws of 1893 and RCW 4.28.270; repealing section 23, chapter 127, Laws of 1893 and RCW 4.28.280; repealing section 17, page 69, Laws of 1866, section 2358, Code of 1881 and RCW 4.28.300; repealing section 14, chapter 127, Laws of 1893 and RCW 4.28.310; repealing section 36, page 138, Laws of 1854, section 71, page 17, Laws of 1869, section 73, page 17, Laws of 1877, section 73, Code of 1881 and RCW 4.32.010; repealing section 37, page 139, Laws of 1854, section 72, page 20, Laws of 1869, section 74, page 17, Laws of 1877, section 74, Code of 1881 and RCW 4.32.020; repealing section 38, page 139, Laws of 1854, section 75, page 17, Laws of 1877, section 75, Code of 1881 and RCW 4.32.030; repealing section 40, page 139, Laws of 1854, section 77, Code of 1881, section 1, page 75, Laws of 1886, section 2, chapter 62, Laws of 1891 and RCW 4.32.050; repealing section 41, page 139, Laws of 1854, section 78, page 18, Laws of 1877, section 78, Code of 1881 and RCW 4.32.060; repealing section 44, page 139, Laws of 1854, section 82, page 18, Laws of 1877, section 82, Code of 1881 and RCW 4.32.080; repealing section 45, page 140, Laws of 1854, section 81, page 21, Laws of 1869, section 83, page 19, Laws of 1877, section 83, Code of 1881 and RCW 4.32.090; repealing section 81, page 21, Laws of 1869, section 83, chapter 19, Laws of 1877, section 83, Code of 1881 and RCW 4.32.100; repealing section 501, page 107, Laws of 1877, section 497, Code of 1881 and RCW 4.32.110; repealing section 78, page 20, Laws of 1869, section 80, page 18, Laws of 1877, section 80, Code of 1881 and RCW 4.32.160; repealing section 46, page 140, Laws of 1854, section 84, page 19, Laws of 1877, section 84, Code of 1881 and RCW 4.32.180; repealing section 43, page 139, Laws of 1854, section 81, page 18, Laws of 1877, section 81, Code of 1881 and RCW 4.32.190; repealing section 48, page 140, Laws of 1854, section 85, page 22, Laws of 1869, section 87, page 19, Laws of 1877, section 87, Code of 1881 and RCW 4.32.200; repealing section 48, page 140, Laws of 1854, section 84, page 22, Laws of 1869, section 86, page 19, Laws of 1877, section 86, Code of 1881 and RCW 4.32.210; repealing section 50, page 140, Laws of 1854, section 87, page 22, Laws of 1869, section 89, page 20, Laws of 1877, section 89, Code of 1881 and RCW 4.32.220; repealing section 69, page 144, Laws of 1854, section 20, page 11, Laws of 1875, section 109, Code of 1881, section 3, chapter 62, Laws of 1891 and RCW 4.32.240; repealing section 37, chapter 127, Laws of 1893 and RCW 4.32.260; repealing sections 53 and 54, page 141, Laws of 1854, section 1, page 92, Laws of 1867, section 89, page 23, Laws of 1869, section 91, Code of 1881, section 1, page 29, Laws of 1888 and RCW 4.36.010; repealing section 603, page 154, Laws of 1869, section 666, page 137, Laws of 1877, section 663, Code of 1881 and RCW 4.36.020; repealing section 54, page 141, Laws of 1854, section 90, page 23, Laws of 1869, section 92, page 20, Laws of 1877, section 92, Code of 1881 and RCW 4.36.030; repealing section 55, page 142, Laws of 1854, section 93, page 21, Laws of 1877, section 93, Code of 1881 and RCW 4.36.040; repealing section 56, page 143, Laws of 1854, section 94, page 21, Laws of 1877, section 94, Code of 1881 and RCW 4.36.050; repealing section 57, page 142, Laws of 1854, section 95, page 21, Laws of 1877, section 95, Code of 1881 and RCW 4.36.060; repealing section 60, page 142, Laws of 1854, section 98, page 21, Laws of 1877, section 98, Code of 1881 and RCW 4.36.090; repealing section 2063, Code of 1881 and RCW 4.36.100; repealing section 2064, Code of 1881 and RCW 4.36.110; repealing section 64, page 143, Laws of 1854, section 5, page 51, Laws of 1861, section 100, page 25, Laws of 1869, section 102, Code of 1881, section 1, chapter 92, Laws of 1907 and RCW 4.36.150; repealing section 101, page 26, Laws of 1869, section 103, page 22, Laws of 1877, section 103, Code of 1881 and RCW 4.36.160; repealing section 67, page 144, Laws of 1854, section 106, page 23, Laws of 1877, section 106, Code of 1881 and RCW 4.36.190; repealing section

109, page 27, Laws of 1869, section 111, page 24, Laws of 1877, section 111, Code of 1881 and RCW 4.36.220; repealing section 70, page 144, Laws of 1854, section 110, page 28, Laws of 1869, section 112, page 24, Laws of 1877, section 112, Code of 1881 and RCW 4.36.230; repealing section 72, page 144, Laws of 1854, section 114, page 24, Laws of 1877, section 114, Code of 1881 and RCW 4.36.250; repealing section 180, page 163, Laws of 1854, section 205, page 42, Laws of 1877, section 201, Code of 1881, section 29, chapter 127, Laws of 1893 and RCW 4.40.020; repealing sections 181, 182, page 163, Laws of 1854, sections 206, 207, page 42, Laws of 1877, sections 202, 203, Code of 1881, section 30, chapter 127, Laws of 1893 and RCW 4.40.030; repealing section 31, chapter 127, Laws of 1893 and RCW 4.44.010; repealing section 184, page 164, Laws of 1854, section 209, page 50, Laws of 1869, section 209, page 43, Laws of 1877, section 205, Code of 1881 and RCW 4.44.040; repealing section 196, page 166, Laws of 1854, section 236, page 57, Laws of 1869, section 236, page 48, Laws of 1877, section 232, Code of 1881, section 1, chapter 60, Laws of 1891 and RCW 4.44.320; repealing section 220, page 171, Laws of 1854, section 285, page 69, Laws of 1869, section 287, page 57, Laws of 1877, section 283, Code of 1881 and RCW 4.56.010; repealing section 1, chapter 43, Laws of 1903, section 1, chapter 205, Laws of 1909, section 2, chapter 304, Laws of 1961, section 2, chapter 57, Laws of 1972 ex. sess. and RCW 4.44.100; repealing section 221, page 171, Laws of 1854, section 286, page 69, Laws of 1869, section 289, page 58, Laws of 1877, section 284, Code of 1881 and RCW 4.56.030; repealing section 222, page 171, Laws of 1854, section 287, page 69, Laws of 1869, section 288, page 58, Laws of 1877, section 285, Code of 1881 and RCW 4.56.040; repealing section 225, page 171, Laws of 1854, section 291, page 70, Laws of 1869, section 293, page 59, Laws of 1877, section 289, Code of 1881 and RCW 4.56.160; repealing section 225, page 171, Laws of 1854, section 292, page 72, Laws of 1869, section 294, page 60, Laws of 1877, section 290, Code of 1881 and RCW 4.56.170; repealing section 49, page 140, Laws of 1854, section 86, page 22, Laws of 1869, section 88, page 19, Laws of 1877, section 88, Code of 1881 and RCW 4.56.180; repealing section 1, chapter 65, Laws of 1921 and RCW 4.64.010; repealing section 5, page 22, Laws of 1875, section 442, page 97, Laws of 1877, section 440, Code of 1881, section 3, chapter 27, Laws of 1891 and RCW 4.72.040; repealing section 7, chapter 60, Laws of 1893, section 20, chapter 81, Laws of 1971 and RCW 4.80.050; repealing section 2, chapter 29, Laws of 1911 and RCW 10.01.080; repealing section 53, chapter 249, Laws of 1909, section 1, chapter 151, Laws of 1941, section 1, chapter 133, Laws of 1965 and RCW 10.01.110; repealing section 172, page 260, Laws of 1854, section 185, page 382, Laws of 1873, section 1888, Code of 1881 and RCW 10.04.010; repealing section 174, page 260, Laws of 1854, section 186, page 382, Laws of 1873, section 1889, Code of 1881 and RCW 10.04.030; repealing section 27, page 106, Laws of 1854, section 219, page 392, Laws of 1873, section 1921, Code of 1881 and RCW 10.16.010; repealing section 29, page 107, Laws of 1854, section 221, page 394, Laws of 1873, section 1923, Code of 1881, section 11, chapter 11, Laws of 1891 and RCW 10.16.030; repealing section 30, page 107, Laws of 1854, section 222, page 394, Laws of 1873, section 1924, Code of 1881 and RCW 10.16.040; repealing section 33, page 108, Laws of 1854, section 225, page 395, Laws of 1873, section 1927, Code of 1881, section 13, chapter 11, Laws of 1891 and RCW 10.16.070; repealing section 36, page 108, Laws of 1854, section 228, page 396, Laws of 1873, section 1929, Code of 1881, section 14, chapter 11, Laws of 1891 and RCW 10.16.140; repealing section 43, page 109, Laws of 1854, section 185, page 141, Laws of 1859, section 216, page 390, Laws of 1863, section 235, page 397, Laws of 1873, section 1936, Code of 1881 and RCW 10.16.190; repealing section 58, chapter 249, Laws of 1909 and RCW 10.19.010; repealing section 72, page 113, Laws of 1854, section 208, page 229, Laws of 1873, section 1028, Code of 1881, section 42, chapter 28, Laws of 1891 and RCW 10.19.020; repealing section 5, page 101, Laws of 1890 and RCW 10.19.025; repealing section 178, page 129, Laws of 1854, section 1169, Code of 1881 and RCW 10.19.050; repealing section 80, page 114, Laws of 1854, section 216, page 230, Laws of 1873, section 1036, Code of 1881 and RCW 10.19.070; repealing section 81, page 114, Laws of 1854, section 217, page 230, Laws of 1873, section 1037, Code of 1881 and RCW 10.19.080; repealing section 10, page 75, Laws of 1879, section 780, Code of 1881, section 4, chapter 28, Laws of 1891 and RCW 10.25.010; repealing section 129, page 99, Laws of 1854, section 959, Code of 1881 and RCW 10.25.020; repealing section 130, page 99, Laws of 1854, section 960, Code of 1881, section 5, chapter 28, Laws of 1891 and RCW 10.25.030; repealing section 131, page 99, Laws of 1854, section 961, Code of 1881 and RCW 10.25.040; repealing section 132, page 99, Laws of 1854, section 962, Code of 1881 and RCW 10.25.050; repealing section 958, Code of 1881, section 6, chapter 28, Laws of 1891 and RCW 10.25.060; repealing section 99, page 117, Laws of 1854, section 1073, Code of 1881, section 8, chapter 28, Laws of 1891 and RCW 10.25.080; repealing section 237, page 235, Laws of 1873, section 1075, Code of 1881 and RCW 10.25.090; repealing section 100, page 117, Laws of 1854, section 1076, Code of 1881, section 9, chapter 28, Laws of 1891 and RCW 10.25.100; repealing section 119, page 120, Laws of 1854, section 255, page 238, Laws of 1873, section 1094, Code of 1881, section 72, chapter 28, Laws of 1891 and RCW 10.25.110; repealing section 70, page 113, Laws of 1854, section 206, page 228, Laws of 1873, section 1026, Code of 1881, section 41, chapter 28, Laws of 1891 and RCW 10.31.010; repealing section 71, page 113, Laws of 1854, section 214, page 146, Laws of 1860, section 207, page 228, Laws of 1873, section 1027, Code of 1881, section 1, chapter 39,

Laws of 1929 and RCW 10.31.020; repealing section 771, Code of 1881, section 59, chapter 249, Laws of 1909 and RCW 10.37.020; repealing section 181, page 240, Laws of 1869, section 186, page 224, Laws of 1873, section 1003, Code of 1881, section 19, chapter 28, Laws of 1891 and RCW 10.37.025; repealing section 1, page 100, Laws of 1890, section 1, chapter 117, Laws of 1891, section 1, chapter 87, Laws of 1909 and RCW 10.37.026; repealing section 2, page 101, Laws of 1890, section 2, chapter 150, Laws of 1925 ex. sess. and RCW 10.37.030; repealing section 7, chapter 49, Laws of 1970 ex. sess. and RCW 10.37.033; repealing section 18, chapter 28, Laws of 1891 and RCW 10.37.035; repealing section 187, page 241, Laws of 1869, section 192, page 225, Laws of 1873, section 1009, Code of 1881, section 25, chapter 28, Laws of 1891 and RCW 10.37.180; repealing section 46, chapter 28, Laws of 1891 and RCW 10.40.010; repealing section 92, page 116, Laws of 1854, section 228, page 232, Laws of 1873, section 1066, Code of 1881, section 47, chapter 28, Laws of 1891 and RCW 10.40.020; repealing section 89, page 116, Laws of 1854, section 89, page 116, Laws of 1855, section 232, page 149, Laws of 1860, section 225, page 232, Laws of 1873, section 1063, Code of 1881 and RCW 10.40.030; repealing section 90, page 116, Laws of 1854, section 21, page 248, Laws of 1869, section 226, page 232, Laws of 1873, section 1064, Code of 1881, section 48, chapter 28, Laws of 1891 and RCW 10.40.040; repealing section 51, chapter 28, Laws of 1891, section 2, chapter 10, Laws of 1957 and RCW 10.40.080; repealing section 1049, Code of 1881, section 53, chapter 28, Laws of 1891 and RCW 10.40.130; repealing section 1054, Code of 1881, section 57, chapter 28, Laws of 1891 and RCW 10.40.150; repealing section 1055, Code of 1881, section 58, chapter 28, Laws of 1891 and RCW 10.40.160; repealing section 1057, Code of 1881 and RCW 10.40.175; repealing section 777, Code of 1881, section 63, chapter 249, Laws of 1909 and RCW 10.43.010; repealing section 772, Code of 1881, section 60, chapter 249, Laws of 1909 and RCW 10.46.010; repealing section 83, page 115, Laws of 1854, section 219, page 230, Laws of 1873, section 1039, Code of 1881, section 45, chapter 28, Laws of 1891 and RCW 10.46.040; repealing section 55, chapter 249, Laws of 1909 and RCW 10.46.050; repealing section 775, Code of 1881, section 62, chapter 249, Laws of 1909 and RCW 10.46.090; repealing section 116, page 120, Laws of 1854, section 252, page 237, Laws of 1873, section 1091, Code of 1881, section 71, chapter 28, Laws of 1891, section 1, chapter 16, Laws of 1919 and RCW 10.46.100; repealing section 109, page 119, Laws of 1854, section 247, page 237, Laws of 1873, section 1086, Code of 1881 and RCW 10.46.120; repealing section 110, page 119, Laws of 1854, section 248, page 237, Laws of 1873, section 1087, Code of 1881 and RCW 10.46.130; repealing section 118, page 120, Laws of 1854, section 254, page 238, Laws of 1873, section 1093, Code of 1881 and RCW 10.46.170; repealing section 120, page 120, Laws of 1854, section 256, page 238, Laws of 1873, section 1095, Code of 1881, section 73, chapter 28, Laws of 1891 and RCW 10.46.180; repealing section 101, page 118, Laws of 1854, section 239, page 236, Laws of 1873, section 1078, Code of 1881, section 66, chapter 28, Laws of 1891 and RCW 10.49.020; repealing section 104, page 118, Laws of 1854, section 242, page 236, Laws of 1873, section 1081, Code of 1881 and RCW 10.49.030; repealing section 105, page 119, Laws of 1854, section 243, page 236, Laws of 1873, section 1082, Code of 1881 and RCW 10.49.040; repealing section 106, page 119, Laws of 1854, section 244, page 234, Laws of 1873, section 1083, Code of 1881, section 67, chapter 28, Laws of 1891 and RCW 10.49.050; repealing section 102, page 118, Laws of 1854, section 1079, Code of 1881, section 1, chapter 25, Laws of 1923, section 1, chapter 41, Laws of 1969 ex. sess. and RCW 10.49.060; repealing section 1, chapter 37, Laws of 1917 and RCW 10.49.070; repealing section 107, page 119, Laws of 1854, section 245, page 236, Laws of 1873, section 1084, Code of 1881, section 68, chapter 28, Laws of 1891 and RCW 10.49.100; repealing section 114, page 119, Laws of 1854, section 250, page 237, Laws of 1873, section 1089, Code of 1881 and RCW 10.49.110; repealing section 38, chapter 249, Laws of 1909 and RCW 10.52.030; repealing section 124, page 120, Laws of 1854, section 260, page 239, Laws of 1873, section 1099, Code of 1881, section 77, chapter 28, Laws of 1891 and RCW 10.61.030; repealing section 127, page 121, Laws of 1854, section 263, page 239, Laws of 1873, section 1102, Code of 1881, section 80, chapter 28, Laws of 1891 and RCW 10.61.040; repealing section 128, page 121, Laws of 1854, section 1, page 101, Laws of 1865, section 264, page 239, Laws of 1873, section 1103, Code of 1881 and RCW 10.61.050; repealing section 136, page 123, Laws of 1854, section 272, page 241, Laws of 1873, section 1114, Code of 1881 and RCW 10.64.010; repealing section 137, page 123, Laws of 1854, section 273, page 241, Laws of 1873, section 1115, Code of 1881 and RCW 10.64.020; repealing section 138, page 123, Laws of 1854, section 274, page 241, Laws of 1873, section 1116, Code of 1881 and RCW 10.64.030; repealing section 140, page 123, Laws of 1854, section 276, page 242, Laws of 1873, section 1118, Code of 1881 and RCW 10.64.035; repealing section 139, page 123, Laws of 1854, section 275, page 242, Laws of 1873, section 1117, Code of 1881 and RCW 10.64.040; repealing section 774, Code of 1881, section 61, chapter 249, Laws of 1909 and RCW 10.64.090; repealing section 130, page 121, Laws of 1854, section 266, page 240, Laws of 1873, section 1105, Code of 1881, section 81, chapter 28, Laws of 1891, section 5, chapter 150, Laws of 1925 ex. sess. and RCW 10.67.010; repealing section 131, page 122, Laws of 1854, section 267, page 240, Laws of 1873, section 1106, Code of 1881 and RCW 10.67.030; repealing section 1, page 100, Laws of 1854, section 153, page 216, Laws of 1873, section 967, Code of 1881 and RCW 10.79.010; and repealing section 4, page 101, Laws of 1854,

section 156, page 217, Laws of 1873, section 970, Code of 1881, section 2, chapter 86, Laws of 1949 and RCW 10.79.030.

Referred to Committee on Judiciary.

SB 4440 by Senators Wojahn and Sellar

AN ACT Relating to the practice of optometry; amending section 1, chapter 144, Laws of 1919 as last amended by section 2, chapter 58, Laws of 1981 and RCW 18.53.010; and amending section 7, chapter 144, Laws of 1919 as last amended by section 3, chapter 58, Laws of 1981 and RCW 18.53.140.

Referred to Committee on Social and Health Services.

SB 4441 by Senators Warnke and Rasmussen

AN ACT Relating to public employees; amending section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 4, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.020; amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110; amending section 4, chapter 53, Laws of 1982 1st ex. sess. as amended by section 5, chapter 75, Laws of 1983 1st ex. sess. and RCW 41.06.150; amending section 6, chapter 152, Laws of 1977 ex. sess. as amended by section 5, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.169; amending section 12, chapter 311, Laws of 1981 and RCW 41.64.110; amending section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 1, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.020; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1983 1st ex. sess. and RCW 28B.16.100; amending section 13, chapter 152, Laws of 1977 ex. sess. as amended by section 17, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.105; amending section 28B.50.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.030; adding new sections to chapter 28B.16 RCW; adding new sections to chapter 41.06 RCW; adding a new section to chapter 43.01 RCW; repealing section 12, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.644; repealing section 13, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.645; repealing section 11, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.10.646; repealing section 18, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.250; repealing section 21, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.260; repealing section 22, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.270; repealing section 20, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.280; repealing section 23, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.16.290; repealing section 25, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.830; repealing section 26, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.50.840; repealing section 27, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.250; repealing section 28, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.260; repealing section 29, chapter 53, Laws of 1982 1st ex. sess. and RCW 28B.80.270; repealing section 6, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.175; repealing section 8, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.185; repealing section 9, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.195; repealing section 7, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.205; repealing section 10, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.215; and making an appropriation.

Referred to Committee on State Government.

SB 4442 by Senators Gaspard, Brauer, Rasmussen, Warnke and Hemstad

AN ACT Relating to retirement from public service; amending section 16, chapter 274, Laws of 1947 as last amended by section 2, chapter 233, Laws of 1983 and RCW 41.40.150; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4443 by Senators Bottiger, Gaspard and Shinpoch

AN ACT Relating to mineral interests; and adding a new chapter to Title 78 RCW.

Referred to Committee on Natural Resources.

SB 4444 by Senators McManus, Zimmerman and Moore

AN ACT Relating to health insurance; adding a new section to chapter 48.02 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 4445 by Senators Moore, Benitz, Hansen, Hayner and Newhouse

AN ACT Relating to wine and beer product information; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce and Labor.

SB 4446 by Senators Shipoch, Newhouse and Talmadge

AN ACT Relating to bulk transfers; amending section 82.32.140, chapter 15, Laws of 1961 as amended by section 82, chapter 278, Laws of 1975 1st ex. sess. and RCW 82.32.140; and amending section 6-106, chapter 157, Laws of 1965 ex. sess. and RCW 62A.6-106.

Referred to Committee on Judiciary.

SB 4447 by Senators Warnke, Rasmussen and Gaspard

AN ACT Relating to payroll deductions for public employees; and amending section 5, chapter 59, Laws of 1969 as last amended by section 3, chapter 28, Laws of 1983 1st ex. sess. and RCW 41.04.230.

Referred to Committee on State Government.

SB 4448 by Senators McManus and Deccio

AN ACT Relating to the regulation of persons who perform minor health care services; and adding a new chapter in Title 18 RCW.

Referred to Committee on Social and Health Services.

SB 4449 by Senators McManus, Talmadge, Kiskaddon, Deccio and Granlund

AN ACT Relating to psychologists; amending section 1, chapter 305, Laws of 1955 as last amended by section 67, chapter 158, Laws of 1979 and RCW 18.83.010; amending section 5, chapter 305, Laws of 1955 as amended by section 5, chapter 70, Laws of 1965 and RCW 18.83.050; amending section 6, chapter 305, Laws of 1955 as last amended by section 72, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.060; amending section 7, chapter 305, Laws of 1955 as amended by section 7, chapter 70, Laws of 1965 and RCW 18.83.070; amending section 20, chapter 70, Laws of 1965 as amended by section 15, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.072; amending section 23, chapter 70, Laws of 1965 as amended by section 73, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.082; amending section 9, chapter 305, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 and RCW 18.83.090; amending section 13, chapter 305, Laws of 1955 as amended by section 12, chapter 70, Laws of 1965 and RCW 18.83.120; amending section 12, chapter 305, Laws of 1955 as amended by section 13, chapter 70, Laws of 1965 and RCW 18.83.130; amending section 17, chapter 305, Laws of 1955 as last amended by section 76, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.170; adding new sections to chapter 18.83 RCW; repealing section 3, chapter 305, Laws of 1955, section 3, chapter 70, Laws of 1965, section 27, chapter 292, Laws of 1971 ex. sess. and RCW 18.83.030; repealing section 4, chapter 305, Laws of 1955, section 4, chapter 70, Laws of 1965 and RCW 18.83.040; repealing section 14, chapter 305, Laws of 1955, section 14, chapter 70, Laws of 1965 and RCW 18.83.140; repealing section 15, chapter 305, Laws of 1955, section 15, chapter 70, Laws of 1965 and RCW 18.83.150; and repealing section 16, chapter 305, Laws of 1955, section 16, chapter 70, Laws of 1965, section 61, chapter 81, Laws of 1971 and RCW 18.83.160.

Referred to Committee on Social and Health Services.

SB 4450 by Senator Williams

AN ACT Relating to science and technology.

Referred to Committee on Energy and Utilities.

SB 4451 by Senator Bottiger

AN ACT Relating to the business and occupation tax, travel agents, tour groups, and RCW 82.04.260.

Referred to Committee on Ways and Means.

SB 4452 by Senator Warnke

AN ACT Relating to intergovernmental affairs; and creating a new section.

Referred to Committee on State Government.

SB 4453 by Senator Warnke

AN ACT Relating to tourism programs; and creating a new section.

Referred to Committee on State Government.

SB 4454 by Senator Warnke

AN ACT Relating to tourism programs; and creating a new section.

Referred to Committee on State Government.

SB 4455 by Senator Warnke

AN ACT Relating to intergovernmental affairs; and creating a new section.

Referred to Committee on State Government.

SB 4456 by Senator Warnke

AN ACT Relating to state tourism programs; and creating a new section.

Referred to Committee on State Government.

SJM 125 by Senators Fleming, Pullen and McDermott

Petitioning Congress to enact legislation to provide financial assistance to Japanese-Americans who were relocated during World War II.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 217 by Representatives Moon and Gallagher

Modifying provisions on liens on public works.

Referred to Committee on Local Government.

EHB 392 by Representatives Ebersole, Smitherman and Fisher

Modifying the hearing procedures for the formation of local improvement districts.

Referred to Committee on Local Government.

ESHB 685 by Committee on Environmental Affairs (originally sponsored by Representatives Van Dyken and Moon)

Revising local government procedures concerning shoreline management.

Referred to Committee on Parks and Ecology.

HB 939 by Representatives Appelwick and Hine

Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings.

Referred to Committee on Local Government.

MOTION

At 10:40 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, January 13, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 13, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Hughes, Kiskaddon, Moore and Quigg. On motion of Senator Vognild, Senators Hughes and Moore were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jody Nitz and Craig Ottavelli, presented the Colors. Reverend Theodore Marmo, pastor of St. Michael's Catholic Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 12, 1984

SB 3312 Prime Sponsor, Senator Wojahn: Increasing revenues received from gambling activities by bona fide charitable or nonprofit organizations. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

January 10, 1984

SSB 3617 Prime Sponsor, Senator McManus: Providing for an alcohol awareness program. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Second Substitute Senate Bill No. 3617 be substituted therefor, and the second substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4274 Prime Sponsor, Senator Woody: Relating to pawn brokers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4274 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4286 Prime Sponsor, Senator Vognild: Repealing provisions relating to special taxes on coin-operated devices. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4300 Prime Sponsor, Senator Peterson: Authorizing participation by members of affiliated nonprofit organizations in chapter's gambling activities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4304 Prime Sponsor, Senator Talmadge: Modifying the laws governing the redistricting commission. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4316 Prime Sponsor, Senator Talmadge: Revising the mobile home landlord tenant laws. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 11, 1984

SB 4348 Prime Sponsor, Senator Vognild: Modifying provisions relating to class K liquor licenses. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4389 Prime Sponsor, Senator Vognild: Raising maximum charge for and rate of taxation of punchboards and pull-tabs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Haley, McCaslin, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

January 10, 1984

SB 4397 Prime Sponsor, Senator Hansen: Removing delivery of cattle for custom feeding from classification as a cattle sale. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 12, 1983

Mr. President:

The House has passed:

HOUSE BILL NO. 401,

REENGROSSED SUBSTITUTE HOUSE BILL NO. 711,

SUBSTITUTE HOUSE BILL NO. 915, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3178 and the pending motion by Senator Rasmussen that the rules be suspended and the bill be returned to second reading.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the rules be suspended and Substitute Senate Bill No. 3178 be returned to second reading.

The motion by Senator Rasmussen failed on a rising vote.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Senator Bauer, I'm looking on page 1, lines 25 and 26, and it says that if you are one day late--as I understand it--if you pay your taxes on May 1st instead of April 30th, then you have to pay the applicable interest and penalty on the full amount of such tax. Can you tell me what the applicable interest and penalty on the full amount of such tax is?"

Senator Bauer: "Yes, Senator Pullen, as the sponsor of the bill, it is my understanding that if you are one day late, you would pay 1/365th of a year's interest in penalty for being one date late."

Senator Pullen: "How does the taxpayer know that? In other words, suppose he drops his payment in the mail on April 29th and the post office is slow in getting the letter there and it was delivered one or two days late. How would the penalty be assessed on him? How would the taxpayer know that he has a penalty that he has to pay?"

Senator Bauer: "He would be notified by the treasurer. If he had it in the mail then, he would probably be O.K. anyway, if it was postdated before that date. Our effort here is to only penalize him for the days that he should have a penalty--for the days that he has been delinquent--and only charge the interest rate at twelve percent for those days that he's penalized. In order that he be allowed to pay the half of it, because he doesn't have all of it, would not only help the treasury but would help the individual."

Senator Pullen: "The penalty is pro rata on the amount due and the interest is calculated at twelve percent?"

Senator Bauer: "Yes."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3178.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 3178, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Loe, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Kiskaddon, Quigg - 2.

Excused: Senators Hughes, Moore - 2.

SUBSTITUTE SENATE BILL NO. 3178, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING

SB 4457 by Senators Thompson, Zimmerman and Bauer

AN ACT Relating to business and occupation taxation; and amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.2901.

Referred to Committee on Ways and Means.

SB 4458 by Senators Warnke, Zimmerman and Bluechel

AN ACT Relating to the state trade and convention center; amending section 2, chapter 34, Laws of 1982 as amended by section 2, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.020; and amending section 1, chapter 11, Laws of 1972 ex. sess. as last amended by section 21, chapter 15, Laws of 1983 and RCW 41.06.070.

Referred to Committee on State Government.

SB 4459 by Senators Fleming, Warnke, Talmadge, McDermott, Bottiger, Wojahn, Hughes, Gaspard, Rasmussen, Bender, McManus and Zimmerman

AN ACT Relating to boxing; amending section 11, chapter 184, Laws of 1933 and RCW 67.08.050; amending section 5, chapter 48, Laws of 1975-'76 2nd ex. sess. and RCW 67.08.055; amending section 15, chapter 184, Laws of 1933 and RCW 67.08.090; and adding a new section to chapter 67.08 RCW.

Referred to Committee on State Government.

SB 4460 by Senators Peterson and Patterson

AN ACT Relating to ferries; amending section 47.60.010, chapter 13, Laws of 1961 as amended by section 296, chapter ... (SHB 1146), Laws of 1984 and RCW 47.60.010; and declaring an emergency.

Referred to Committee on Transportation.

SB 4461 by Senators Granlund, Kiskaddon and Warnke

AN ACT Relating to hearing aids; amending section 1, chapter 58, Laws of 1965 ex. sess. as amended by section 1, chapter 26, Laws of 1973 1st ex. sess. and RCW 19.68.010; and adding a new section to chapter 19.68 RCW.

Referred to Committee on Social and Health Services.

SB 4462 by Senators Moore, Deccio, McManus, Bauer and Thompson

AN ACT Relating to nursing home cost reimbursement; and amending section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.460.

Referred to Committee on Social and Health Services.

SB 4463 by Senators Peterson, Guess, Hansen and Patterson

AN ACT Relating to the taxation of special fuels; amending section 1, chapter 35, Laws of 1983 1st ex. sess. (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 4464 by Senators Talmadge and McManus

AN ACT Relating to mental health facilities; adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Social and Health Services.

SB 4465 by Senators McManus, Deccio, Kiskaddon and Moore

AN ACT Relating to the practice of nursing; and amending section 14, chapter 288, Laws of 1961 as last amended by section 28, chapter 133, Laws of 1973 and RCW 18.88.285.

Referred to Committee on Social and Health Services.

SB 4466 by Senators Thompson and Zimmerman

AN ACT Relating to government finance; amending section 2, chapter 138, Laws of 1965 ex. sess. as amended by section 1, chapter 25, Laws of 1973 1st ex. sess. and RCW

39.53.010; adding a new section to chapter 35.45 RCW; and adding a new section to chapter 36.88 RCW.

Referred to Committee on Local Government.

SB 4467 by Senators McManus, Deccio, Moore and Sellar

AN ACT Relating to the hospital commission; amending section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030; amending section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100; amending section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120; amending section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150; amending section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115; amending section 9, chapter 223, Laws of 1982 and RCW 43.131.253; amending section 10, chapter 223, Laws of 1982 and RCW 43.131.254; making an appropriation; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 4468 by Senators Talmadge and Rinehart

AN ACT Relating to environmental policy; and amending section 6, chapter 179, Laws of 1974 ex. sess. as amended by section 7, chapter 117, Laws of 1983 and RCW 43.21C.110.

Referred to Committee on Parks and Ecology.

SB 4469 by Senator Talmadge

AN ACT Relating to polling places; and amending section 29.51.020, chapter 9, Laws of 1965 as amended by section 1, chapter 33, Laws of 1983 1st ex. sess. and RCW 29.51.020.

Referred to Committee on Judiciary.

SB 4470 by Senators Hansen and Patterson (by Department of Licensing request)

AN ACT Relating to the highway safety fund; amending section 46.20.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 61, Laws of 1979 and RCW 46.20.070; amending section 8, chapter 121, Laws of 1965 ex. sess. as amended by section 2, chapter 63, Laws of 1979 and RCW 46.20.091; amending section 4, chapter 155, Laws of 1969 ex. sess. as last amended by section 2, chapter 92, Laws of 1981 and RCW 46.20.117; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 6, chapter 61, Laws of 1979 and RCW 46.20.120; amending section 11, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 245, Laws of 1981 and RCW 46.20.161; amending section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 2, chapter 245, Laws of 1981 and RCW 46.20.181; amending section 46.20.200, chapter 12, Laws of 1961 as last amended by section 5, chapter 191, Laws of 1975 1st ex. sess. and RCW 46.20.200; amending section 46.20.380, chapter 12, Laws of 1961 as last amended by section 12, chapter 61, Laws of 1979 and RCW 46.20.380; amending section 1, chapter 20, Laws of 1967 ex. sess. as last amended by section 1, chapter 114, Laws of 1980 and RCW 46.20.440; amending section 4, chapter 20, Laws of 1967 ex. sess. as amended by section 3, chapter 68, Laws of 1969 ex. sess. and RCW 46.20.470; amending section 50, chapter 145, Laws of 1967 ex. sess. as last amended by section 2, chapter 77, Laws of 1982 and RCW 46.20.505; amending section 5, chapter 169, Laws of 1963 as last amended by section 63, chapter 136, Laws of 1979 ex. sess. and RCW 46.29.050; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130; amending section 4, chapter 25, Laws of 1965 as last amended by section 3, chapter 245, Laws of 1981 and RCW 46.68.041; adding a new section to chapter 46.20 RCW; and repealing section 51, chapter 145, Laws of 1967 ex. sess., section 2, chapter 155, Laws of 1969 ex. sess., section 1, chapter 191, Laws of 1975 1st ex. sess., section 148, chapter 158, Laws of 1979 and RCW 46.20.115.

Referred to Committee on Transportation.

SB 4471 by Senators Wojahn, Hurley, McCaslin, Rinehart, Rasmussen, Lee and Granlund

AN ACT Relating to fireworks; amending section 27, chapter 228, Laws of 1961 as amended by section 12, chapter 230, Laws of 1982 and RCW 70.77.250; amending section

85, chapter 228, Laws of 1961 and RCW 70.77.540; adding new sections to chapter 70.77 RCW; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4472 by Senators Granlund, Hemstad and Talmadge

AN ACT Relating to criminal sentencing; amending section 1, chapter 99, Laws of 1937 as amended by section 1, chapter 276, Laws of 1983 and RCW 9.92.150; amending section 31, chapter 137, Laws of 1981 and RCW 9.92.900; amending section 3, chapter 137, Laws of 1981 as last amended by section 9, chapter 164, Laws of 1983 and RCW 9.94A.030; amending section 9, chapter 137, Laws of 1981 and RCW 9.94A.090; amending section 11, chapter 137, Laws of 1981 and RCW 9.94A.110; amending section 12, chapter 137, Laws of 1981 as last amended by section 2, chapter 163, Laws of 1983 and RCW 9.94A.120; amending section 13, chapter 137, Laws of 1981 and RCW 9.94A.130; amending section 15, chapter 137, Laws of 1981 as amended by section 6, chapter 192, Laws of 1982 and RCW 9.94A.150; amending section 19, chapter 137, Laws of 1981 and RCW 9.94A.190; amending section 20, chapter 137, Laws of 1981 and RCW 9.94A.200; amending section 21, chapter 137, Laws of 1981 as amended by section 7, chapter 192, Laws of 1982 and RCW 9.94A.210; amending section 22, chapter 137, Laws of 1981 and RCW 9.94A.220; amending section 2, chapter 207, Laws of 1982 and RCW 9.94A.270; amending section 2, chapter 115, Laws of 1983 and RCW 9.94A.310; amending section 3, chapter 115, Laws of 1983 and RCW 9.94A.320; amending section 4, chapter 115, Laws of 1983 and RCW 9.94A.330; amending section 7, chapter 115, Laws of 1983 and RCW 9.94A.360; amending section 8, chapter 115, Laws of 1983 and RCW 9.94A.370; amending section 9, chapter 115, Laws of 1983 and RCW 9.94A.380; amending section 10, chapter 115, Laws of 1983 and RCW 9.94A.390; amending section 11, chapter 115, Laws of 1983 and RCW 9.94A.400; amending section 12, chapter 115, Laws of 1983 and RCW 9.94A.410; amending section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; amending section 71.06.260, chapter 25, Laws of 1959 as amended by section 132, chapter 141, Laws of 1979 and RCW 71.06.260; amending section 2, chapter 17, Laws of 1967 as last amended by section 1, chapter 160, Laws of 1979 ex. sess. and RCW 72.65.020; amending section 3, chapter 17, Laws of 1967 as amended by section 276, chapter 141, Laws of 1979 and RCW 72.65.030; amending section 4, chapter 17, Laws of 1967 as amended by section 277, chapter 141, Laws of 1979 and RCW 72.65.040; amending section 38, chapter 138, Laws of 1981 (uncodified); adding new sections to chapter 9.94A RCW; adding a new section to chapter 71.06 RCW; prescribing penalties; declaring an emergency; and providing effective dates.

Referred to Committee on Judiciary.

SB 4473 by Senators Hansen and Barr

AN ACT Relating to excise taxes; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.08.010; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4474 by Senators Hansen and Barr

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

Referred to Committee on Agriculture.

SB 4475 by Senators Peterson, Guess and Conner

AN ACT Relating to motor vehicle title and registration transfers; amending section 7, chapter 140, Laws of 1967 as last amended by section 1, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.101; adding a new section to chapter 46.12 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 4476 by Senators McDermott, Zimmerman, Sellar, Bauer, Guess, Rinehart, Quigg, Hughes, Granlund, Barr and Hurley

AN ACT Relating to pollution control tax credits; amending section 1, chapter 139, Laws of 1967 ex. sess. as last amended by section 1, chapter 9, Laws of 1981 2nd ex. sess. and RCW 82.34.010; and adding a new section to chapter 82.34 RCW.

Referred to Committee on Ways and Means.

SB 4477 by Senator McDermott

AN ACT Relating to retirement from public service; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 43.43 RCW; creating a new section; making appropriations; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4478 by Senators Shinpoch and Newhouse

AN ACT Relating to retirement plans for employees at institutions of higher education; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW.

Referred to Committee on Ways and Means.

SB 4479 by Senators Lee, Moore, Fuller, Wojahn, Zimmerman, McManus and Hemstad (by Attorney General request)

AN ACT Relating to freedom from discrimination; and amending section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 127, Laws of 1979 and RCW 49.60.030.

Referred to Committee on Judiciary.

SB 4480 by Senators Owen and Warnke

AN ACT Relating to domestic relations; amending section 1, chapter 50, Laws of 1949 as amended by section 1, chapter 219, Laws of 1983 and RCW 26.12.010; amending section 2, chapter 50, Laws of 1949 and RCW 26.12.020; amending section 3, chapter 50, Laws of 1949 and RCW 26.12.030; amending section 4, chapter 50, Laws of 1949 and RCW 26.12.040; amending section 5, chapter 50, Laws of 1949 as amended by section 1, chapter 83, Laws of 1965 ex. sess. and RCW 26.12.050; amending section 6, chapter 50, Laws of 1949 and RCW 26.12.060; amending section 7, chapter 50, Laws of 1949 and RCW 26.12.070; amending section 9, chapter 50, Laws of 1949 as amended by section 2, chapter 219, Laws of 1983 and RCW 26.12.090; amending section 10, chapter 50, Laws of 1949 as amended by section 3, chapter 219, Laws of 1983 and RCW 26.12.100; amending section 11, chapter 50, Laws of 1949 and RCW 26.12.110; amending section 12, chapter 50, Laws of 1949 as amended by section 4, chapter 219, Laws of 1983 and RCW 26.12.120; amending section 13, chapter 50, Laws of 1949 and RCW 26.12.130; amending section 16, chapter 50, Laws of 1949 and RCW 26.12.160; amending section 19, chapter 50, Laws of 1949 as amended by section 7, chapter 219, Laws of 1983 and RCW 26.12.190; amending section 20, chapter 50, Laws of 1949 as amended by section 8, chapter 219, Laws of 1983 and RCW 26.12.200; amending section 21, chapter 50, Laws of 1949 as amended by section 9, chapter 219, Laws of 1983 and RCW 26.12.210; amending section 1, chapter 124, Laws of 1980 and RCW 26.12.220; amending section 3, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.030; amending section 5, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.230; amending section 1, chapter 38, Laws of 1973 as last amended by section 5, chapter 330, Laws of 1981 and RCW 36.18.020; adding a new section to chapter 26.09 RCW; adding new sections to chapter 26.12 RCW; repealing section 8, chapter 50, Laws of 1949 and RCW 26.12.080; and providing an effective date.

Referred to Committee on Judiciary.

SB 4481 by Senators Granlund, Hemstad and Talmadge

AN ACT Relating to juvenile records; and amending section 9, chapter 155, Laws of 1979 as last amended by section 19, chapter 191, Laws of 1983 and RCW 13.50.050.

Referred to Committee on Judiciary.

SB 4482 by Senators Granlund, Hemstad and Talmadge

AN ACT Relating to explosives crimes; amending section 18, chapter 111, Laws of 1931 as amended by section 21, chapter 137, Laws of 1969 ex. sess. and RCW 70.74.180; and amending section 400, chapter 249, Laws of 1909 as last amended by section 8, chapter 302, Laws of 1971 ex. sess. and RCW 70.74.270.

Referred to Committee on Judiciary.

SB 4483 by Senators Hansen, Newhouse and Fleming

AN ACT Relating to water supply facilities; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4484 by Senators Fleming, Talmadge, McDermott, Bottiger, Hughes, Bender and McManus

AN ACT Relating to the athletic health care and training council; adding a new chapter to Title 43 RCW; prescribing penalties; and making an appropriation.

Referred to Committee on Education.

SB 4485 by Senators Owen, Guess, Warnke, Bauer and Bender

AN ACT Relating to child custody and support; amending section 22, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.220; amending section 23, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.230; adding new sections to chapter 26.09 RCW; adding new sections to chapter 9A.64 RCW; repealing section 13, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.130; repealing section 19, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.190; repealing section 25, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.250; repealing section 26, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.260; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 4486 by Senators Hansen and Barr

AN ACT Relating to burglary and trespass; and amending section 9A.52.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.010.

Referred to Committee on Agriculture.

SB 4487 by Senators Hansen and Peterson

AN ACT Relating to cattle; and adding a new chapter to Title 16 RCW.

Referred to Committee on Agriculture.

SB 4488 by Senators McManus and Guess

AN ACT Relating to services for the disabled; adding a new chapter to Title 70 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Social and Health Services.

SB 4489 by Senators Bottiger, Clarke and Talmadge

AN ACT Relating to certificates of tax delinquency; amending section 84.64.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 322, Laws of 1981 and RCW 84.64.030; and amending section 84.64.050, chapter 15, Laws of 1961 as last amended by section 4, chapter 322, Laws of 1981 and RCW 84.64.050.

Referred to Committee on Judiciary.

SB 4490 by Senators McDermott, Rasmussen, Woody, Talmadge, Hurley, Gaspard, Rinehart, Vognild, Peterson and Fleming.

AN ACT Relating to residential space heating; amending section 35.21.290, chapter 7, Laws of 1965 and RCW 35.21.290; amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300; amending section 5, chapter 390, Laws of 1955 and RCW 54.16.040; and amending section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010.

Referred to Committee on Energy and Utilities.

SB 4491 by Senators Bottiger, Hemstad and Talmadge

AN ACT Relating to the appraisal of homesteads; amending section 13, chapter 64, Laws of 1895 and RCW 6.12.180; and amending section 22, chapter 64, Laws of 1895 and RCW 6.12.270.

Referred to Committee on Judiciary.

SB 4492 by Senators McDermott and Rasmussen

AN ACT Relating to local improvement districts; and amending section 35.49.050, chapter 7, Laws of 1965 and RCW 35.49.050.

Referred to Committee on Local Government.

SB 4493 by Senators Rinehart, Talmadge and McDermott

AN ACT Relating to higher education; amending section 28B.20.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 103, Laws of 1979 ex. sess. and RCW 28B.20.100; amending section 28B.30.100, chapter 223, Laws of 1969 ex. sess. as

last amended by section 3, chapter 103, Laws of 1979 ex. sess. and RCW 28B.30.100; amending section 45, chapter 169, Laws of 1977 ex. sess. as amended by section 4, chapter 103, Laws of 1979 ex. sess. and RCW 28B.35.100; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 5, chapter 103, Laws of 1979 ex. sess. and RCW 28B.40.100; amending section 28B.50.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 224, Laws of 1983 and RCW 28B.50.100; amending section 28B.50.130, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 75, Laws of 1977 and RCW 28B.50.130; and providing an effective date.

Referred to Committee on Education.

SB 4494 by Senators Vognild, Wojahn, McManus, Gaspard, Haley, Lee and Conner (by Lieutenant Governor request)

AN ACT Relating to international trade development; creating new sections; providing an expiration date; making appropriations; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4495 by Senators Vognild, Wojahn and Conner (by Emergency Commission on Economic Development request)

AN ACT Relating to port district sponsored export projects; amending section 31, chapter 1, Laws of 1973 as last amended by section 10, chapter 133, Laws of 1983 and RCW 42.17.310; amending section 11, chapter 250, Laws of 1971 ex. sess. as last amended by section 3, chapter 155, Laws of 1983 and RCW 42.30.110; adding a new chapter to Title 53 RCW; and providing a contingent effective date.

Referred to Committee on Commerce and Labor.

SB 4496 by Senators Bauer, Vognild and Warnke

AN ACT Relating to enforcement of existing state fireworks laws; amending section 2, chapter 230, Laws of 1982 and RCW 70.77.131; amending section 3, chapter 230, Laws of 1982 and RCW 70.77.136; amending section 27, chapter 228, Laws of 1961 as amended by section 12, chapter 230, Laws of 1982 and RCW 70.77.250; amending section 38, chapter 228, Laws of 1961 as amended by section 18, chapter 230, Laws of 1982 and RCW 70.77.305; amending section 42, chapter 228, Laws of 1961 as amended by section 21, chapter 230, Laws of 1982 and RCW 70.77.325; amending section 49, chapter 228, Laws of 1961 as amended by section 27, chapter 230, Laws of 1982 and RCW 70.77.360; amending section 65, chapter 228, Laws of 1961 and RCW 70.77.440; adding a new section to chapter 70.77 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SJM 126 by Senators Quigg, Conner, Owen, Benitz, Guess, Newhouse, Sellar, Vognild, Rasmussen, Moore, Deccio, von Reichbauer, Hayner, Hurley, Lee, Barr, McDonald, Fuller, Metcalf, Craswell, Patterson, McCaslin, Zimmerman and Pullen

Requesting Congress to call a federal constitutional convention to adopt an amendment to balance the budget.

Referred to Committee on Judiciary.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 401 by Representatives Pruitt and Barnes

Equalizing the length of the ballot titles for all local ballot measures.

Referred to Committee on Judiciary.

ReSHB 711 by Committee on Judiciary (originally sponsored by Representatives Locke, Zellinsky, Patrick, McMullen, Niemi, Crane, Stratton, Egger, Monohon, P. King, Dellwo, Appelwick, Smitherman, Padden, Isaacson, Miller, Haugen, Belcher, D. Nelson, Wilson, Tilly, Tanner, Sanders, Holland and R. King) (by Attorney General request)

Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime.

Referred to Committee on Judiciary.

SHB 915 by Committee on Higher Education (originally sponsored by Representative Burns)

Establishing procedures and providing certain immunities to faculty peer review committees.

Referred to Committee on Education.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President and members of the body, speaking to the point that Senator Shinpoch has made in terms of the short titles and referrals, I must apologize to the members on that side and some on this side. I was not able to get the bill around to them, but I have a bill on there, Senate Bill No. 4459, and that deals with establishing requirements for the protection of boxers. As you are well aware--many of you, and maybe you're not--we have a boxer or ex-boxer within our midst named Sugar Ray Seales, and many of you might have heard of his plight. He is totally blind in one eye and I guess about eighty percent sight left in the other eye. He's going to start going to the school for the blind. There might be other operations he might be able to have to clear up some of the problem. They are not sure of that, but he is left with some 80 to 100,000 dollars in medical bills as a result of his fighting career. It's a tough situation. This bill, whether you would support the bill or not--that's another question--but this bill would hopefully prevent having future Sugar Ray Seales by establishing a mandatory insurance out of gate receipts, a percentage of the gate receipts, of these fights to protect our fighters after their regular insurance is gone.

"The reason I am mentioning this is that there is--and whether you believe in banning boxing or not, it has not been banned and so we would rather have safe boxing. But be that as it may, that's not why I want to talk to you. I want to tell you that there is a fund raiser that's being given in the Tacoma Dome next Friday, and the cost of it is \$25. Hopefully, in the plan now, Sammy Davis, Jr. and other entertainers--Larry Holmes, possibly Muhammad Ali, Ray Boom Boom Mancini, Sugar Ray Leonard and others--I think are supposed to try and be there. It's supposed to be a big gala.

"They have not had the success of selling tickets that they would like to have had and that is why I am asking at this time to just inform you of that. It's next Friday, the 20th, at 8 o'clock. Hopefully, if you are a fight fan, fine--if you are not a fight fan, that's fine, too, but we all have some humanitarian feelings within ourselves, and I think that Washington state itself, in my opinion, has shown that better than most states. We've also shown that we are outstanding sports fans and my feeling is that if we can, in this state, show what we did for the Seahawks last week-end when they almost brought the gold home, then we sure ought to be able to show some kind of outpour to this young person who did bring the gold home from the Olympics in 1972. It just happened to be a year that there was a little scar on the Olympics because of the killings of the Israelis, and this person probably did not get the accord that maybe he should have. Be that as it may, I think it's a worthwhile function that is being put on in his behalf and that is really needed. I hope the members of this body can find within themselves to participate next Friday night and if not, maybe make some kind of contribution, because I think we ought to show some outpouring of our feelings for this person who fought so well in the Olympics for this country.

"Those members who are interested in helping sponsor the bill are welcome to sign on the measure. Thank you."

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

SECOND READING

SENATE BILL NO. 4359, by Senator Thompson

Simplifying the timber tax distribution system at existing rates.

The bill was read the second time.

MOTION

On motion of Senator McDermott, further consideration of Senate Bill No. 4359 was deferred and the bill was placed at the top of the second reading calendar for Monday.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3152, by Committee on Energy and Utilities (originally sponsored by Senator Hurley)

Requiring the preparation of a long-range plan for the state leased land on the Hanford reservation.

MOTIONS

On motion of Senator Williams, the rules were suspended and Substitute Senate Bill No. 3152 was returned to second reading.

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.080 are each amended to read as follows:

The director of ecology shall, in addition to the powers and duties otherwise imposed by law, have the following special powers and duties:

(1) To fulfill the responsibilities of the state under the lease between the state of Washington and the federal government executed September 10, 1964, covering one thousand acres of land lying within the Hanford reservation near Richland, Washington. The department of ecology may sublease to private or public entities all or a portion of the land for specific purposes or activities which are determined, after public hearing, to be in consonance with the terms of the lease and in the best interests of the citizens of the state consistent with any criteria that may be developed as a requirement by the legislature;

(2) To develop criteria, in consultation with other state agencies, including but not limited to the state radiation control agency, to govern subleasing decisions on the site. The criteria developed shall be consistent with the:

(a) Terms of the state/federal lease;

(b) Provisions of the northwest interstate compact on low-level radioactive waste management and any amendments thereto; and

(c) Any state or federal law, rule, or regulation affecting use of the site.

The criteria shall be established by rule adopted under chapter 34.04 RCW, the administrative procedure act.

(3) To assume the responsibilities of the state under the perpetual care agreement between the state of Washington and the federal government executed July 29, 1965. In order to finance perpetual surveillance and maintenance under the agreement, the department of ecology shall impose and collect fees from parties holding radioactive materials for waste management purposes. The fees shall be established by rule adopted under chapter 34.04 RCW and shall be an amount determined by the state radiation control agency to be necessary to defray the estimated liability of the state. Such fees shall reflect equity between the disposal facilities of this and other states. All such fees, when received by the department of ecology, shall be transmitted to the state treasurer, who shall act as custodian. The treasurer shall place the money in a special account which may be designated the "perpetual maintenance account." Appropriations are required to permit expenditures and payment of obligations from this account, and the condition of the account and its administration shall be reported biennially to the legislature by the director. Moneys in the perpetual maintenance account shall be invested by the state investment board in the same manner as other state moneys. Any interest accruing as a result of investment shall accrue to the perpetual maintenance account. Additional moneys specifically appropriated by the legislature or received from any public or private source may be placed in the perpetual maintenance account. The perpetual maintenance account shall be used exclusively for surveillance and maintenance costs, or for otherwise satisfying surveillance and maintenance obligations; and

((3)) (4) To assure maintenance of such insurance coverage by state licensees, lessees, or sublessees as will adequately, in the opinion of the director, protect the citizens of the state against nuclear accidents or incidents that may occur on privately or state-controlled nuclear facilities.

NEW SECTION. Sec. 2. There is appropriated from the general fund to the department of ecology for the biennium ending June 30, 1985, the sum of twenty-seven thousand dollars, or so much thereof as may be necessary, to develop the criteria proposed by RCW 43.200.080."

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

On page 1, on line 1 of the title, strike everything after "office;" and insert "transferring certain functions to the department of ecology; amending section 8, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.080; and making an appropriation."

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3152 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hurley: "I just wondered, Senator Benitz, if you have seen any testimony of written criteria that would provide guidelines for the Department of Ecology in developing this area? In view of the fact that there are many requests, it could be a pretty motley type of development and this is what we want to avoid. We want some continuity in the development down there and I would like to know if you have seen any written guidelines?"

Senator Benitz: "No, I have not seen any written guidelines, but when you recognize that this thousand acres is in the middle of the desert and the middle of the Hanford Reservation, you can be very sure that the federal government--the Hanford works--is going to be very careful of what is attempting to be established. It will have to conform and the Department of Ecology and the other agencies are following that now, and I just think we do not need to scare off the other potential customers we might have."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3152.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3152, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hurley, McDermott, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Lee, McCaslin, McDonald, Newhouse, Quigg, Sellar, von Reichbauer - 18.

Absent: Senator Kiskaddon - 1.

Excused: Senators Hughes, Moore - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3152, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bluechel, Senator Kiskaddon was excused.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 3187, by Committee on Ways and Means (originally sponsored by Senators Bottiger, McDermott and Vognild)

Imposing an excise tax on the severance of minerals.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Quigg, I understood you to say that if you raised taxes on gasoline you lower the price. Is that correct? Did I hear you correctly? I might be interested in tacking on an amendment here to raise the gas tax again if we drive the price down by doing that."

Senator Quigg: "The price to the producer could continue to drop, because as increased taxes have decreased people's interest in buying the product and that's

what happened as we have seen, even with the increased gas taxes. The price, even though with the tax, will pop it back up again--consumption drops off, supply continues to be greater than consumption and so the refiner, the producer and the marketer realizes a smaller portion of the price people pay, including the tax. So, I think it's important to remember that the higher the total price, including taxes, the less likely people are to consume it and in this case if we raise the tax on--particularly commodities that we aren't even producing yet, the likelihood of producing it becomes less and less. The likelihood of employing people here becomes less, but the likelihood of having the sheiks all make it to next year's Super Bowl increases. Frankly, I would rather have the Seahawks go instead of the sheiks."

Senator Goltz: "I don't know what economic curve you are talking about, but it sounds like a 'laugher' to me."

Further debate ensued.

POINT OF INQUIRY

Senator Clarke: "Senator Shinpoch, following your remarks, it has occurred to me, however, that if a rate is set prior to a development and then there is a very substantial development, my question is, when that substantial development comes in--even if a lower rate has previously been set, is there anything to prevent a future legislature from raising that rate?"

Senator Shinpoch: "Of course there isn't anything to keep the future legislature from raising it and I suspect they would have just about as much success as they would have of raising the timber tax--as long as you leave it to the legislative body. I don't think you would have any problems, for example, of raising the timber tax if you put it to the vote of the people, but as long as it is going to be the legislature that votes on it, well, then I suspect the timber tax would never be raised. Neither would I expect this severance tax on minerals to be raised."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3187.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 3187, and the bill passed the Senate by the following vote: Yeas, 37; nays, 08; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Craswell, Deccio, Fuller, Haley, McCaslin, Pullen, Sellar - 8.

Absent: Senator Quigg - 1.

Excused: Senators Hughes, Kiskaddon, Moore - 3.

SECOND SUBSTITUTE SENATE BILL NO. 3187, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3259, by Committee on Energy and Utilities (originally sponsored by Senators Williams, Shinpoch, Woody, Rinehart, Hurley and Moore)

Requiring executive boards of operating agencies to file reports with the public disclosure commission.

MOTION

Senator Williams moved that the rules be suspended and Substitute Senate Bill No. 3259 be returned to second reading.

POINT OF INQUIRY

Senator Clarke: "With the consent of the Senate, I would like to ask Senator Bottiger a question with respect to procedures on this type of motion. Thank you, Senator. As to this particular motion and amendment, we have checked it and find that it is easy to understand. As we both know, however, we caucus for the

purpose of going over these bills and I would suggest that if there are substantial amendments, the committee chairman, at least, advise our minority chairman as to those amendments, so that we will have an opportunity of considering them in caucus to know what they are about without having to, in effect, consider objecting to returning them."

Senator Bottiger: "Senator Clarke, I think that is the procedure. It was the procedure on this one and I'd also suggest that probably a way to alert everyone that it is an agreed amendment is if the minority ranking member's name appears on the amendment, then that pretty well alerts us. In this particular case, I think, it was printed before I had asked the chairman to do that."

Senator Clarke: "I had understood from our person, we had not received that and that's why I raised the point."

REMARKS BY SENATOR WILLIAMS

Senator Williams: "Mr. President, in this particular instance, I did check with Senator Benitz just earlier today and I explained to him that this amendment was not substantive--simply technical, as in this particular case, and I certainly intend to comply with what the department was thinking."

The President declared the question before the Senate to be the motion by Senator Williams that the rules be suspended and Substitute Senate Bill No. 3259 be returned to second reading.

The motion carried and Substitute Senate Bill No. 3259 was returned to second reading.

MOTION

On motion of Senator Williams the following amendment was adopted:

On page 1, after line 4, strike all of the material down to and including "required." on page 6, line 3 and insert the following:

"Sec. 1. Section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240 are each amended to read as follows:

(1) Every elected official (except president, vice president, and precinct committeemen), every chief executive state officer as specified in RCW 43.17.020, as now or hereafter amended, the chief administrative law judge, the director of financial management, the director of personnel, the director of the planning and community affairs agency, the director of the state system of community colleges, the executive director of the data processing authority, the executive secretary of the forest practice appeals board, the director of the gambling commission, the director of the higher education personnel board, the secretary of transportation, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the administrator of the interagency committee for outdoor recreation, the director of parks and recreation, the executive secretary of the board of prison terms and paroles, the administrator of the public disclosure commission, the director of retirement systems, the secretary of the utilities and transportation commission, the executive secretary of the board of tax appeals, the secretary of the state finance committee, the president of each of the regional and state universities and the president of The Evergreen State College, each district and each campus president of each state community college, each professional staff member of the office of the governor, each professional staff member of the legislature, and each member of the state board for community college education, data processing authority, forest practices board, forest practices appeals board, gambling commission, game commission, higher education personnel board, transportation commission, horse racing commission, human rights commission, board of industrial insurance appeals, liquor control board, interagency committee for outdoor recreation, parks and recreation commission, personnel board, personnel appeals board, board of prison terms and paroles, public disclosure commission, public employees' retirement system board, public pension commission, University of Washington board of regents, Washington State University board of regents, board of tax appeals, teachers' retirement system board of trustees, Central Washington University board of trustees, Eastern Washington University board of trustees, The Evergreen State College board of trustees, Western Washington University board of trustees, board of trustees of each community college, state housing finance commission, ((and)) the utilities and transportation commission, the executive board of any joint operating agency organized under chapter 43.52 RCW, and the chairman of the energy facility site evaluation council, shall after January 1st and before April 15th of each year for the preceding calendar year; and every candidate, and every person appointed to fill a vacancy in an elective office (except for the offices of president, vice president, and precinct committeeman) shall, within two weeks of becoming a candidate or being appointed to such elective office, and every person appointed to the appointive positions enumerated herein shall, within two weeks of being so appointed, for the preceding

twelve months; file with the commission a written statement sworn as to its truth and accuracy stating for himself and all members of his immediate family: PROVIDED, That no individual shall be required to file more than once in any calendar year: PROVIDED HOWEVER, That a statement of a candidate or appointee filed during the period January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of such statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year:

(a) Occupation, name of employer, and business address; and

(b) Each bank or savings account or insurance policy in which any such person or persons owned a direct financial interest which exceeded five thousand dollars at any time during such period; each other item of intangible personal property in which any such person or persons owned a direct financial interest, the value of which exceeded five hundred dollars during such period; and the name, address, nature of entity, nature and highest value of each such direct financial interest during the reporting period; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, That debts arising out of a "retail installment transaction" as defined in chapter 63.14 RCW (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom any legislation, or any rule, rate, or standard has been prepared, promoted, or opposed for current or deferred compensation: PROVIDED, That for the purposes of this subsection, "compensation" shall not include payments made to the person reporting by the governmental entity for which such person serves as an elected or appointed public officer or professional staff member for his service in office; the description of such actual or proposed legislation, rules, rates, or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union, or other entity in which is held any office, directorship, or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship, or partnership; the nature of ownership interest; and with respect to each such entity: (i) With respect to a governmental unit in which the official holds any office or position, if such entity has received compensation in any form during the preceding twelve months from such governmental unit, the value of such compensation and the consideration given or performed in exchange for such compensation; (ii) The name of each governmental unit, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from which such entity has received compensation in any form in the amount of two thousand five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation: PROVIDED, That the term "compensation" for purposes of this subsection (1)(g)(i) shall not include payment for water and other utility services at rates approved by the Washington state utilities and transportation commission or the legislative authority of the public entity providing such service: PROVIDED, FURTHER, That with respect to any bank or commercial lending institution in which is held any such office, directorship, partnership interest, or ownership interest, it shall only be necessary to report either the name, address, and occupation of every director and officer of such bank or commercial lending institution and the average monthly balance of each account held during the preceding twelve months by such bank or commercial lending institution from the governmental entity for which the individual is an official or candidate or professional staff member, or all interest paid by a borrower on loans from and all interest paid to a depositor by such bank or commercial lending institution if such interest exceeds six hundred dollars; and

(h) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, That if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report: and

(k) A list, including legal or other sufficient descriptions as prescribed by the commission, of all real property in the state of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise, or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held: and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this chapter, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty-five thousand dollars, or twenty-five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required."

MOTION

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

On page 1, line 2 of the title, after "1982" insert "as amended by section 27, chapter 161, Laws of 1983"

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 3259 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3259.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3259, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hurley, Lee, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, Sellar - 11.

Excused: Senators Hughes, Kiskaddon, Moore - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3259, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shipoch, Engrossed Senate Bill No. 3309, Engrossed Substitute Senate Bill No. 3873 and Senate Bill No. 3121 will hold their place on the third reading for Monday.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3838, by Committee on Social and Health Services (originally sponsored by Senators McManus, Talmadge, Rinehart, Moore, Woody, Fleming, Metcalf, Quigg and Deccio)

Providing for the licensing of social workers.

MOTIONS

On motion of Senator Lee, the rules were suspended and Engrossed Substitute Senate Bill No. 3838 was returned to second reading.

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

On page 8, line 30 after "of" strike "two hundred forty-three" and insert "one hundred twenty-six"

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Reengrossed Substitute Senate Bill No. 3838 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McManus, for clarification, this measure does not apply to those people that would be employed by the Department of Social and Health--as social workers--we have both intake and visitors?"

Senator McManus: "That is correct, Senator Rasmussen. It applies only to master degrees of social workers who are in clinical practice and who are working in community mental health centers and who are engaged in that kind of practice."

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3838.

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3838, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Lee, McDermott, McManus, Metcalf, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Haley, McCaslin, McDonald, Newhouse, Pullen, Quigg, Zimmerman - 11.

Excused: Senators Hughes, Kiskaddon, Moore - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3438, by Senators McDermott, Bluechel and Rinehart

Exempting property used for homeless shelters from property taxation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3438.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 3438, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Hughes, Kiskaddon, Moore - 3.

ENGROSSED SENATE BILL NO. 3438, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Zimmerman, Senator McCaslin was excused.

On motion of Senator Shinpoch, Senate Joint Memorial No. 120 held its place on the third reading calendar for Monday.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3074, by Committee on Social and Health Services (originally sponsored by Senators Moore, Jones and McManus)

Requiring licensure of occupational therapists.

MOTIONS

On motion of Senator Lee, the rules were suspended and Substitute Senate Bill No. 3074 was returned to second reading.

On motion of Senator Lee, the following amendment was adopted:
On page 12, line 30, after "of" strike "eighty-seven" and insert "thirty-two"

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 3074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3074.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 3074, and the bill passed the Senate by the following vote: Yeas, 37; nays, 08; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hurley, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Clarke, Craswell, Haley, Hayner, Lee, Metcalf, Pullen, Zimmerman - 8.

Excused: Senators Hughes, Kiskaddon, McCaslin, Moore - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Institutions was relieved of further consideration of Senate Bill No. 3815.

On motion of Senator Shinpoch, Senate Bill No. 3815 was referred to the Committee on Ways and Means.

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of Gubernatorial Appointments Nos. 176, 177, 178, 179, 180, 181 and 182.

On motion of Senator Shinpoch, Gubernatorial Appointments No. 176, 177, 178, 179, 180, 181 and 182 were referred to the Committee on Education.

On motion of Senator Shinpoch, Senate Bill No. 3015, which is on the second reading calendar, was referred to the Committee on Rules.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 3263 and Engrossed Substitute Senate Bill No. 4015.

On motion of Senator Shinpoch, Senate Bill No. 3263 and Engrossed Substitute Senate Bill No. 4015 were referred to the Committee on Local Government.

MOTION

At 11:38 a.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Monday, January 16, 1984.

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

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 16, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bluechel, Conner, Haley, Lee, McDermott, Patterson, Quigg and von Reichbauer. On motion of Senator Zimmerman, Senators Bluechel and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Wendy Anderson and Alex Kostelnik, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 13, 1984

SB 3827 Prime Sponsor, Senator Hansen: Requiring that one member of Washington's delegation to the Pacific Northwest Electric Power and Conservation Planning Council be from eastern Washington. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Senate Bill No. 3827 be referred to the Committee on Rules without recommendation. The Committee on Agriculture previously recommended that Substitute Senate Bill No. 3827 be substituted therefor, and that the Substitute Bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Goltz, Moore.

Passed to Committee on Rules for second reading.

January 11, 1984

SB 4289 Prime Sponsor, Senator Granlund: Clarifying provisions on two-way left turn lanes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4318 Prime Sponsor, Senator Warnke: Establishing uniform compensation for boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 11, 1984

SB 4327 Prime Sponsor, Senator Peterson: Requiring review and revisions of the state transportation plan every six years. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 11, 1984

SB 4343 Prime Sponsor, Senator Peterson: Revising restrictions on state highway work by state forces. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4343 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Guess, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4344 Prime Sponsor, Senator Peterson: Permitting designees of certain agency directors to serve on the commission on equipment. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4344 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Barr, Granlund, Guess, Owen.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4387 Prime Sponsor, Senator Vognild: Raising maximum charge for and rate of taxation of card games. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Haley, McCaslin, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4404 Prime Sponsor, Senator McDermott: Providing loans for certain public works. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4404 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Hayner, Lee, McDonald, Rinehart, Talmadge, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 10, 1984

SCR 140 Prime Sponsor, Senator Wojahn: Establishing the legislative comparable worth negotiating team. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 140 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 13, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 706, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 13, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 71,
SUBSTITUTE HOUSE BILL NO. 145,
SUBSTITUTE HOUSE BILL NO. 823.

SUBSTITUTE HOUSE BILL NO. 1017,
HOUSE JOINT MEMORIAL NO. 30,
HOUSE CONCURRENT RESOLUTION NO. 34, and the same are herewith
transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 4497 by Senators Goltz and Peterson

AN ACT Relating to the processing of timber from public lands; adding a new chapter to Title 79 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Natural Resources.

SB 4498 by Senators Talmadge, Hemstad, Granlund, Gaspard, Rasmussen and McDermott

AN ACT Relating to public officers and agencies; amending section 1, chapter 208, Laws of 1982 and RCW 42.40.010; amending section 2, chapter 208, Laws of 1982 and RCW 42.40.020; amending section 9A.72.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 1, chapter 187, Laws of 1981 and RCW 9A.72.010; adding a new section to chapter 9A.72 RCW; and repealing section 6, chapter 208, Laws of 1982 and RCW 42.40.060.

Referred to Committee on Judiciary.

SB 4499 by Senators Goltz, Hansen, Newhouse, Barr, Benitz and Gaspard

AN ACT Relating to operating a cold storage warehouse; and amending section 2, chapter 8, Laws of 1970 ex. sess. as last amended by section 1, chapter 132, Laws of 1983 and RCW 82.04.280.

Referred to Committee on Ways and Means.

SB 4500 by Senators Gaspard, Newhouse, Wojahn, Warnke and Fuller

AN ACT Relating to school and educational employees' payroll deductions; and amending section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as last amended by section 113, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.560.

Referred to Committee on Financial Institutions.

SB 4501 by Senator Talmadge

AN ACT Relating to actions for damages resulting from health care; and amending section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350.

Referred to Committee on Judiciary.

SB 4502 by Senators Thompson and Zimmerman

AN ACT Relating to county bidding procedures; amending section 36.32.250, chapter 4, Laws of 1963 as last amended by section 1, chapter 267, Laws of 1977 ex. sess. and RCW 36.32.250; amending section 36.77.030, chapter 4, Laws of 1963 and RCW 36.77.030; and amending section 36.87.060, chapter 4, Laws of 1963 and RCW 36.87.060.

Referred to Committee on Local Government.

SB 4503 by Senators Hansen and Benitz

AN ACT Relating to alcoholic beverages; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW.

Referred to Committee on Agriculture.

SB 4504 by Senators Shinpoch, McDonald and Conner (by Office of Financial Management and State Auditor request)

AN ACT Relating to state budgeting and accounting; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 4505 by Senators Goltz, Hayner, Bottiger, Kiskaddon, Bauer, McManus, Hurley, Gaspard, Metcalf, Hemstad and Conner

AN ACT Relating to private schools; and amending section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 56, Laws of 1983 and RCW 28A.02.201.

Referred to Committee on Education.

SB 4506 by Senators Thompson and Hayner

AN ACT Relating to membership in the judicial retirement system; and amending section 4, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.040.

Referred to Committee on Ways and Means.

SB 4507 by Senators Talmadge, Hemstad, Granlund, Gaspard, Rinehart, Rasmussen and McDermott

AN ACT Relating to privacy; amending section 29, chapter 1, Laws of 1973 as amended by section 16, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.290; amending section 30, chapter 1, Laws of 1973 and RCW 42.17.300; amending section 31, chapter 1, Laws of 1973 as last amended by section 10, chapter 133, Laws of 1983 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 as amended by section 18, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.320; amending section 34, chapter 1, Laws of 1973 as amended by section 20, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.340; amending section 22, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.315; amending section 1, chapter 215, Laws of 1982 and RCW 46.12.370; adding new sections to chapter 42.17 RCW; adding a new chapter to Title 48 RCW; creating a new section; prescribing penalties; and providing effective dates.

Referred to Committee on Judiciary.

SB 4508 by Senators Vognil and Hemstad (by Attorney General request)

AN ACT Relating to automotive repairs; amending section 3, chapter 280, Laws of 1977 ex. sess. as amended by section 2, chapter 62, Laws of 1982 and RCW 46.71.030; amending section 4, chapter 280, Laws of 1977 ex. sess. as amended by section 3, chapter 62, Laws of 1982 and RCW 46.71.040; amending section 4, chapter 62, Laws of 1982 and RCW 46.71.043; amending section 5, chapter 62, Laws of 1982 and RCW 46.71.047; and amending section 5, chapter 280, Laws of 1977 ex. sess. as amended by section 6, chapter 62, Laws of 1982 and RCW 46.71.050.

Referred to Committee on Commerce and Labor.

SB 4509 by Senators Kiskaddon, Metcalf and Lee

AN ACT Relating to the common schools; amending section 2, chapter 46, Laws of 1973 as last amended by section 30, chapter 3, Laws of 1983 and RCW 28A.41.130; amending section 1, chapter 90, Laws of 1975-76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; amending section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350; amending section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.352; adding a new section to chapter 28A.03 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 41.59 RCW; adding a new section to chapter 84.52 RCW; creating new sections; repealing section 28A.02.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.02.080; repealing section 1, chapter 262, Laws of 1975 1st ex. sess. and RCW 28A.04.133; repealing section 28A.05.010, chapter 223, Laws of 1969 ex. sess., section 3, chapter 71, Laws of 1969 and RCW 28A.05.010; repealing section 28A.05.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.05.030; repealing section 28A.05.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.05.040; repealing section 28A.05.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 57, Laws of 1969 ex. sess. and RCW 28A.05.050; repealing section 1, chapter 4, Laws of 1979 and RCW 28A.26.010; repealing section 2, chapter 4, Laws of 1979 and RCW 28A.26.030; repealing section 4, chapter 4, Laws of 1979 and RCW 28A.26.040; repealing section 5, chapter 4, Laws of 1979 and RCW 28A.26.050; repealing section 6, chapter 4, Laws of 1979 and RCW 28A.26.060; repealing section 8, chapter 4, Laws of 1979 and RCW 28A.26.900; repealing section 14, chapter 244, Laws of 1969 ex. sess., section 5, chapter 359, Laws of 1977 ex. sess., section 12, chapter 151, Laws of 1979, section 3, chapter 250, Laws of 1979 ex. sess., section 1, chapter 229, Laws of 1983 and RCW 28A.41.140; repealing section 1, chapter 85, Laws of 1974 ex. sess., section 6, chapter 87, Laws of 1980 and RCW 28A.41.250; repealing section 3, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.270; repealing section 4, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.280; repealing section 5, chapter 85, Laws of 1974 ex. sess. and RCW 28A.41.290; repealing section 1, chapter 149, Laws of 1979 and RCW 28A.41.400; repealing section 2, chapter 149, Laws of 1979 and RCW 28A.41.402; repealing section 3, chapter 149, Laws of 1979 and RCW 28A.41.404; repealing section 4,

chapter 149, Laws of 1979 and RCW 28A.41.406; repealing section 5, chapter 149, Laws of 1979 and RCW 28A.41.408; repealing section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; repealing section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412; repealing section 8, chapter 149, Laws of 1979 and RCW 28A.41.414; repealing section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092; repealing section 2, chapter 16, Laws of 1981, section 1, chapter 275, Laws of 1983 and RCW 28A.58.095; repealing section 3, chapter 275, Laws of 1983 and RCW 28A.58.099; repealing section 11, chapter 130, Laws of 1969 and RCW 28A.58.245; repealing section 1, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.750; repealing section 2, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.752; repealing section 3, chapter 359, Laws of 1977 ex. sess., section 1, chapter 250, Laws of 1979 ex. sess., section 1, chapter 158, Laws of 1982 and RCW 28A.58.754; repealing section 16, chapter 359, Laws of 1977 ex. sess. and RCW 28A.58.756; repealing section 18, chapter 359, Laws of 1977 ex. sess., section 7, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.758; repealing section 19, chapter 359, Laws of 1977 ex. sess., section 5, chapter 250, Laws of 1979 ex. sess. and RCW 28A.58.760; repealing section 1, chapter 95, Laws of 1979 and RCW 28A.58.800; repealing section 2, chapter 95, Laws of 1979 and RCW 28A.58.802; repealing section 3, chapter 95, Laws of 1979 and RCW 28A.58.804; repealing section 4, chapter 95, Laws of 1979 and RCW 28A.58.806; repealing section 5, chapter 95, Laws of 1979 and RCW 28A.58.808; repealing section 6, chapter 95, Laws of 1979 and RCW 28A.58.810; repealing section 1, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.350; repealing section 2, chapter 41, Laws of 1975 1st ex. sess. and RCW 28A.60.352; repealing section 22, chapter 34, Laws of 1969 ex. sess., section 22, chapter 288, Laws of 1975 1st ex. sess., section 3, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.065; repealing section 16, chapter 15, Laws of 1970 ex. sess., section 2, chapter 49, Laws of 1973, section 133, chapter 275, Laws of 1975 1st ex. sess., section 4, chapter 114, Laws of 1975-'76 2nd ex. sess., section 11, chapter 56, Laws of 1983, section 1, chapter 83, Laws of 1983 and RCW 28A.67.070; repealing section 2, chapter 123, Laws of 1980 and RCW 28A.91.100; repealing section 3, chapter 123, Laws of 1980 and RCW 28A.91.110; repealing section 4, chapter 123, Laws of 1980 and RCW 28A.91.120; repealing section 5, chapter 123, Laws of 1980 and RCW 28A.91.130; repealing section 15, chapter 123, Laws of 1980 and RCW 28A.91.900; repealing section 2, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.010; repealing section 3, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.020; repealing section 7, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.060; repealing section 8, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.070; repealing section 9, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.080; repealing section 10, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.090; repealing section 11, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.100; repealing section 12, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.110; repealing section 13, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.120; repealing section 14, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.130; repealing section 15, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.140; repealing section 16, chapter 288, Laws of 1975 1st ex. sess., section 3, chapter 58, Laws of 1983 and RCW 41.59.150; repealing section 17, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.160; repealing section 18, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.170; repealing section 23, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.180; repealing section 1, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.900; repealing section 19, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.910; repealing section 20, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.920; repealing section 24, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.930; repealing section 26, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.940; repealing section 25, chapter 288, Laws of 1975 1st ex. sess. and RCW 41.59.950; repealing section 1, chapter 76, Laws of 1977 and RCW 46.81.005; repealing section 2, chapter 39, Laws of 1963, section 1, chapter 218, Laws of 1969 ex. sess., section 2, chapter 76, Laws of 1977, section 195, chapter 158, Laws of 1979 and RCW 46.81.010; repealing section 3, chapter 39, Laws of 1963, section 2, chapter 218, Laws of 1969 ex. sess., section 3, chapter 76, Laws of 1977, section 196, chapter 158, Laws of 1979 and RCW 46.81.020; repealing section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030; repealing section 5, chapter 39, Laws of 1963 and RCW 46.81.040; repealing section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050; repealing section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; repealing section 8, chapter 39, Laws of 1963, section 5, chapter 147, Laws of 1967 ex. sess., section 6, chapter 218, Laws of 1969 ex. sess., section 4, chapter 76, Laws of 1977 and RCW 46.81.070; repealing section 1, chapter 39, Laws of 1963, section 7, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.900; repealing section 3, chapter 325, Laws of 1977 ex. sess. and RCW 84.52.053; repealing section 4, chapter 325, Laws of 1977 ex. sess., section 1, chapter 172, Laws of 1979 ex. sess., section 1, chapter 168, Laws of 1981, section 10, chapter 264, Laws of 1981 and RCW 84.52.0531; making appropriations; and providing effective dates.

Referred to Committee on Education.

AN ACT Relating to travel credit cards; and adding a new section to chapter 42.26 RCW.

Referred to Committee on Local Government.

SB 4511 by Senators McDermott and Hughes

AN ACT Relating to tourism development; adding a new chapter to Title 43 RCW; adding a new section to chapter 41.06 RCW; and providing an expiration date.

Referred to Committee on Ways and Means.

SB 4512 by Senators Gaspard, Bauer and Goltz (by Superintendent of Public Instruction request)

AN ACT Relating to the eighth grade assessment program and career planning; and amending section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. and RCW 28A.03.360.

Referred to Committee on Education.

SB 4513 by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

AN ACT Relating to corporations; amending section 3, chapter 53, Laws of 1965 as last amended by section 4, chapter 35, Laws of 1982 and RCW 23A.04.010; amending section 5, chapter 53, Laws of 1965 as last amended by section 3, chapter 16, Laws of 1979 and RCW 23A.08.020; amending section 6, chapter 53, Laws of 1965 as last amended by section 1, chapter 38, Laws of 1971 ex. sess. and RCW 23A.08.030; amending section 15, chapter 53, Laws of 1965 as amended by section 8, chapter 16, Laws of 1979 and RCW 23A.08.120; amending section 16, chapter 53, Laws of 1965 as last amended by section 9, chapter 35, Laws of 1982 and RCW 23A.08.130; amending section 5, chapter 38, Laws of 1971 ex. sess. and RCW 23A.08.135; amending section 18, chapter 53, Laws of 1965 as amended by section 9, chapter 16, Laws of 1979 and RCW 23A.08.150; amending section 19, chapter 53, Laws of 1965 and RCW 23A.08.160; amending section 21, chapter 53, Laws of 1965 and RCW 23A.08.180; amending section 22, chapter 53, Laws of 1965 as amended by section 10, chapter 16, Laws of 1979 and RCW 23A.08.190; amending section 23, chapter 53, Laws of 1965 as amended by section 11, chapter 16, Laws of 1979 and RCW 23A.08.200; amending section 33, chapter 53, Laws of 1965 as amended by section 17, chapter 16, Laws of 1979 and RCW 23A.08.300; amending section 43, chapter 53, Laws of 1965 as amended by section 7, chapter 99, Laws of 1980 and RCW 23A.08.400; amending section 45, chapter 53, Laws of 1965 as amended by section 23, chapter 16, Laws of 1979 and RCW 23A.08.420; amending section 48, chapter 53, Laws of 1965 as last amended by section 11, chapter 35, Laws of 1982 and RCW 23A.08.450; amending section 53, chapter 53, Laws of 1965 as amended by section 26, chapter 16, Laws of 1979 and RCW 23A.08.500; amending section 55, chapter 53, Laws of 1965 as last amended by section 14, chapter 35, Laws of 1982 and RCW 23A.12.020; amending section 61, chapter 53, Laws of 1965 as amended by section 30, chapter 16, Laws of 1979 and RCW 23A.16.020; amending section 63, chapter 53, Laws of 1965 as last amended by section 17, chapter 35, Laws of 1982 and RCW 23A.16.040; amending section 135, chapter 53, Laws of 1965 as last amended by section 58, chapter 35, Laws of 1982 and RCW 23A.40.020; amending section 165, chapter 53, Laws of 1965 as last amended by section 71, chapter 35, Laws of 1982 and RCW 23A.98.030; adding a new section to chapter 23A.32 RCW; adding a new section to chapter 23A.40 RCW; adding a new section to chapter 23A.44 RCW; repealing section 20, chapter 53, Laws of 1965 and RCW 23A.08.170; repealing section 46, chapter 53, Laws of 1965, section 9, chapter 190, Laws of 1967 and RCW 23A.08.430; repealing section 68, chapter 53, Laws of 1965 and RCW 23A.16.090; repealing section 69, chapter 53, Laws of 1965, section 9, chapter 193, Laws of 1977 ex. sess., section 22, chapter 35, Laws of 1982 and RCW 23A.16.100; repealing section 70, chapter 53, Laws of 1965, section 10, chapter 193, Laws of 1977 ex. sess., section 23, chapter 35, Laws of 1982 and RCW 23A.16.110; repealing section 71, chapter 53, Laws of 1965, section 11, chapter 193, Laws of 1977 ex. sess., section 24, chapter 35, Laws of 1982 and RCW 23A.16.120; and repealing section 72, chapter 53, Laws of 1965 and RCW 23A.16.130.

Referred to Committee on Judiciary.

SB 4514 by Senators Conner, Goltz, Vognild and Rinehart (by Emergency Commission on Economic Development request)

AN ACT Relating to international trade; establishing a provisional center for international trade in forest products; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4515 by Senators Vognild, Gaspard, McManus and Moore

AN ACT Relating to the parties in warranty actions; amending section 2-318, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-318; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4516 by Senators Conner and Vognild

AN ACT Relating to the operation of gambling activities by members of charitable or nonprofit organizations; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 4517 by Senators Vognild and Wojahn

AN ACT Relating to contests of chance conducted in connection with business promotions; and amending section 1, chapter 139, Laws of 1981 and RCW 9.46.020.

Referred to Committee on Commerce and Labor.

SB 4518 by Senators Fuller, Owen, Barr and Conner

AN ACT Relating to liens; adding a new chapter to Title 60 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 4519 by Senators Williams, Hemstad, Woody, Fuller, Rasmussen, Conner, Peterson, Benitz, Quigg and Haley

AN ACT Relating to telecommunications; adding a new section to chapter 80.36 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 4520 by Senators Williams, Rasmussen, Moore and Vognild

AN ACT Relating to competitive bidding; amending section 1, chapter 74, Laws of 1974 ex. sess. and RCW 39.30.020; and prescribing penalties.

Referred to Committee on Local Government.

SB 4521 by Senators Goltz and Sellar

AN ACT Relating to hearing aids; exempting sale of hearing aids from sales and use tax; amending section 2, chapter 106, Laws of 1973 1st ex. sess. as amended by section 2, chapter 39, Laws of 1983 and RCW 18.35.020; amending section 48, chapter 37, Laws of 1980 as amended by section 1, chapter 86, Laws of 1980 and RCW 82.08.0283; and amending section 75, chapter 37, Laws of 1980 as amended by section 2, chapter 86, Laws of 1980 and RCW 82.12.0277.

Referred to Committee on Ways and Means.

SB 4522 by Senator Goltz

AN ACT Relating to county newspapers; and amending section 2, chapter 34, Laws of 1977 and RCW 36.72.075.

Referred to Committee on Local Government.

SB 4523 by Senator Wojahn

AN ACT Relating to state employee group insurance programs; and amending section 9, chapter 2, Laws of 1983 as amended by section 20, chapter 15, Laws of 1983 and RCW 41.05.050.

Referred to Committee on Ways and Means.

SB 4524 by Senators Williams, Owen, McManus, Vognild, Hansen and Moore

AN ACT Relating to contract amendments for construction of nuclear projects by operating agencies; amending section 2, chapter 28, Laws of 1977 ex. sess. as amended by section 1, chapter 173, Laws of 1981 and RCW 43.52.490; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4525 by Senators McDermott, Deccio, Warnke, Zimmerman, Rinehart and Newhouse

AN ACT Relating to business and occupation tax deductions for artistic or cultural organizations; amending section 6, chapter 140, Laws of 1981 and RCW 82.04.4328; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4526 by Senators Goltz, Zimmerman and Shinpoch (by Attorney General request)

AN ACT Relating to state officers and employees; creating a new chapter in Title 42 RCW; repealing section 1, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.010; repealing section 2, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.020; repealing section 3, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.030; repealing section 4, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.040; repealing section 5, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.050; repealing section 6, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.060; repealing section 7, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.070; repealing section 8, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.080; repealing section 9, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.090; repealing section 10, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.100; repealing section 11, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.110; repealing section 12, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.120; repealing section 13, chapter 234, Laws of 1969 ex. sess., section 1, chapter 137, Laws of 1973 and RCW 42.18.130; repealing section 14, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.140; repealing section 15, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.150; repealing section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; repealing section 17, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.170; repealing section 18, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.180; repealing section 19, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.190; repealing section 20, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.200; repealing section 21, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.210; repealing section 22, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.220; repealing section 23, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.230; repealing section 24, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.240; repealing section 25, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.250; repealing section 26, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.260; repealing section 27, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.270; repealing section 28, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.280; repealing section 29, chapter 234, Laws of 1969 ex. sess., section 2, chapter 137, Laws of 1973 and RCW 42.18.290; repealing section 30, chapter 234, Laws of 1969 ex. sess., section 3, chapter 137, Laws of 1973 and RCW 42.18.300; repealing section 31, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.310; repealing section 32, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.320; repealing section 33, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.330; and repealing section 40, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.900.

Referred to Committee on Judiciary.

SB 4527 by Senators Peterson, Patterson, Sellar and Bottiger

AN ACT Relating to disabled vehicles; and amending section 46.37.450, chapter 12, Laws of 1961 and RCW 46.37.450.

Referred to Committee on Transportation.

SB 4528 by Senators McDermott and Williams

AN ACT Relating to the legal representation of joint operating agencies; adding new sections to chapter 43.52 RCW; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 4529 by Senator Warnke

AN ACT Relating to the state historical societies; and amending section 8, chapter 91, Laws of 1983 and RCW 27.34.080.

Referred to Committee on State Government.

SB 4530 by Senators Peterson, Hansen and Patterson

AN ACT Relating to the exemption of state highways from the state building code; and amending section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 5, chapter 12, Laws of 1981 2nd ex. sess. and RCW 19.27.060.

Referred to Committee on Transportation.

SB 4531 by Senators Gaspard, Bender, Conner, Bottiger, Peterson, McDermott, Guess, Benitz and von Reichbauer

AN ACT Relating to the refund of tuition and fees; and amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 256, Laws of 1983 and RCW 28B.15.600.

Referred to Committee on Education.

SB 4532 by Senators Goltz and Peterson

AN ACT Relating to state highway routes; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation.

SB 4533 by Senators Thompson and Zimmerman (by Attorney General request)

AN ACT Relating to unfair practices; and adding a new section to chapter 49.60 RCW.

Referred to Committee on Judiciary.

SB 4534 by Senators Williams and Hemstad

AN ACT Relating to the nuclear waste policy and-review board; and amending section 5, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.050.

Referred to Committee on Energy and Utilities.

SB 4535 by Senators Williams, Fuller, Shinpoch, Goltz, Rasmussen, Rinehart, Hurley, Granlund, Talmadge, Gaspard, Peterson, Bender, Wojahn and Woody

AN ACT Relating to limiting charges for access to telephone service and requiring certain reports and studies; adding new sections to chapter 80.36 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4536 by Senator McDermott

AN ACT Relating to real estate excise taxation; amending section 1, chapter 266, Laws of 1979 ex. sess. and RCW 82.45.032; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 154, Laws of 1980 and RCW 82.45.090; amending section 3, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.033; amending section 4, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.033; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4537 by Senators McManus, Lee, Bender, Shinpoch and Deccio

AN ACT Relating to mental health counselors; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4538 by Senators Talmadge, Hemstad, Wojahn, Peterson, Woody and Rinehart

AN ACT Relating to juveniles in adult jails; amending section 2, chapter 160, Laws of 1913 as last amended by section 1, chapter 299, Laws of 1981 and RCW 13.04.030; and amending section 11, chapter 160, Laws of 1913 and RCW 13.04.115.

Referred to Committee on Judiciary.

SB 4539 by Senators Hayner, Owen, Gaspard, Guess and Fuller

AN ACT Relating to industrial insurance; amending section 51.08.180, chapter 23, Laws of 1961 as last amended by section 1, chapter 97, Laws of 1983 and RCW 51.08.180; amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 1, chapter 252, Laws of 1983 and RCW 51.12.020; and amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 4, chapter 128, Laws of 1981 and RCW 51.12.070.

Referred to Committee on Commerce and Labor.

SB 4540 by Senator Fleming

AN ACT Relating to solid waste; amending section 1, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1975-76 2nd ex. sess. and RCW 70.95.010; amending section 2, chapter 134, Laws of 1969 ex. sess. as amended by section 2.

chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.020; amending section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.030; amending section 1, chapter 208, Laws of 1975 1st ex. sess. as amended by section 1, chapter 164, Laws of 1977 ex. sess. and RCW 35.21.152; amending section 2, chapter 208, Laws of 1975 1st ex. sess. as amended by section 2, chapter 164, Laws of 1977 ex. sess. and RCW 35.92.022; amending section 35.23.353, chapter 7, Laws of 1965 and RCW 35.23.353; amending section 1, chapter 95, Laws of 1973 1st ex. sess. and RCW 35.94.040; amending section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.040; amending section 1, chapter 196, Laws of 1973 1st ex. sess. and RCW 36.34.005; amending section 36.34.180, chapter 4, Laws of 1963 and RCW 36.34.180; amending section 36.34.190, chapter 4, Laws of 1963 and RCW 36.34.190; amending section 1, chapter 183, Laws of 1923 as last amended by section 1, chapter 98, Laws of 1982 and RCW 39.04.010; amending section 1, chapter 207, Laws of 1909 as last amended by section 5, chapter 98, Laws of 1982 and RCW 39.08.010; adding new sections to chapter 70.95 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government.

SB 4541 by Senators Talmadge, Hemstad, Woody, Wojahn, Granlund and Peterson

AN ACT Relating to domestic violence; amending section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 1, chapter 106, Laws of 1981 and RCW 10.31.100; amending section 2, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.020; amending section 3, chapter 105, Laws of 1979 ex. sess. as amended by section 5, chapter 145, Laws of 1981 and RCW 10.99.030; amending section 4, chapter 105, Laws of 1979 ex. sess. as last amended by section 7, chapter 232, Laws of 1983 and RCW 10.99.040; amending section 7, chapter 145, Laws of 1981 as amended by section 8, chapter 232, Laws of 1983 and RCW 10.99.045; amending section 5, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.050; amending section 8, chapter 145, Laws of 1981 as amended by section 9, chapter 232, Laws of 1983 and RCW 10.99.055; amending section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.09-.060; amending section 1, chapter 99, Laws of 1974 ex. sess. and RCW 26.09.300; adding a new chapter to Title 26 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4542 by Senator Owen

AN ACT Relating to visitation rights; and amending section 24, chapter 157, Laws of 1973 1st ex. sess. as amended by section 1, chapter 271, Laws of 1977 ex. sess. and RCW 26.09.240.

Referred to Committee on Social and Health Services.

SB 4543 by Senators Granlund, McCaslin and McManus (by Department of Corrections request)

AN ACT Relating to the board of prison terms and paroles; and amending section 12, chapter 133, Laws of 1955 and RCW 9.95.110.

Referred to Committee on Institutions.

SB 4544 by Senators Hemstad, McManus and Granlund

AN ACT Relating to injunctive relief for violations of laws governing social service agencies; adding new sections to chapter 74.15 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4545 by Senators Bender, Owen and Granlund

AN ACT Relating to motor vehicle fuel taxation; reenacting and amending section 23, chapter 37, Laws 1980 as last amended by section 1, chapter 108, Laws of 1983 and by section 2, chapter 35, Laws of 1983 1st ex. sess. and RCW 82.08.0255; reenacting and amending section 56, chapter 37, Laws of 1980 as last amended by section 2, chapter 108, Laws of 1983 and by section 3, chapter 35, Laws of 1983 1st ex. sess. and RCW 82.12.0256; amending section 1, chapter 42, Laws of 1973 as last amended by section 4, chapter 108, Laws of 1983 and RCW 82.38.080; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

SB 4546 by Senator Warnke

AN ACT Relating to the state regulation of the escrow business; amending section 1, chapter 153, Laws of 1965 as last amended by section 42, chapter 158, Laws of 1979 and RCW 18.44.010; amending section 2, chapter 153, Laws of 1965 as last amended by section

2, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.020; amending section 5, chapter 153, Laws of 1965 as last amended by section 1, chapter 70, Laws of 1979 and RCW 18.44.050; amending section 8, chapter 153, Laws of 1965 as last amended by section 7, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.080; amending section 7, chapter 245, Laws of 1971 ex. sess. as amended by section 11, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.200; amending section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215; amending section 9, chapter 245, Laws of 1971 ex. sess. as amended by section 13, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.220; amending section 11, chapter 245, Laws of 1971 ex. sess. as amended by section 14, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.240; amending section 12, chapter 245, Laws of 1971 ex. sess. amended by section 15, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.250; amending section 13, chapter 245, Laws of 1971 ex. sess. as amended by section 16, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.260; amending section 14, chapter 245, Laws of 1971 ex. sess. as amended by section 17, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.270; amending section 22, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.290; amending section 23, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.300; amending section 24, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.310; amending section 25, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.320; amending section 28, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.350; amending section 20, chapter 153, Laws of 1965 and RCW 18.44.900; adding new sections to chapter 18.44 RCW; and providing an effective date.

Referred to Committee on State Government.

SB 4547 by Senators Hayner, Owen, Gaspard, Warnke, Fuller and Conner

AN ACT Relating to industrial insurance; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce and Labor.

SB 4548 by Senator Williams

AN ACT Relating to enactment of a high level waste and spent nuclear fuel agreement.

Referred to Committee on Energy and Utilities.

SB 4549 by Senator Williams

AN ACT Relating to radioactive waste management.

Referred to Committee on Energy and Utilities.

SB 4550 by Senators Warnke and Bluechel

AN ACT Relating to local government transportation planning; adding a new section to chapter 35.77 RCW; and adding a new section to chapter 36.81 RCW.

Referred to Committee on Local Government.

SB 4551 by Senators Williams and Benitz (by Utilities and Transportation Commission request)

AN ACT Relating to public utilities regulations; and amending section 80.04.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010.

Referred to Committee on Energy and Utilities.

SB 4552 by Senators Williams, Hemstad, Fuller and Woody (by Utilities and Transportation Commission request)

AN ACT Relating to public utilities regulations; and amending section 80.04.010, chapter 14, Laws of 1961 as last amended by section 10, chapter 191, Laws of 1979 ex. sess. and RCW 80.04.010.

Referred to Committee on Energy and Utilities.

SB 4553 by Senators Hayner, Owen, Guess and Fuller

AN ACT Relating to industrial insurance; amending section 51.08.100, chapter 23, Laws of 1961 and RCW 51.08.100; amending section 51.08.160, chapter 23, Laws of 1961 as amended by section 13, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.160; amending section 51.28.020, chapter 23, Laws of 1961 as last amended by section 33, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.020; amending section 2, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 203, Laws of 1983 and RCW 51.32.075; amending section 11, chapter 14, Laws of 1980 and RCW 51.32.110; and amending section

51.32.160, chapter 23, Laws of 1961 as amended by section 1, chapter 192, Laws of 1973 1st ex. sess. and RCW 51.32.160.

Referred to Committee on Commerce and Labor.

SB 4554 by Senators Warnke and Bluechel

AN ACT Relating to metropolitan municipal corporations; and amending section 35.58.160, chapter 7, Laws of 1965 as amended by section 2, chapter 84, Laws of 1974 ex. sess. and RCW 35.58.160.

Referred to Committee on Local Government.

SB 4555 by Senators Rinehart, McCaslin, Talmadge, Fuller, Vognild, Patterson, Gaspard, Zimmerman, McDermott, Metcalf, Hurley and Peterson

AN ACT Relating to motor vehicle warranties; and amending section 3, chapter 240, Laws of 1983 and RCW 19.118.030.

Referred to Committee on Judiciary.

SB 4556 by Senators Woody, Fuller, Williams and Rasmussen

AN ACT Relating to adding members to the utilities and transportation commission to consider telecommunications-related issues; amending section 80.01.010, chapter 14, Laws of 1961 as amended by section 4, chapter 307, Laws of 1961 and RCW 80.01.010; adding a new section to chapter 80.01 RCW; and providing an expiration date.

Referred to Committee on Energy and Utilities.

SB 4557 by Senators Peterson and Hansen

AN ACT Relating to automotive repairman registration; amending section 1, chapter 280, Laws of 1977 ex. sess. as amended by section 1, chapter 62, Laws of 1982 and RCW 46.71.010; adding a new chapter to Title 18 RCW; prescribing penalties; making an appropriation; and providing an effective date.

Referred to Committee on Transportation.

SB 4558 by Senator Williams

AN ACT Relating to the legislature; and creating a new section.

Referred to Committee on Energy and Utilities.

SB 4559 by Senators Talmadge, Guess, Bottiger, Metcalf and Hemstad (by Governor Spellman and Secretary of State request)

AN ACT Relating to candidate filings; amending section 29.18.030, chapter 9, Laws of 1965 as amended by section 1, chapter 103, Laws of 1965 ex. sess. and RCW 29.18.030; amending section 29.18.050, chapter 9, Laws of 1965 and RCW 29.18.050; adding new sections to chapter 29.18 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4560 by Senators Williams, Goltz, Fuller, Moore, Woody and Talmadge

AN ACT Relating to disclosures about telecommunications equipment; adding a new chapter to Title 19 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4561 by Senators Thompson and Fuller (by Governor Spellman request)

AN ACT Relating to emergency management; amending section 1, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.005; amending section 3, chapter 178, Laws of 1951 as last amended by section 1, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 2, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.020; amending section 4, chapter 178, Laws of 1951 as last amended by section 3, chapter 113, Laws of 1975 1st ex. sess. and RCW 38.52.030; amending section 5, chapter 178, Laws of 1951 as last amended by section 8, chapter 57, Laws of 1979 ex. sess. and RCW 38.52.040; amending section 6, chapter 178, Laws of 1951 as amended by section 7, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.050; amending section 8, chapter 178, Laws of 1951 as amended by section 9, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.070; amending section 9, chapter 178, Laws of 1951 as amended by section 10, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.080; amending section 10, chapter 178, Laws of 1951 as amended by section 11, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.090; amending section 12, chapter 178, Laws of 1951 as amended by section 12, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.100; amending section 13,

chapter 178, Laws of 1951 as last amended by section 13, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.110; amending section 14, chapter 178, Laws of 1951 as amended by section 14, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.120; amending section 16, chapter 178, Laws of 1951 as amended by section 16, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.140; amending section 18, chapter 178, Laws of 1951 as amended by section 17, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.150; amending section 19, chapter 178, Laws of 1951 as amended by section 18, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.160; amending section 20, chapter 178, Laws of 1951 as amended by section 19, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.170; amending section 11, chapter 178, Laws of 1951 as last amended by section 20, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.180; amending section 3, chapter 223, Laws of 1953 as amended by section 21, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.190; amending section 7, chapter 8, Laws of 1971 ex. sess. as amended by section 22, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.195; amending section 9, chapter 223, Laws of 1953 as amended by section 23, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.200; amending section 4, chapter 8, Laws of 1971 ex. sess. as last amended by section 43, chapter 151, Laws of 1979 and RCW 38.52.205; amending section 5, chapter 8, Laws of 1971 ex. sess. as amended by section 25, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.207; amending section 4, chapter 223, Laws of 1953 as last amended by section 6, chapter 213, Laws of 1981 and RCW 38.52.210; amending section 5, chapter 223, Laws of 1953 as amended by section 3, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.220; amending section 7, chapter 223, Laws of 1953 as amended by section 27, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.240; amending section 8, chapter 223, Laws of 1953 as amended by section 28, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.250; amending section 10, chapter 223, Laws of 1953 as amended by section 29, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.260; amending section 11, chapter 223, Laws of 1953 as amended by section 30, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.270; amending section 12, chapter 223, Laws of 1953 as amended by section 31, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.280; amending section 13, chapter 223, Laws of 1953 as last amended by section 32, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.290; amending section 14, chapter 223, Laws of 1953 as amended by section 59, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.300; amending section 15, chapter 223, Laws of 1953 as amended by section 33, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.310; amending section 16, chapter 223, Laws of 1953 as amended by section 34, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.320; amending section 17, chapter 223, Laws of 1953 as last amended by section 3, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.330; amending section 18, chapter 223, Laws of 1953 as amended by section 36, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.340; amending section 19, chapter 223, Laws of 1953 as amended by section 37, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.350; amending section 20, chapter 223, Laws of 1953 as amended by section 38, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.360; amending section 21, chapter 223, Laws of 1953 as amended by section 39, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.370; amending section 22, chapter 223, Laws of 1953 as amended by section 40, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.380; amending section 6, chapter 8, Laws of 1971 ex. sess. and RCW 38.52.390; amending section 4, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.400; amending section 5, chapter 268, Laws of 1979 ex. sess. and RCW 38.52.410; amending section 1, chapter 178, Laws of 1951 as amended by section 41, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.900; repealing section 2, chapter 6, Laws of 1972 ex. sess. and RCW 38.52.006; repealing section 7, chapter 178, Laws of 1951, section 8, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.060; repealing section 15, chapter 178, Laws of 1951, section 2, chapter 145, Laws of 1953, section 15, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.130; repealing section 4, chapter 223, Laws of 1982 and RCW 43.131.251; and repealing section 8, chapter 223, Laws of 1982 and RCW 43.131.252.

Referred to Committee on Local Government.

SB 4562 by Senator Hemstad (by Governor Spellman and Secretary of State request)

AN ACT Relating to vacancy elections for federal offices; amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; amending section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080; amending section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100; amending section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120; amending section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; creating a new section; repealing section 29.68.090, chapter 9, Laws of 1965 as amended by section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and repealing section

29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110.

Referred to Committee on Judiciary.

SB 4563 by Senators Hemstad, Clarke, Bottiger, Rasmussen, Thompson, Granlund, Goltz and Conner (by Governor Spellman request)

AN ACT Relating to salaries of state officials; amending section 1, chapter 144, Laws of 1953 as last amended by section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; amending section 6, chapter 1, Laws of 1980 and RCW 43.135.060; making an appropriation; and providing an effective date.

Referred to Committee on Judiciary.

SB 4564 by Senators Bluechel, Hayner, Guess, Lee, Barr, Haley, Quigg and Zimmerman (by Governor Spellman request)

AN ACT Relating to economic development; amending section 2, chapter 40, Laws of 1982 1st ex. sess. as amended by section 1, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.020; amending section 8, chapter 40, Laws of 1982 1st ex. sess. as amended by section 6, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.080; amending section 32, chapter 117, Laws of 1972 ex. sess. and RCW 43.31A.320; amending section 11, chapter 117, Laws of 1972 ex. sess. as amended by section 5, chapter 76, Laws of 1981 and RCW 43.31A.110; amending section 16, chapter 117, Laws of 1972 ex. sess. as amended by section 1, chapter 6, Laws of 1982 2nd ex. sess. and RCW 43.31A.160; amending section 2, chapter 6, Laws of 1982 2nd ex. sess. (uncodified); amending section 4, chapter 76, Laws of 1981 and RCW 43.31A.400; amending section 10, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.900; adding new sections to chapter 43.160 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4565 by Senators Bluechel, Rasmussen, Haley, Kiskaddon, Clarke, McDonald, Benitz, Quigg, Hemstad, Zimmerman and Talmadge (by Governor Spellman request)

AN ACT Relating to pollution; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Parks and Ecology.

SB 4566 by Senators Hayner, McDonald, Guess, Bluechel, Lee, Quigg, Haley, Barr and Zimmerman (by Governor Spellman request)

AN ACT Relating to state fiscal matters; amending section 3, chapter 280, Laws of 1981 as amended by section 2, chapter 36, Laws of 1982 1st ex. sess. and RCW 43.88.530; and adding new sections to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SB 4567 by Senators Bluechel, Bottiger, Hayner, Deccio, Guess, Benitz, Metcalf, Kiskaddon, Fuller, Haley and Zimmerman (by Attorney General request)

AN ACT Relating to compensation of crime victims; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 239, Laws of 1983 and RCW 7.68.020; and amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 239, Laws of 1983 and RCW 7.68.070.

Referred to Committee on Judiciary.

SB 4568 by Senators Bottiger, Hayner and Hemstad (by Attorney General request)

AN ACT Relating to industrial insurance; amending section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020; amending section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030; amending section 3, chapter 85, Laws of 1977 ex. sess. as amended by section 1, chapter 211, Laws of 1983 and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060; amending section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070; amending section 7,

chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090; adding new sections to chapter 51.24 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4569 by Senators McManus and Bluechel (by Governor Spellman request)

AN ACT Relating to community mental health service priorities; and amending section 3, chapter 204, Laws of 1982 and RCW 71.24.025.

Referred to Committee on Social and Health Services.

SB 4570 by Senators Zimmerman, Bottiger, Haley, Fleming, Thompson, Bauer and Goltz (by Governor Spellman request)

AN ACT Relating to industrial development; amending section 1, chapter 40, Laws of 1982 1st ex. sess. and RCW 43.160.010; amending section 2, chapter 40, Laws of 1982 1st ex. sess. as amended by section 1, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.020; amending section 8, chapter 40, Laws of 1982 1st ex. sess. as amended by section 6, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.080; adding a new section to chapter 39.84 RCW; adding new sections to chapter 43.160 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4571 by Senators Peterson, Sellar, Conner, Guess and Zimmerman (by Governor Spellman request)

AN ACT Relating to water resources; requiring a report on dam safety; and adding a new section to chapter 225, Laws of 1971 ex. sess. and to chapter 90.54 RCW.

Referred to Committee on Parks and Ecology.

SB 4572 by Senators McDermott, Sellar, Rinehart, Guess, Granlund and Hemstad (by Secretary of State request)

AN ACT Relating to elections; and amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047.

Referred to Committee on Judiciary.

SB 4573 by Senators Kiskaddon, McDonald, Lee and Haley (by Governor Spellman request)

AN ACT Relating to air pollution; adding a new section to chapter 43.21A RCW; adding a new section to chapter 70.94 RCW; and prescribing penalties.

Referred to Committee on Parks and Ecology.

SB 4574 by Senators Thompson, Barr and Granlund

AN ACT Relating to mobile homes; amending section 2, chapter 22, Laws of 1977 ex. sess. as amended by section 1, chapter 152, Laws of 1980 and RCW 46.44.170; amending section 4, chapter 22, Laws of 1977 ex. sess. as amended by section 78, chapter 136, Laws of 1979 ex. sess. and RCW 46.44.175; and prescribing penalties.

Referred to Committee on Transportation.

SB 4575 by Senators McDermott, Peterson and Conner

AN ACT Relating to timber excise taxation; and amending section 1, chapter 347, Laws of 1977 ex. sess. as last amended by section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071.

Referred to Committee on Ways and Means.

SB 4576 by Senators Gaspard, Lee, Bauer, Wojahn, Benitz, Hayner, Zimmerman, McManus, Williams, Hemstad, Conner and Kiskaddon (by Governor Spellman request)

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; amending section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010; amending section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140; amending section 2, chapter 54, Laws of 1981 and RCW 28A.58.822; amending section 4, chapter 54, Laws of 1981 and RCW 28A.58.826; amending section 5, chapter 54, Laws of 1981 and RCW 28A.58.828; amending section 6, chapter 54, Laws of

1981 and RCW 28A.58.830; amending section 22, chapter 34, Laws of 1969 ex. sess. as last amended by section 3, chapter 114, Laws of 1975-76 2nd ex. sess. and RCW 28A.67.065; amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 92, Laws of 1975-76 2nd ex. sess. and RCW 28A.70.005; amending section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.16 RCW; adding a new section to chapter 28C.04 RCW; creating new sections; repealing section 7, chapter 359, Laws of 1977 ex. sess., section 1, chapter 24, Laws of 1982 1st ex. sess. and RCW 28A.41.162; making appropriations; and declaring an emergency.

Referred to Committee on Education.

SB 4577 by Senators Shinpoch, McDonald, McManus, Hayner, Bluechel, Lee and Barr (by Governor Spellman request)

AN ACT Relating to fiscal matters; amending section 43.88.120, chapter 8, Laws of 1965 as last amended by section 8, chapter 270, Laws of 1981 and RCW 43.88.120; amending section 3, chapter 26, Laws of 1967 ex. sess. as amended by section 92, chapter 75, Laws of 1977 and RCW 82.01.060; amending section 1, chapter 36, Laws of 1982 1st ex. sess. and RCW 43.88.020; amending section 43.88.030, chapter 8, Laws of 1965 as last amended by section 3, chapter 270, Laws of 1981 and RCW 43.88.030; amending section 43.88.110, chapter 8, Laws of 1965 as last amended by section 1, chapter 47, Laws of 1983 1st ex. sess. and RCW 43.88.110; amending section 7, chapter 270, Laws of 1981 as amended by section 2, chapter 15, Laws of 1982 2nd ex. sess. and RCW 43.88.112; amending section 5, chapter 280, Laws of 1981 and RCW 43.88.540; adding new sections to chapter 43.88 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Ways and Means.

SB 4578 by Senators Rinehart, Vognild, Owen and Granlund (by Parks and Recreation Commission request)

AN ACT Relating to boating safety; amending section 48, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.080; amending section 22, chapter 7, Laws of 1983 as amended by section 50, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.110; amending section 52, chapter 3, Laws of 1983 2nd ex. sess. and RCW 43.51.400; adding a new section to chapter 43.51 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4579 by Senators Talmadge, Clarke and Hemstad (by Military Department request)

AN ACT Relating to the militia; and amending section 13, chapter 130, Laws of 1943 and RCW 38.40.010.

Referred to Committee on Judiciary.

SB 4580 by Senators Williams and Hemstad (by State Energy Office request)

AN ACT Relating to creating an energy account; and adding new sections to chapter 43.21F RCW.

Referred to Committee on Energy and Utilities.

SB 4581 by Senators McDermott, Hemstad, Gaspard, McManus, Lee and Conner (by Governor Spellman request)

AN ACT Relating to education; amending section 2, chapter 149, Laws of 1979 and RCW 28A.41.402; amending section 3, chapter 149, Laws of 1979 and RCW 28A.41.404; amending section 4, chapter 149, Laws of 1979 and RCW 28A.41.406; amending section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; amending section 2, chapter 95, Laws of 1979 and RCW 28A.58.802; amending section 6, chapter 95, Laws of 1979 and RCW 28A.58.810; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; creating new sections; repealing section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412; repealing section 8, chapter 149, Laws of 1979 and RCW 28A.41.414; and providing an effective date.

Referred to Committee on Education.

SB 4582 by Senators Bottiger, Clarke, Vognild, Hayner, Zimmerman, Metcalf and Barr (by Governor Spellman request)

AN ACT Relating to drivers' licenses; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 17, chapter 165, Laws of 1983 and RCW 46.20.311; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311; and adding new sections to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW.

Referred to Committee on Transportation.

SB 4583 by Senators Vognild, von Reichbauer and Conner

AN ACT Relating to law enforcement officers' and fire fighters' retirement; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4584 by Senators Goltz, Bluechel, Hemstad, Lee, Talmadge and Kiskaddon

AN ACT Relating to smoking; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

SB 4585 by Senators Wojahn, Zimmerman, Bottiger, Bluechel, Goltz, McManus, Sellar, Hemstad and Lee (by Governor Spellman request)

AN ACT Relating to respite care services for elderly and functionally disabled adults; creating new sections; making an appropriation; providing an effective date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 4586 by Senators Bender, Hemstad, McDonald, Talmadge, Hughes and Conner (by Secretary of State and Department of Veterans Affairs request)

AN ACT Relating to a veterans' memorial; adding new sections to chapter 40.14 RCW; and making an appropriation.

Referred to Committee on State Government.

SB 4587 by Senators Zimmerman, Thompson, Hemstad, Bauer and Conner (by Governor Spellman request)

AN ACT Relating to the planning and community affairs agency; amending section 3, chapter 74, Laws of 1967 and RCW 43.63A.030; amending section 2, chapter 74, Laws of 1967 and RCW 43.63A.020; amending section 4, chapter 74, Laws of 1967 as amended by section 10, chapter 40, Laws of 1975 and RCW 43.63A.040; amending section 6, chapter 74, Laws of 1967 and RCW 43.63A.060; amending section 10, chapter 74, Laws of 1967 and RCW 43.63A.100; amending section 2, chapter 269, Laws of 1981 and RCW 43.63A.190; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 9, chapter 10, Laws of 1982 as amended by section 27, chapter 161, Laws of 1983 and RCW 42.17.240; amending section 7, chapter 48, Laws of 1975 1st ex. sess. and RCW 43.97.080; amending section 2, chapter 19, Laws of 1977 ex. sess. as amended by section 149, chapter 151, Laws of 1979 and RCW 43.132.020; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 3, chapter 45, Laws of 1970 ex. sess. as last amended by section 3, chapter 371, Laws of 1977 ex. sess. and RCW 80.50.030; amending section 21, chapter 99, Laws of 1979 and RCW 43.131.189; amending section 63, chapter 99, Laws of 1979 and RCW 43.131.190; adding new sections to chapter 43.63A RCW; creating new sections; repealing section 43.31.200, chapter 8, Laws of 1965, section 42, chapter 171, Laws of 1974 ex. sess. and RCW 43.31.200; repealing section 43.31.210, chapter 8, Laws of 1965 and RCW 43.31.210; repealing section 43.31.220, chapter 8, Laws of 1965 and RCW 43.31.220; repealing section 43.31.230, chapter 8, Laws of 1965 and RCW 43.31.230; repealing section 1, chapter 74, Laws of 1967 and RCW 43.63A.010; repealing section 7, chapter 74, Laws of 1967, section 28, chapter 151, Laws of 1977 ex. sess., section 132, chapter 151, Laws of 1979 and RCW 43.63A.070; repealing section 8, chapter 74, Laws of 1967, section 63, chapter 75, Laws of 1977 and RCW 43.63A.080; repealing section 11, chapter 74, Laws of 1967 and RCW 43.63A.110; repealing section 28, chapter 271, Laws of 1969 ex. sess. and RCW 58.17.270; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SB 4588 by Senators Hurley, McCaslin, Owen, Metcalf and Bauer

AN ACT Relating to school transportation; and amending section 1, chapter 307, Laws of 1981 and RCW 28A.24.065.

Referred to Committee on Education.

SJM 127 by Senators Williams, Goltz, Hemstad, McManus, Hurley and Fuller

Requesting the Department of Energy to review other radioactive waste sites.

Referred to Committee on Energy and Utilities.

SJM 128 by Senators Gaspard, Vognild, Metcalf, McCaslin, Rasmussen, Hurley, Owen, McManus, Guess, Fuller, Conner and Woody

Petitioning Congress to propose a constitutional amendment to limit the tenure of federal judges other than supreme court judges to six years.

Referred to Committee on Judiciary.

SJR 133 by Senators Bottiger, Bluechel, Bauer, Thompson, Fleming, Goltz and Conner (by Governor Spellman request)

Providing the means for payment of indebtedness on public improvements.

Referred to Committee on Commerce and Labor.

SCR 144 by Senators Vognild, Newhouse, Bottiger, Rasmussen, Owen, Hansen, Bauer, Wojahn, Peterson, Fleming, Shinpoch, Williams, Hurley, Gaspard, Conner and Fuller

Establishing a joint select committee on workers' compensation to review the industrial insurance system.

Referred to Committee on Commerce and Labor.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 71 by Committee on Ways and Means (originally sponsored by Representatives D. Nelson, Isaacson, Sutherland, Long, Gallagher and Allen)

Making the geothermal account not subject to appropriation.

Referred to Committee on Ways and Means.

SHB 145 by Committee on Education (originally sponsored by Representatives Galloway, P. King, Dickie, Schoon, Struthers and Holland) (by Superintendent of Public Instruction request)

Revising certain laws regulating common schools.

Referred to Committee on Education.

EHB 706 by Representatives Todd, Miller, Tilly, Lux, Isaacson, Garrett, Brough, Crane, McDonald, Walk, Taylor, Holland and Barrett

Requiring notice of taxes due on real property before assessing penalties for delinquent taxes.

Referred to Committee on Local Government.

SHB 823 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Modifying provisions relating to claims against the state.

Referred to Committee on Ways and Means.

SHB 1017 by Committee on Education (originally sponsored by Representative Galloway)

Changing the axle requirements for school buses.

Referred to Committee on Education.

HJM 30 by Representatives D. Nelson and Isaacson

Petitioning Congress to designate the Hanford Reservation as a National Energy Center.

Referred to Committee on Energy and Utilities.

HCR 34 by Representatives Belcher, Hine, Patrick, Brough, Betrozoff, Crane, Halsan, Long, Miller, McMullen, Powers, Todd, Wang, Galloway, Schoon and Holland

Establishing a legislative committee to study the implementation of comparable worth.

Referred to Committee on Rules.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Adair F. Runstad as a member of the board of Trustees for Walla Walla Community College District No. 20 was confirmed.

APPOINTMENT OF ADAIR F. RUNSTAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 06; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Conner, Haley, Lee, McDermott, Patterson, Quigg - 6.

Excused: Senators Bluechel, von Reichbauer - 2.

MOTIONS

On motion of Senator Vognild, Senator Conner was excused.

On motion of Senator Zimmerman, Senator Patterson was excused.

MOTION

On motion of Senator Talmadge, the appointment of Darlene C. McHenry as a member of the Human Rights Commission was confirmed.

APPOINTMENT OF DARLENE C. McHENRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Lee - 1.

Excused: Senators Bluechel, Patterson, von Reichbauer - 3.

MOTION

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

THIRD READING

ENGROSSED SENATE BILL NO. 3636, by Senators Vognild, Lee, Rinehart, Hurley, Hughes, Talmadge, Hemstad, Woody, Goltz and Quigg

Making certain fireworks violations gross misdemeanors.

MOTIONS

On motion of Senator Vognild, the rules were suspended and Engrossed Senate Bill No. 3636 was returned to second reading.

On motion of Senator Vognild, the following amendment was adopted:
On page 3, line 4, strike "1983" and insert "1984"

MOTIONS

On motion of Senator Zimmerman, Senator Lee was excused.

On motion of Senator Vognild, the rules were suspended, Reengrossed Senate Bill No. 3636 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, I think our digest for this particular bill is in error. The digest says that possession of up to a pound of fireworks, excluding external packaging, is a misdemeanor, yet when I read the bill in section 4 it says 'the unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter is a misdemeanor if involving up to one pound of fireworks exclusive of external packaging.' As I read that, the 'up to one pound of fireworks' applies to fireworks that are in violation of the provisions of this chapter. Is that correct?"

Senator Vognild: "Yes, Senator, that is correct."

Senator Pullen: "I assume that would be fireworks like M1000 and the very dangerous kinds of fireworks."

Senator Vognild: "That would be any type of fireworks that are sold or distributed within the state or out of the state that are in violation of the state law."

Senator Pullen: "Could you give me an example of some kinds of fireworks that would fit into that category?"

Senator Vognild: "Well, I think you gave a pretty good example. Additionally, you would also have the bottle rocket; you would have some of the larger rocket areas."

MOTION

On motion of Senator Hurley, further consideration of Reengrossed Senate Bill No. 3636 was deferred.

THIRD READING

ENGROSSED SENATE BILL NO. 3309, by Senators McManus, McDermott, Talmadge, Jones and Bottiger

Modifying cigarette taxes.

MOTIONS

On motion of Senator McManus, the rules were suspended and Engrossed Substitute Senate Bill No. 3309 was returned to second reading.

On motion of Senator McManus, the following amendment by Senator Lee was adopted:

On page 1, line 28, strike "1983" and insert "1984"

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

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025 are each amended to read as follows:

There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of this chapter shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to the state general fund. One hundred fifty one-thousandths mill per cigarette shall be exclusively

dedicated for allocation by the department of social and health services to public and private nonprofit organizations engaged in cancer research or research concerning the effects of smoking on the cardiovascular and respiratory systems.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1985."

The bill was read the second time.

On motion of Senator McManus, the rules were suspended, Reengrossed Senate Bill No. 3309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, further consideration of Reengrossed Senate Bill No. 3309 was deferred.

MOTION

On motion of Senator Shinpoch, Substitute Senate Bill No. 3873 was placed at the bottom of the third reading calendar.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3021, by Committee on Commerce and Labor (originally sponsored by Senator McDermott)

Regulating health studios.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3021.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3021, and the bill passed the Senate by the following vote: Yeas, 28; nays, 16; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Guess, Hayner, Hemstad, Kiskaddon, McCaslin, McDonald, Metcalf, Pullen, Quigg, Sellar, Zimmerman - 16.

Absent: Senator Warnke - 1.

Excused: Senators Bluechel, Lee, Patterson, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 3021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3264, by Senators Conner, Guess, Moore, Bauer, Pullen, Bender and McCaslin

Establishing Olympic county subject to voter approval.

MOTIONS

On motion of Senator Thompson, the rules were suspended and Senate Bill No. 3264 was returned to second reading.

On motion of Senator Thompson, the following amendments by Senator Conner were considered and adopted simultaneously:

On page 23, line 32, after "this" strike "1983" and insert "1984"

On page 26, line 3, after "September" strike "20, 1983," and insert "18, 1984."

On page 26, line 4, after "November" strike "8, 1983." and insert "6, 1984."

On page 26, line 11, after "December 1," strike "1983," and insert "1984."

On page 26, line 16, after "December 5," strike "1983," and insert "1984."

On page 26, line 19, after "7," strike "1983," and insert "1984."

On page 27, line 15, after "September" strike "20, 1983." and insert "18, 1984."

On page 27, line 21, after "Laws of" strike "1983." and insert "1984."

On page 27, line 26, after "September" strike "20, 1983," and insert "18, 1984."

On page 27, line 29, after "November" strike "8, 1983," and insert "6, 1984."

On page 27, line 35, after "September" strike "20, 1983," and insert "18, 1984."

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Senate Bill No. 3264 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3264.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3264, and the bill passed the Senate by the following vote: Yeas, 41; nays, 04; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Hughes, Hurley, Newhouse, Quigg - 4.

Absent: Senator McCaslin - 1.

Excused: Senators Bluechel, Patterson, von Reichbauer - 3.

ENGROSSED SENATE BILL NO. 3264, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PARLIAMENTARY INQUIRY

Senator Metcalf: "There are a lot of bills floating around. Just for my own and maybe the edification of others, what is the deadline for having bills down and dropped into the hopper?"

REPLY BY THE PRESIDENT

President Cherberg: "By noon today, Senator, but the Secretary advises for you he will stretch it a little bit."

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

SECOND READING

SENATE BILL NO. 4359, by Senator Thompson

Simplifying the timber tax distribution system at existing rates.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 4359 was substituted for Senate Bill No. 4359 and the substitute bill was placed on second reading and read the second time.

Debate ensued.

MOTIONS

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4359 was deferred and made a special order of business at 11:30 a.m. this morning.

At 10:50 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:33 a.m.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of Tomio Moriguchi as a member of the board of Trustees for Seattle Community College District No. 6 was confirmed.

APPOINTMENT OF TOMIO MORIGUCHI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Loe, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Deccio, McCaslin, Quigg - 3.

Excused: Senators Bluechel, Patterson, von Reichbauer - 3.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 4359.

MOTION

Senator McDermott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The intent of the legislature in adopting this chapter is to provide a comprehensive timber tax system covering all timber harvests in the state and a simpler and more equitable timber tax distribution system. In achieving this intent, it was considered advisable to reenact the definition, imposition, distribution, and administration provisions in separate, shorter sections. It is not the intent of the legislature to make significant changes in the substance of the timber tax statutes, other than those relating to distribution of tax proceeds.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Composite property tax rate" for a county means the total amount of property taxes levied upon forest lands by all taxing districts in the county other than the state, divided by the total assessed value of all forest land in the county.

(2) "Forest land" means forest land which is classified or designated forest land under chapter 84.33 RCW.

(3) "Harvested" means the time when in the ordinary course of business the quantity of timber by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) "Harvester" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or for commercial or industrial use. The term does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(5) "Stumpage value of timber" means the appropriate stumpage value shown on tables prepared by the department of revenue under section 7 of this act.

(6) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(7) "Timber assessed value" for a county means a value, calculated by the department of revenue before October 1 of each year, equal to the total stumpage value of timber harvested from privately owned land in the county during the most recent four calendar quarters for which the information is available multiplied by a ratio. The numerator of the ratio is the rate of tax imposed by the county under section 4 of this act for the year of the calculation. The denominator of the ratio is the composite property tax rate for the county for taxes due in the year of the calculation, expressed as a percentage of assessed value.

(8) "Timber assessed value" for a taxing district means the timber assessed value for the county multiplied by a ratio. The numerator of the ratio is the total assessed value of forest land in the taxing district. The denominator is the total assessed value of forest land in the county. As used in this section, "assessed value of forest land" means the assessed value of forest land for taxes due in the year the timber assessed value for the county is calculated.

NEW SECTION. Sec. 3. (1) An excise tax is imposed on every person engaging in this state in business as a harvester of timber on privately or publicly owned land. The tax is equal to six and one-half percent of the stumpage value of timber harvested through June 30, 1984.

(2) A credit is allowed against the tax imposed under this section for any tax paid under section 4 of this act.

(3) Moneys received as payment for the tax imposed under this section and section 4 of this act shall be deposited in the timber tax distribution account hereby established in the state general fund.

NEW SECTION. Sec. 4. (1) The legislative body of any county may impose a tax upon every person engaging in the county in business as a harvester effective October 1, 1984. The tax shall be equal to the stumpage value of timber harvested from privately owned land multiplied by sixty percent of the rate of the state excise tax imposed under section 3 of this act.

(2) Before the effective date of any ordinance imposing a tax under this section, the county shall contract with the department of revenue for administration and collection of the tax. The tax collected by the department of revenue under this section shall be deposited by the department in the timber tax distribution account. Moneys in the account may be spent only for distributions to counties under section 5 of this act and, after appropriation by the legislature, for the activities undertaken by the department of revenue relating to the collection and administration of the taxes imposed under this section. Appropriations are not required for distributions to counties under section 5 of this act.

NEW SECTION. Sec. 5. (1) On the last business day of the second month of each calendar quarter, the state treasurer shall distribute from the timber tax distribution account to each county the amount of tax collected on behalf of each county under section 4 of this act, less each county's proportionate share of appropriations for collection and administration activities under section 4 of this act, and shall transfer to the state general fund the amount of tax collected on behalf of the state under section 3 of this act, less the state's proportionate share of appropriations for collection and administration activities under section 3 of this act. The county treasurer shall deposit moneys received under this section in a county timber tax account which shall be established by each county. Following receipt of moneys under this section, the county treasurer shall make distributions from any moneys available in the county timber tax account to taxing districts in the county, except the state, under subsections (2) through (4) of this section.

(2) From moneys available, there first shall be a distribution to each taxing district having debt service payments due during the calendar year, based upon bonds issued under authority of a vote of the people conducted pursuant to RCW 84.52.056 and based upon excess levies for a capital project fund authorized pursuant to RCW 84.52.053, of an amount equal to the timber assessed value of the district multiplied by the tax rate levied for payment of the debt service and capital projects: PROVIDED, That in respect to levies for a debt service or capital project fund authorized before the effective date of this act, the amount allocated shall not be less than an amount equal to the same percentage of such debt service or capital project fund represented by timber tax allocations to such payments in calendar year 1984. Distribution under this subsection (2) shall be used only for debt service and capital projects payments.

(3) From the moneys remaining after the distributions under subsection (2) of this section, the county treasurer shall distribute to each school district an amount equal to one-half of the timber assessed value of the district or eighty percent of the timber roll of such district in calendar year 1983 as determined under chapter 84.33 RCW, whichever is greater, multiplied by the tax rate, if any, levied by the district under RCW 84.52.052 or 84.52.053 for purposes other than debt service payments and capital projects supported under subsection (2) of this section.

(4) After the distributions directed under subsections (2) and (3) of this section, if any, each taxing district shall receive an amount equal to the timber assessed value of the district multiplied by the tax rate, if any, levied as a regular levy of the district or as a special levy not included in subsection (2) or (3) of this section.

(5) If there are insufficient moneys in the county timber tax account to make full distribution under subsection (4) of this section, the county treasurer shall multiply the amount to be distributed to each taxing district under that subsection by a fraction. The numerator of the fraction is the county timber tax account balance before making distribution under this subsection. The denominator of the fraction is the account balance which would be required to make full distribution under this subsection.

(6) After making the distributions under subsections (2) through (4) of this section in the full amount indicated for the calendar year, the county treasurer shall place any excess revenue up to twenty percent of the total distributions made for the year under subsections (2) through (4) of this section in a reserve status until the beginning of the next calendar year. Any moneys remaining in the county timber tax account after this amount is placed in reserve shall be distributed to each taxing district in the county in the same proportions as the distributions made under subsection (4) of this section.

NEW SECTION. Sec. 6. (1) The taxes imposed under this chapter shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments. Remittance shall be made on or before the last day of the month next succeeding

the end of the quarterly period in which the tax accrues. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of tax for which the taxpayer is liable for the preceding quarterly period and shall sign and transmit the same to the department of revenue, together with a remittance for the amount of tax.

(2) The taxes imposed by this chapter are in addition to any taxes imposed upon the same persons under chapter 82.04 RCW.

(3) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter is excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION, Sec. 7. (1) The department of revenue shall designate areas containing timber having similar growing, harvesting, and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within these units. The stumpage value shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. These stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors from:

(a) Gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities;

(b) Gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood, or other sudden unforeseen cause, the department shall revise the stumpage value tables for any area in which such timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying the tax.

(3) The preliminary area designations and stumpage value tables and any revisions thereof are subject to review by the ways and means committees of the house of representatives and senate prior to finalization. Tables of stumpage values shall be signed by the director or the director's designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request for a copy.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

NEW SECTION, Sec. 8. The state timber tax account A and state timber tax reserve account established in RCW 84.33.071 and the timber tax distribution guarantee account established in RCW 84.33.085 shall continue within the state general fund and state treasury, respectively, until all funds remaining therein after complying with subsections (4) and (5) of this section are distributed as follows:

(1) Any remaining timber tax moneys in the state timber tax account A and state timber tax reserve account shall be distributed in the following manner:

(a) Thirty-seven percent to the state general fund for use in support of the common schools.

(b) Subject to appropriation by the legislature, sixty-three percent to the counties of the state in the proportion the receipts of harvester excise tax from each county are to the total receipts of harvester excise tax from all counties in the state in calendar years 1982 and 1983.

(2) Any remaining timber tax moneys in the timber tax distribution guarantee account shall be distributed to the counties in the same proportions and percentages as provided for the state timber tax account A and the state timber tax reserve account on May 1, 1985.

(3) Distributions to the counties under authority of this section shall be deposited in the timber tax account of the counties and disbursed to taxing districts of each county in the same priority and as part of the distributions authorized by section 5 of this act.

(4) The taxes due and payable under RCW 84.33.071 with respect to timber harvested during the second and third quarters of calendar year 1984 shall be collected and deposited in the state treasury as though this act had not been enacted.

(5) The payments required to be made through November 20, 1984, by the state treasurer to the treasurer of each timber county under RCW 84.33.080 shall be made as though this act had not been enacted.

This section shall expire on January 1, 1986.

NEW SECTION, Sec. 9. All sections of chapter 82.32 RCW, except RCW 82.32.045 and 82.32.270, apply to the taxes imposed under this chapter.

Sec. 10. Section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in section 2 of this 1984 act, to the assessed value of the property: PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19....

..... County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of December, taking his receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

Sec. 11. Section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015 are each amended to read as follows:

Whenever used in this 1970 amendatory act, the term "value of the taxable property" shall mean the actual used value of the taxable property in a taxing district incurring indebtedness, as the term "taxing district" is defined in RCW 39.36.010, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, plus the timber assessed value for the district as defined in section 2 of this 1984 act.

Sec. 12. Section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010 are each amended to read as follows:

As a result of the study and analysis of systems of taxation of standing timber and forest lands by the forest tax committee pursuant to Senate Concurrent Resolution No. 30 of the 41st session of the legislature, and the recommendations of the committee based thereon, the legislature hereby finds that:

(1) The public welfare requires that this state's system for taxation of timber and forest lands be modernized to assure the citizens of this state and its future generations the advantages to be derived from the continuous production of timber and forest products from the significant area of privately owned forests in this state. It is this state's policy to encourage forestry and restocking and reforestation of such forests so that present and future generations will enjoy the benefits which forest areas provide in enhancing water supply, in minimizing soil erosion, storm and flood damage to persons or property, in providing a habitat for wild game, in providing scenic and recreational spaces, in maintaining land areas whose forests contribute to the natural ecological equilibrium, and in providing employment and profits to its citizens and raw materials for products needed by everyone.

(2) The combination of variations in quantities, qualities and locations of timber and forest lands, the fact that market areas for timber products are nation-wide and world-wide and the unique long term nature of investment costs and risks associated with growing timber, all make exceedingly difficult the function of valuing and assessing timber and forest lands.

(3) The existing ad valorem property tax system is unsatisfactory for taxation of standing timber and forest land and will significantly frustrate, to an ever increasing degree with the passage of time, the perpetual enjoyment of the benefits enumerated above.

(4) For these reasons it is desirable, in exercise of the powers to promote the general welfare and to impose taxes; that

(a) the ad valorem system for taxing timber be modified and discontinued in stages over a three year period during which such system will be replaced by one under which timber will be taxed on the basis of stumpage value at the time of harvest, and

(b) forest land remain under the ad valorem taxation system but be taxed only as provided in this chapter (~~and RCW 84.33.071~~) and RCW 28A.41.130.

Sec. 13. Section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020 are each amended to read as follows:

Lands not heretofore so classified, which are primarily devoted to and used for growing and harvesting timber are hereby classified as lands devoted to reforestation and such lands and timber shall be taxed in accordance with the provisions of this chapter (~~RCW 84.33.071~~) and RCW 28A.41.130.

Sec. 14. Section 4, chapter 294, Laws of 1971 ex. sess. as amended by section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040 are each amended to read as follows:

(~~Except as provided in RCW 84.33.050~~) Timber on privately owned land or federally owned land shall be exempt from ad valorem taxation.

Sec. 15. Section 2, chapter 146, Laws of 1981 and RCW 84.33.074 are each amended to read as follows:

(1) A small harvester may elect to calculate the tax imposed by (~~RCW 84.33.071~~) sections 3 and 4 of this 1984 act in the manner provided in this section.

(2) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) Timber values shall be determined by either of the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When standing timber is sold on the stump, the taxable value is the actual gross receipts received by the landowner from the sale of the standing timber.

(b) When timber is sold after it has been harvested, the taxable value is the actual gross receipts from sale of the harvested timber minus the costs of harvesting and marketing the timber. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, this deduction for harvesting and marketing costs shall be a percentage of the gross receipts from sale of the harvested timber as determined by the department of revenue but in no case less than twenty-five percent.

(4) The department of revenue shall prescribe a short filing form which shall be as simple as possible.

Sec. 16. Section 6, chapter 134, Laws of 1980 and RCW 84.33.075 are each amended to read as follows:

The excise tax imposed by (~~RCW 84.33.071~~) this chapter shall not apply to any timber harvested by a nonprofit organization, association, or corporation from forest lands owned by it, where such lands are exempt from property taxes under RCW 84.36.030, and where all of the income and receipts of the nonprofit organization, association, or corporation derived from such timber sales are used solely for the expense of promoting, operating, and maintaining youth programs which are equally available to all, regardless of race, color, national origin, ancestry, or religious belief.

In order to determine whether the harvesting of timber by a nonprofit organization, association, or corporation is exempt, the director of the department of revenue shall have access to its books.

For the purposes of this section, a "nonprofit" organization, association, or corporation is one: (1) Which pays no part of its income directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws; and (2) which pays salary or compensation to its officers only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public services of the state.

Sec. 17. Section 8, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.077 are each amended to read as follows:

The amount of any property taxes paid on timber standing on public land shall be allowed as a credit against any tax imposed with respect to the business of harvesting timber from publicly owned land under (~~RCW 84.33.071~~) section 3 of this 1984 act. However, the amount of credit allowed shall not exceed the amount of excise tax due in respect to the business of harvesting timber from publicly owned land.

Sec. 18. Section 9, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.078 are each amended to read as follows:

When any timber standing on public land, other than federally owned land, is sold separate from the land, the department of natural resources or other governmental unit, as appropriate, shall provide each bidder with a written notice clearly stating that timber sold separate from the land is subject to property tax in 1984 and thereafter and that the amount of the tax paid may be used as a credit against any tax imposed with respect to business of harvesting timber from publicly owned land under (~~RCW 84.33.071~~) section 3 of this 1984 act.

Sec. 19. Section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$141
	2	136
	3	131
	4	95
2	1	118
	2	114
	3	110
	4	80
3	1	93
	2	90
	3	87
	4	66
4	1	70
	2	68
	3	66
	4	52
5	1	51
	2	48
	3	46
	4	31
6	1	26
	2	25
	3	25
	4	23
7	1	12
	2	12
	3	11
	4	11
8		1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.04 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33-.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33-.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and ~~((84-33-071;))~~ this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

- (a) Receipt of notice from the owner to remove such land from classification as forest land;
- (b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;
- (c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;
- (d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b), (d), or (e) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in ((subsection(s))) subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 20. Section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170 are each amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by ~~((RCW 84.33.071))~~ this chapter, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in RCW 84.33.100 through 84.33.140.

Sec. 21. Section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200 are each amended to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing the stumpage ~~((value index))~~ values provided for in ~~((RCW 84.33.071(3)))~~ section 7 of this 1984 act, such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025(1)(a).

(3) In the event that a permanent timber tax rate is not set in 1979, a joint timber tax advisory committee shall be established. The joint advisory committee shall be composed of members of the house of representatives and the senate and co-chaired by a member of the house revenue committee and a member of the senate ways and means committee. The joint advisory committee shall recommend a rate level and distribution system on or before the convening of the forty-seventh legislature.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary for the proper legislative review and implementation of the timber excise tax system, and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

Sec. 22. Section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010 are each amended to read as follows:

The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through ~~((82-27))~~ 82.29A RCW of this title ~~((and))~~, under chapter 84.33 RCW ~~((84-33-071))~~, and under other titles, chapters, and sections in such manner and to such extent as indicated in each such title, chapter, or section.

NEW SECTION. Sec. 23. Sections 1 through 9 of this act are each added to chapter 84.33 RCW.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 294, Laws of 1971 ex. sess., section 1, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.030;

(2) Section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050;

(3) Section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060;

(4) Section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071;

(5) Section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072;

(6) Section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080;

(7) Section 5, chapter 4, Laws of 1981 and RCW 84.33.085; and

(8) Section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090.

NEW SECTION. Sec. 25. This act shall take effect July 1, 1984.*

MOTIONS

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

On page 5, line 8, after "section" insert "and section 3 of this act"

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

On page 35, after line 23, insert the following:

NEW SECTION. Sec. 25. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

Renumber the remaining sections consecutively.

MOTION

Senator Owen moved adoption of the following amendment by Senators Owen, Bauer, Woody, Fuller and Zimmerman to the McDermott amendment:

On page 4, line 24, after "by" strike all of the material through "act." on line 26 and insert "a rate of four percent."

Debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Owen, Bauer, Woody, Fuller and Zimmerman to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendment to the McDermott amendment was adopted by the following vote: Yeas, 30; nays, 16; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Peterson, Pullen, Quigg, Sellar, Vognild, Warnke, Woody, Zimmerman - 30.

Voting nay: Senators Bender, Bottiger, Fleming, Gaspard, Goltz, Hughes, Hurley, McDermott, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn - 16.

Excused: Senators Bluechel, Patterson, von Reichbauer - 3.

The President declared the question before the Senate to be adoption of the amendment, as amended.

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

MOTION

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

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080; amending section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015; amending section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010; amending section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020; amending section 4, chapter 294, Laws of 1971 ex. sess. as amended by section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040; amending section 2, chapter 146, Laws of 1981 and RCW 84.33.074; amending section 6, chapter 134, Laws of 1980 and RCW 84.33.075; amending section 8, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.077; amending section 9, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.078; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120; amending section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170; amending section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; amending section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010; adding new sections to chapter 84.33 RCW; repealing section 3, chapter 294, Laws of 1971 ex. sess., section 1, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.030; repealing section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050; repealing section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060; repealing section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071; repealing section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072; repealing section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080; repealing section 5, chapter 4, Laws of 1981 and RCW 84.33.085; repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090; and providing an effective date."

Substitute Senate Bill No. 4359 was ordered engrossed and passed to the Committee on Rules for third reading.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, and members of the body, as many of you might know or witnessed over the last few days and the last week throughout the country and this state, yesterday was the birthday of Dr. Martin Luther King, Jr. This country has recognized that individual in establishing a national holiday that will be effective in 1986 and today there is a ceremony in the rotunda starting at noon in recognition of that. What I would like to do at this point in time--I would just like for the body here to join me in a moment of silence in recognition of that historic day and I would ask the body to do so in a moment of silence, if possible."

REPLY BY THE PRESIDENT

President Cherberg: "With approval of the Senate, the Senators will please stand in a moment of silence in memory of Martin Luther King."

FURTHER REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I know that everyone has a busy schedule within these halls these days, but if given an opportunity I would appreciate and I do now welcome and invite the members of the body and staff to visit with us in the rotunda in that celebration. Thank you."

MOTION

At 11:57 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, January 17, 1984.

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

NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 17, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Kristal Kink and Scott Pawlowski, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 12, 1984

SB 4287 Prime Sponsor, Senator Barr: Permitting seventh-class counties to have a part-time road engineer. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4287 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4288 Prime Sponsor, Senator Barr: Restricting a limitation on rural arterial funds. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4288 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

January 16, 1984

SB 4301 Prime Sponsor, Senator Thompson: Limiting the notice requirement for disposal of surplus property by sewer district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4303 Prime Sponsor, Senator McManus: Requiring the person owing child support to pay certain fees if DSHS collects the support. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4303 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 16, 1984

SB 4371 Prime Sponsor, Senator Talmadge: Deleting the requirement that executory contracts for the sale of real property be recorded. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 16, 1984

SB 4534 Prime Sponsor, Senator Williams: Revising provisions relating to the chairman of the nuclear waste policy and review board. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Hemstad, Moore.

Passed to Committee on Rules for second reading.

January 16, 1984

SJM 127 Prime Sponsor, Senator Williams: Requesting the Department of Energy to review other radioactive waste sites. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Hemstad, Moore.

MINORITY recommendation: Do not pass. Signed by Senators Benitz, Quigg.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 16, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 255,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626,

SUBSTITUTE HOUSE BILL NO. 699,

SUBSTITUTE HOUSE BILL NO. 827,

SUBSTITUTE HOUSE BILL NO. 843,

SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 29, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

MOTION

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

SENATE RESOLUTION

1984-129

By Senators Conner, Quigg and Owen

WHEREAS, Grays Harbor is the state of Washington's only deep water port on the outer coast; and

WHEREAS, The navigation channel serving the maritime interests in the Port of Grays Harbor is an important part of Washington state's transportation system, which includes highway and rail, as well as water; and

WHEREAS, The Grays Harbor navigation channel is a vital link in the transport of products from private, state, and federal forests, to foreign markets; and

WHEREAS, Grays Harbor continues to be a major transshipment center for forest products to Japan, Korea, and the People's Republic of China. In fact, in 1983 Grays Harbor shipped the largest volume of forest products to mainland China of any United States port; and

WHEREAS, With the existing landside transportation system, including two mainline railroads and major state highways, the Grays Harbor navigation channel can play an even more important role in the future through expanded shipment of commodities from throughout the western half of the United States; and

WHEREAS, In this total regard, the Grays Harbor navigation channel together with its routine maintenance and periodic improvements are critical to the economy of multiple counties in southwest Washington state and, potentially, to multiple states throughout the western United States; and

WHEREAS, In order for Grays Harbor to remain a viable seaport, the navigation facilities must be able to serve increasingly larger, more economical vessels; and

WHEREAS, On July 9, 1965, the port of Grays Harbor requested that a study of the feasibility of widening and deepening the Grays Harbor navigation channel be undertaken by the United States army corps of engineers; and

WHEREAS, The United States army corps of engineers has completed the feasibility study and final environmental impact statement on the proposal to widen and deepen the Grays Harbor navigation channel from -30 feet to -38 feet; and

WHEREAS, Both of these reports were carefully reviewed and approved by the United States army corps of engineers board of engineers for rivers and harbors on December 14, 1982; and

WHEREAS, The department of the army, office of the chief of engineers has yet to act on the board of engineers' recommendation for approval of the Grays Harbor navigation improvement project;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That Congress is requested to take action to move the Grays Harbor navigation improvement project forward by requiring the secretary of the army to deliver to the Congress any and all studies, reports, and conclusions regarding the Grays Harbor project, and that Congress enact appropriate laws instructing the United States army corps of engineers to proceed as expeditiously as practicable with the final engineering, design, and construction of the Grays Harbor navigation improvement project; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of F. George Warren as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF F. GEORGE WARREN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Quigg, Talmadge - 2.

MOTION

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3103, by Committee on Local Government (originally sponsored by Senator Sellar)

Providing for surprise audits of county treasuries.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3103.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3103, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 3103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3276, by Committee on Local Government (originally sponsored by Senators Fleming, Bauer, McManus, Moore and Conner)

Declaring economic development programs with nonprofit corporations to be a public purpose for cities and counties.

The bill was read the third time and placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Fleming, this would allow cities and counties to assist--the new convention center in Seattle, that's a nonprofit corporation?"

Senator Fleming: "That's a nonprofit corporation."

Senator Rasmussen: "Is the purpose of this to enable cities and counties to give grants or--they want seven hundred thousand more for promotion over there, would this help in the promotion of that new center?"

Senator Fleming: "Well, for that specific purpose, I am not aware of that, Senator Rasmussen. As you are aware, right now, we have these local economic development councils and we are trying to create and further the public/private corporations, and we have county executives or what have you sitting on these councils. What happens now, to be able to participate in that activity, they usually have to do certain things to contract and so forth and not be able to deal directly in economic development, and so I could not answer that question. I would assume that convention center--that is a nonprofit organization--and I'm not sure whether the specific purpose of this is not to do that. Whether they would be able to do this under this bill, I'm not sure, but that is not the purpose of it."

Senator Rasmussen: "Further question, Senator Fleming. The attorney general ruled that elected officials sitting on these economic development boards could only sit ex officio and not vote. Would this disturb that opinion?"

Senator Fleming: "I don't know if it would or not. It might very well ask somebody to go back and ask for another opinion, Senator. By the way, for your information, I'm not going to mention the individual, because you voted for this measure last time and if I tell you the individual, you might vote against this bill, but it was someone from Pierce County that was most interested in this measure, and I know that doesn't necessarily set well with you."

Senator Rasmussen: "Mr. President, for Senator Fleming's information, in the interim we have had a chance to study and read the bills, which is very important. That is why, maybe, people change their minds on how they voted previously. Sometimes we're swayed by certain Senators that can talk us into anything."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3276.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3276, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Craswell, Hurley, McCaslin, McDonald, Metcalf, Pullen, Rasmussen - 7.

Absent: Senators Hughes, Warnke - 2.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 3276, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3099, by Senators Bauer, Bluechel, Hughes and Zimmerman

Modifying interest rate for back taxes on re-classified open space land.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, you are in favor of living up to the letter of a contract?"

Senator Bluechel: "This bill would live up to the letter of the contract as it was originally written. If it is not passed, then the contract can be broken by one side or the interest raised, which I think is unfair. I agree with this bill."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3099.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3099, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 3099, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 129, by Senators McManus, Rinehart and Jones

Establishing a joint legislative committee on the arts.

The resolution was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Rasmussen, you made a statement which you may not have really intended, but I feel very offended by it and I would like to ask you to apologize to the Senate for your statement. You referred to the material here as

art in the Senate and I think that that's a gross overstatement and in no sense can it be considered art in any sense, in my view, and I would like you to apologize to the Senate for calling this art."

Senator Rasmussen: "We did have a joint committee and they, by their action, declared that this was art, as they declared the House exhibit, which you can no longer see. I would not want to, at this time, impugn their motives by apologizing to the Senate for the art they declared was acceptable. So, as much as I would like to apologize to somebody for something, I would say that I probably ought to apologize if we pass this concurrent resolution."

POINT OF INQUIRY

Senator Quigg: "Senator Rasmussen, I suppose you were surprised as I was when we found out the fabulous economic impact the arts have here in the State of Washington and the kind of lifestyle they can provide for us in the future hi-tech employees that are going to flock to our state. Along with that economic impact, do you think we ought to refer this bill to the Committee on Commerce and Labor so we can really develop the full flavor of that possibility?"

Senator Rasmussen: "I would think that that would have merit. I know the economic impact of the art that we have here in the House and the Senate. It had quite an impact and there were a lot of people unhappy with it. It might be a good idea. If you wish to do it, I'd support you."

Further debate ensued.

POINT OF INFORMATION

Senator Rasmussen: "I wish to correct Senator Goltz. I didn't declare that this was pornographic. It's all in the eyes of the beholder and if you look at it long enough you can find some pornographic expressions, but I don't look at it that long. It's pure art."

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 129.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 129, and the resolution passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Craswell, Haley, McCaslin, Metcalf, Newhouse, Owen, Pullen, Quigg, Rasmussen, Vognild - 12.

Excused: Senator Talmadge - 1.

SENATE CONCURRENT RESOLUTION NO. 129, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, by Committee on Commerce and Labor (originally sponsored by Senator Conner)

Regulating amusement rides.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3003.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3003, and the bill passed the Senate by the following vote: Yeas, 42; nays, 06; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Bluechel, Haley, Hansen, McDonald, Metcalf - 6.

Excused: Senator Talmadge - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3003, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3121, by Senators Peterson, Hansen and Sellar (by Department of Licensing request)

Permitting certain notices to be sent to drivers by first class mail.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3121.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3121, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Talmadge - 1.

SENATE BILL NO. 3121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE JOINT MEMORIAL NO. 120, by Senators Owen, Metcalf and Vognild

Requesting Congress to review the Boldt decision.

The memorial was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 120.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 120, and the memorial passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Fleming, Hemstad, Rinehart, Shinpoch - 4.

Absent: Senators McDermott, Pullen - 2.

Excused: Senator Talmadge - 1.

SENATE JOINT MEMORIAL NO. 120, having received the constitutional majority, was declared passed.

January 17, 1984

STATEMENT FOR THE JOURNAL

My vote on Senate Joint Memorial No. 120 should have been recorded as "aye" rather than "no." I was working in the wings with staff on floor amendments for another bill and was misinformed as to the issue being voted upon.

Dick Hemstad

MOTIONS

On motion of Senator Bottiger, the Senate resumed consideration of Reengrossed Senate Bill No. 3309.

On motion of Senator Bottiger, the rules were suspended and Reengrossed Senate Bill No. 3309 was returned to second reading.

Senator Bottiger moved adoption of the following amendment by Senator McManus:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 59, Laws of 1979 ex. sess. and RCW 82.24.025 are each amended to read as follows:

There is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by this chapter, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling, possession, or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of this chapter shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to the state general fund. Following legislative appropriation, one hundred fifty one-thousandths mill per cigarette shall be allocated by the department of social and health services on a competitive bid basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or research concerning the effects of smoking on the cardiovascular and respiratory systems.

NEW SECTION. Sec. 2. This act shall take effect July 1, 1985."

POINT OF INQUIRY

Senator Lee: "Mr. President, ladies and gentlemen. The amendment as is now before us is an improvement over the one we had before, because it was a considerable amount of money--about three times the amount that we have ever by direct appropriation given to cancer research. In fact, the agency to whom we had given that direct appropriation in the past years is probably one of the best financed organizations for research because of fund drives and endowments and so on, of any institution in the country. I think that we really do have to look at this kind of thing very carefully. The thing that concerns me--possibly Senator Bottiger, or if not, you may refer it to someone else--could answer a question.

"That question is that if the Legislature does not appropriate the money and this one hundred fifty one-thousandths mill is not in the general fund money, could it possibly be used for any other source? We, in fact, kind of set it aside in a non-accessible kitty."

Senator Bottiger: "Senator Lee, the staff advises me that the answer is 'no.' This money would be subject to appropriation for another purpose without an amendment--we would not have to amend this statute. This is not a dedicated fund and it is nothing more than a resolution by this Legislature to the next that this amount of money should go for cancer research."

Senator Lee: "Thank you, Senator Bottiger. With that kind of assurance, I think that possibly we have removed a very deep concern that we may have had about this process."

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Bottiger, I may have missed it but how much money is predicted to be raised under this amendment?"

Senator Bottiger: "Senator, there is no money raised. The bill, as it is now written, does not raise the cigarette tax. It takes a portion of it and asked the next session of the Legislature to consider appropriating that portion to cancer research."

Senator Zimmerman: "How much money are we talking about?"

Senator Bottiger: "You will have to refer that to Senator McManus."

Senator Zimmerman: "As far as the amount that would be allocated under this formula, how much?"

Senator McManus: "We're looking at a fiscal impact--I have the fiscal note in front of me that was prepared last session and I don't think there will be much change this session. We're talking about a little over a million dollars a year in the collection of this money. That will include the cigarette tax, the sales tax and the B & O tax."

Senator Zimmerman: "The way it is worded, it means any organization would be able to compete on a bid basis. Can we be specific who we're talking about? What groups would be able to be a recipient?"

Senator McManus: "Yes, Senator Zimmerman, there is a part of the amendment that if you read it real carefully, we've also included language which I will quote: 'The Department of Social and Health Services on a competitive bid basis to public and private nonprofit nationally recognized academic or research organizations.' This kind of delineates that an organization to receive this grant on a competitive bid basis really has to have a strong track record in cancer research or cardiovascular research."

Senator Zimmerman: "And could be located anywhere in the country?"

Senator McManus: "Well, we could put in a corollary that it applies just to Washington state research institutions. I'm not so sure that it is well advised to do that. I think that it's a practical matter and the money will be bid out to Washington state based organizations, as it has in the past."

The President declared the question before the Senate to be adoption of the amendment by Senator McManus.

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

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Second Reengrossed Senate Bill No. 3309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator McManus, could you describe to me how this competitive bid would work? I'm concerned that I don't think there is a mechanism in place under the laws of the state of Washington. Could you tell me how it would work and how could I compete, for example, for some of this money if I represented some kind of a research organization?"

Senator McManus: "Thank you, Senator Patterson. Being a long-time governmental contractor, I can speak with a little authority on the competitive bid system. There is, indeed, in place in the state of Washington a competitive bid system. What happens is the department will receive these funds providing, of course, the Legislature appropriates them. The department will then make up a request for a proposal 'specing' out the criteria for receiving this money. As indicated in the amendment, part of the criteria now is that an organization in order to bid or even be considered for bidding must, in fact, have a long demonstrated track record in this field and not just some johnny-come-lately, fly-by-night organization that thinks that they know how to do cancer or cardiovascular research.

"Once these bids then come in, they are evaluated with points by committees in a very clean manner and this has been a very good way of handling the private sector. I hope I have answered your question."

Senator Patterson: "Well, partly you have. I'm also concerned as someone else mentioned--I would be extremely reluctant to collect taxes in the state of Washington on the sale of cigarettes and then turn around and have somebody put in a competitive bid from Virginia and then we ship tax dollars from the state of Washington to some qualified agency in Virginia that does research in cancer. That bothers me. I mean I do think that if we are going to do this that we make it available to the institutions that are established in the state of Washington."

Senator McManus: "I have no problem with that, Senator Patterson, and I said before I think it's a practical matter that's going to happen and I think our dialogue as a part of the Senate record will indicate that it is our legislative intent that the Department of Social and Health Services emphasize and possibly give priority to in-state bidders for this money."

The President declared the question before the Senate to be the roll call on final passage of Second Reengrossed Senate Bill No. 3309.

ROLL CALL

The Secretary called the roll on final passage of Second Reengrossed Senate Bill No. 3309, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Boltiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Fuller, Haley, Hansen, Hayner, Hemstad, McCasin, McDonald, Metcalf, Patterson, Zimmerman - 14.

SECOND REENGROSSED SENATE BILL NO. 3309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

January 17, 1984

TO: Secretary of the Senate

RE: Journal of the Senate entry on 2nd Re ESB 3309

The following is a statement to be entered into the Journal of the Senate regarding this bill whose short title is "cigarette tax modified", which was passed by the Senate, Tuesday, January 17, 1984.

The undersigned are opposed to passage of this bill because of its policy aspects. We are not opposed to medical research involving cigarettes per se, but to the fact this bill provides that the Department of Social and Health Services shall determine and select the type and producer of this research. This process of medical research puts the Department of Social and Health Services in a position where politics can enter in. Research of a medical or technological type is best determined by such organizations as the National Science Foundation or by universities. The Department of Social and Health Services does not have the expertise necessary for proper decisions of this kind.

Also, to identify a single area of research such as cancer and heart disease from cigarette smoking puts advocates of research for many other diseases into a position of competition for favor by the Executive Branch of State Government.

THEREFORE, we, the undersigned believe passage of this bill to be bad policy by the Legislative Branch of State Government.

Ted Haley
Hal Zimmerman

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 3873, which was on the third reading calendar, was referred to the Committee on Agriculture.

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

On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 4097.

On motion of Senator Shinpoch, Senate Bill No. 4097 was referred to the Committee on Parks and Ecology.

On motion of Senator Shinpoch, the Committee on Education was relieved of further consideration of Senate Bill No. 4484.

On motion of Senator Shinpoch, Senate Bill No. 4484 was referred to the Committee on State Government.

On motion of Senator Shinpoch, the Committee on Local Government was relieved of further consideration of Senate Bill No. 4561.

On motion of Senator Shinpoch, Senate Bill No. 4561 was referred to the Committee on State Government.

MOTION

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

Senator Shinpoch moved that the introductions and referrals be made to each bill to the committee as indicated on the lists on the desk of each member with the

exception of the following bills: Senate Bill No. 4637 to Committee on Institutions; Senate Bill No. 4648 to Committee on Judiciary; Senate Bill No. 4673 to Committee on Agriculture; Senate Bill No. 4748 to Committee on Commerce and Labor; Senate Bill No. 4787 to Committee on Financial Institutions; Senate Bill No. 4791 to Committee on Commerce and Labor; Senate Bill No. 4795 to Committee on Institutions; Senate Bill No. 4812 to Committee on Institutions; Senate Bill No. 4814 to Committee on Institutions; Senate Bill No. 4819 to Committee on Institutions; Senate Bill No. 4823 to Committee on State Government; Senate Bill No. 4849 to Committee on Commerce and Labor; Senate Bill No. 4852 to Committee on Commerce and Labor; and Senate Bill No. 4870 to Committee on Natural Resources.

MOTION

Senator Bluechel moved that the Committee on Agriculture be relieved of further consideration of Senate Bill No. 4779 and that Senate Bill No. 4779 be referred to the Committee on Parks and Ecology.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Shinpoch, apparently this brings up a policy matter that you have charge of. Are you at all contacting minority ranking members in terms of placing of bills or are you moving or in charge of moving them or sponsors--is that all part of the system?"

Senator Shinpoch: "Senator Zimmerman, with one exception and that was a member on our side of the aisle, I don't recall anyone asking to have a bill either change committee or re-referred that hasn't been honored. I admit Senator Bluechel's motion surprised me. I've been working with Senator Newhouse--there was one bill while I was making the motion that Senator Newhouse didn't know about that came up, but other than that I thought our coordination had been very good.

"Frankly, Senator Bluechel, I wish you had asked. You've got us in a spot. I'm probably on your side on this issue and you've got us in a procedural motion. As you found out when you were in the majority, sometimes you don't vote your convictions when you're voting on procedures. It's possible that we could have worked something out, had I known what it was that you were trying to do."

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bluechel to refer Senate Bill No. 4779 to the Committee on Parks and Ecology from the Committee on Agriculture.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed by the following vote: Yeas, 16; nays, 31; absent, 02; excused, 00.

Voting yea: Senators Bender, Bluechel, Clarke, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDonald, Metcalf, von Reichbauer, Williams, Zimmerman - 16.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Wojahn - 31.

Absent: Senators Vognild, Woody - 2.

The President declared the question before the Senate to be the motion by Senator Shinpoch that the introductions and referrals be made on each bill to the committees as indicated on the lists on the desks of each member with the exception of those read earlier.

The motion by Senator Shinpoch carried and the introduction and referrals were referred as listed and corrected.

INTRODUCTION AND FIRST READING

SB 4589 by Senators Moore, McDonald, McManus and Deccio

AN ACT Relating to water heaters in rented or leased residential units; and amending section 2, chapter 178, Laws of 1983 and RCW 19.27.130.

Referred to Committee on Energy and Utilities.

SB 4590 by Senators Shinpoch and Moore

AN ACT Relating to the state convention and trade center; and amending section 2, chapter 34, Laws of 1982 as amended by section 2, chapter 1, Laws of 1983 2nd ex. sess. and RCW 67.40.020.

Referred to Committee on Ways and Means.

SB 4591 by Senators Talmadge, Hayner, Newhouse and Hemstad

AN ACT Relating to real property and deeds of trust; and amending section 4, chapter 74, Laws of 1965 as last amended by section 3, chapter 161, Laws of 1981 and RCW 61.24.040.

Referred to Committee on Judiciary.

SB 4592 by Senator Williams

AN ACT Relating to the state centennial commission; amending section 2, chapter 90, Laws of 1982 and RCW 27.60.020; and adding a new section to chapter 27.60 RCW.

Referred to Committee on State Government.

SB 4593 by Senator Moore

AN ACT Relating to securities; amending section 55, chapter 282, Laws of 1959 as amended by section 3, chapter 171, Laws of 1973 1st ex. sess. and RCW 21.20.550; amending section 58, chapter 282, Laws of 1959 as last amended by section 10, chapter 272, Laws of 1981 and RCW 21.20.580; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 4594 by Senator Moore

AN ACT Relating to banks and banking; amending section 30.04.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 157, Laws of 1983 and RCW 30.04.060; amending section 1, chapter 86, Laws of 1982 and RCW 30.04.375; amending section 30.12.060, chapter 33, Laws of 1955 as last amended by section 5, chapter 136, Laws of 1969 and RCW 30.12.060; and amending section 6, chapter 95, Laws of 1982 and RCW 30.42.115.

Referred to Committee on Financial Institutions.

SB 4595 by Senators Talmadge and Hemstad

AN ACT Relating to third party actions in industrial insurance; and adding a new section to chapter 51.24 RCW.

Referred to Committee on Judiciary.

SB 4596 by Senators Moore and Quigg

AN ACT Relating to cigarettes; amending section 3, chapter 2, Laws of 1983 and RCW 19.91.010; amending section 18, chapter 286, Laws of 1957 as last amended by section 4, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.180; repealing section 2, chapter 286, Laws of 1957 and RCW 19.91.020; repealing section 3, chapter 286, Laws of 1957 and RCW 19.91.030; repealing section 4, chapter 286, Laws of 1957 and RCW 19.91.040; repealing section 5, chapter 286, Laws of 1957 and RCW 19.91.050; repealing section 6, chapter 286, Laws of 1957 and RCW 19.91.060; repealing section 7, chapter 286, Laws of 1957 and RCW 19.91.070; repealing section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080; repealing section 9, chapter 286, Laws of 1957 and RCW 19.91.090; repealing section 10, chapter 286, Laws of 1957 and RCW 19.91.100; repealing section 11, chapter 286, Laws of 1957 and RCW 19.91.110; and repealing section 21, chapter 286, Laws of 1957, section 5, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.910.

Referred to Committee on Commerce and Labor.

SB 4597 by Senator Moore

AN ACT Relating to securities; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 4598 by Senator Moore

AN ACT Relating to securities; and adding a new section to chapter 21.20 RCW.

Referred to Committee on Financial Institutions.

SB 4599 by Senators Talmadge and Hughes

AN ACT Relating to actions for injuries resulting from health care; amending section 10, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.050; and amending section 11, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.060.

Referred to Committee on Judiciary.

SB 4600 by Senators Guess, Rasmussen and Benitz

AN ACT Relating to enterprise zones; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Commerce and Labor.

SB 4601 by Senators Moore and Quigg

AN ACT Relating to industrial insurance; and amending section 51.08.180, chapter 23, Laws of 1961 as last amended by section 1, chapter 97, Laws of 1983 and RCW 51.08.180.

Referred to Committee on Commerce and Labor.

SB 4602 by Senator Moore

AN ACT Relating to inmate marriage; and adding a new section to chapter 72.09 RCW.

Referred to Committee on Institutions.

SB 4603 by Senators Hughes, Granlund, Zimmerman, Owen, Hurley and Bauer

AN ACT Relating to work camps; adding a new section to chapter 72.09 RCW; and creating a new section.

Referred to Committee on Institutions.

SB 4604 by Senators Granlund and McCaslin

AN ACT Relating to publication; amending section 8, chapter 127, Laws of 1893 and RCW 4.28.090; amending section 10, chapter 127, Laws of 1893 as amended by section 2, chapter 86, Laws of 1895 and RCW 4.28.110; amending section 1, chapter 38, Laws of 1897 as amended by section 1, chapter 302, Laws of 1981 and RCW 19.76.100; amending section 28B.60.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.60.050; amending section 35.03.020, chapter 7, Laws of 1965 as amended by section 2, chapter 270, Laws of 1969 ex. sess. and RCW 35.03.020; amending section 35.21.320, chapter 7, Laws of 1965 and RCW 35.21.320; amending section 35.21.530, chapter 7, Laws of 1965 and RCW 35.21.530; amending section 35.27.300, chapter 7, Laws of 1965 and RCW 35.27.300; amending section 1, chapter 6, Laws of 1965 ex. sess. and RCW 35.47.010; amending section 35.61.030, chapter 7, Laws of 1965 and RCW 35.61.030; amending section 35.61.190, chapter 7, Laws of 1965 and RCW 35.61.190; amending section 35.61.260, chapter 7, Laws of 1965 and RCW 35.61.260; amending section 35.61.270, chapter 7, Laws of 1965 and RCW 35.61.270; amending section 35.70.060, chapter 7, Laws of 1965 and RCW 35.70.060; amending section 35.70.080, chapter 7, Laws of 1965 and RCW 35.70.080; amending section 35.80.030, chapter 7, Laws of 1965 as last amended by section 1, chapter 144, Laws of 1973 1st ex. sess. and RCW 35.80.030; amending section 35.94.020, chapter 7, Laws of 1965 and RCW 35.94.020; amending section 35A.12.160, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.160; amending section 36.29.060, chapter 4, Laws of 1963 as amended by section 4, chapter 100, Laws of 1980 and RCW 36.29.060; amending section 36.34.020, chapter 4, Laws of 1963 as amended by section 1, chapter 144, Laws of 1967 ex. sess. and RCW 36.34.020; amending section 36.34.090, chapter 4, Laws of 1963 and RCW 36.34.090; amending section 12, chapter 73, Laws of 1955 as amended by section 1, chapter 138, Laws of 1963 and RCW 53.25.120; amending section 20, chapter 250, Laws of 1907 and RCW 65.12.135; and amending section 84.24.030, chapter 15, Laws of 1961 as amended by section 185, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.24.030.

Referred to Committee on Local Government.

SB 4605 by Senator Williams

AN ACT Relating to energy conservation programs; adding new sections to chapter 43.21F RCW; creating a new section; and making an appropriation.

Referred to Committee on Energy and Utilities.

SB 4606 by Senators Goltz, Hemstad and Bauer (by Secretary of State request)

AN ACT Relating to local voters' pamphlets; adding new sections to chapter 29.01 RCW; creating a new chapter in Title 29 RCW; and providing an effective date.

Referred to Committee on Local Government.

SB 4607 by Senators Hughes, Lee, Talmadge and McDermott (by Department of Ecology request)

AN ACT Relating to hazardous waste; amending section 9, chapter 101, Laws of 1975-'76 2nd ex. sess. as amended by section 3, chapter 172, Laws of 1983 and RCW 70.105.090; amending section 2, chapter 270, Laws of 1983 and RCW 70.105.145; and amending section 11, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.110.

Referred to Committee on Parks and Ecology.

SB 4608 by Senator Warnke

AN ACT Relating to financial institutions; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.005; amending section 45, chapter 282, Laws of 1959 as last amended by section 33, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.450; amending section 9, chapter 171, Laws of 1973 1st ex. sess. as last amended by section 41, chapter 68, Laws of 1979 ex. sess. and RCW 21.20.720; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 43.19.010, chapter 8, Laws of 1965 as amended by section 1, chapter 167, Laws of 1975 1st ex. sess. and RCW 43.19.010; amending section 43.24.020, chapter 8, Laws of 1965 as last amended by section 95, chapter 158, Laws of 1979 and RCW 43.24.020; amending section 42, chapter 170, Laws of 1965 ex. sess. as amended by section 96, chapter 158, Laws of 1979 and RCW 43.24.024; amending section 1, chapter 334, Laws of 1977 ex. sess. as amended by section 113, chapter 158, Laws of 1979 and RCW 46.01.011; amending section 5, chapter 156, Laws of 1965 as last amended by section 116, chapter 158, Laws of 1979 and RCW 46.01.050; adding a new chapter to Title 43 RCW; creating new sections; repealing section 43.19.020, chapter 8, Laws of 1965, section 1, chapter 185, Laws of 1977 ex. sess. and RCW 43.19.020; repealing section 43.19.030, chapter 8, Laws of 1965, section 7, chapter 40, Laws of 1975, section 8, chapter 270, Laws of 1977 ex. sess. and RCW 43.19.030; repealing section 43.19.040, chapter 8, Laws of 1965 and RCW 43.19.040; repealing section 43.19.050, chapter 8, Laws of 1965 and RCW 43.19.050; repealing section 43.19.080, chapter 8, Laws of 1965 and RCW 43.19.080; repealing section 43.19.090, chapter 8, Laws of 1965, section 43, chapter 75, Laws of 1977 and RCW 43.19.090; repealing section 1, chapter 241, Laws of 1981 and RCW 43.19.095; repealing section 43.19.100, chapter 8, Laws of 1965, section 2, chapter 185, Laws of 1977 ex. sess., section 113, chapter 3, Laws of 1982 and RCW 43.19.100; repealing section 43.19.110, chapter 8, Laws of 1965 and RCW 43.19.110; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SB 4609 by Senators Craswell, Hurley, Owen, Metcalf, McCaslin and Hughes

AN ACT Relating to parental consent for abortions; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4610 by Senators Talmadge and Moore

AN ACT Relating to community mental health services; amending section 3, chapter 204, Laws of 1982 and RCW 71.24.025; amending section 4, chapter 204, Laws of 1982 and RCW 71.24.035; and amending section 5, chapter 204, Laws of 1982 and RCW 71.24.045.

Referred to Committee on Social and Health Services.

SB 4611 by Senators McManus, Quigg, Moore, Hayner and Owen

AN ACT Relating to public assistance; adding a new chapter to Title 74 RCW; declaring an emergency; and providing an expiration date.

Referred to Committee on Social and Health Services.

SB 4612 by Senators Talmadge, Hurley and Hughes

AN ACT Relating to legal defense of county officials; and adding new sections to chapter 36.16 RCW.

Referred to Committee on Judiciary.

SB 4613 by Senators Wojahn, Rasmussen, Gaspard, Bottiger, Granlund and Haley

AN ACT Relating to the protection of municipal water supply sources; amending section 1, chapter 255, Laws of 1927 and RCW 79.01.004; adding new sections to chapter 79.01 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Local Government.

SB 4614 by Senators Thompson, Zimmerman, Rinehart and Barr

AN ACT Relating to misdemeanors; and amending section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010.

Referred to Committee on Judiciary.

SB 4615 by Senators Goltz, Bauer, Benitz and Craswell

AN ACT Relating to the Washington award for vocational excellence; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 4616 by Senators Sellar, Newhouse, Quigg, Guess and Craswell

AN ACT Relating to industrial insurance; amending section 43.22.030, chapter 8, Laws of 1965 and RCW 43.22.030; amending section 51.04.020, chapter 23, Laws of 1961 as last amended by section 77, chapter 75, Laws of 1977 and RCW 51.04.020; amending section 1, chapter 14, Laws of 1980 and RCW 51.04.030; amending section 51.04.040, chapter 23, Laws of 1961 as amended by section 1, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.040; amending section 2, chapter 14, Laws of 1980 and RCW 51.04.070; amending section 26, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.085; amending section 3, chapter 107, Laws of 1961 as last amended by section 15, chapter 111, Laws of 1979 and RCW 51.08.013; amending section 51.08.015, chapter 23, Laws of 1961 as last amended by section 9, chapter 350, Laws of 1977 ex. sess. and RCW 51.08.015; amending section 51.12.050, chapter 23, Laws of 1961 as last amended by section 18, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.050; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 4, chapter 128, Laws of 1981 and RCW 51.12.070; amending section 6, chapter 14, Laws of 1980 as amended by section 17, chapter 63, Laws of 1982 and RCW 51.12.110; amending section 82, chapter 289, Laws of 1971 ex. sess. as last amended by section 23, chapter 350, Laws of 1977 ex. sess. and RCW 51.12.120; amending section 1, chapter 113, Laws of 1977 ex. sess. and RCW 51.12.140; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending section 16, chapter 289, Laws of 1971 ex. sess. as last amended by section 4, chapter 129, Laws of 1980 and RCW 51.16.035; amending section 2, chapter 151, Laws of 1963 as last amended by section 25, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.042; amending section 13, chapter 260, Laws of 1981 and RCW 51.16.060; amending section 51.16.070, chapter 23, Laws of 1961 and RCW 51.16.070; amending section 51.16.090, chapter 23, Laws of 1961 and RCW 51.16.090; amending section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 27, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.105; amending section 51.16.110, chapter 23, Laws of 1961 as last amended by section 12, chapter 323, Laws of 1977 ex. sess. and RCW 51.16.110; amending section 7, chapter 14, Laws of 1980 and RCW 51.16.120; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 29, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.140; amending section 51.16.150, chapter 23, Laws of 1961 as amended by section 15, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.150; amending section 87, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.155; amending section 51.16.160, chapter 23, Laws of 1961 as amended by section 78, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.160; amending section 51.16.170, chapter 23, Laws of 1961 and RCW 51.16.170; amending section 51.16.180, chapter 23, Laws of 1961 as amended by section 79, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.180; amending section 27, chapter 323, Laws of 1977 ex. sess. and RCW 51.16.190; amending section 3, chapter 85, Laws of 1977 ex. sess. as amended by section 1, chapter 211, Laws of 1983 and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060; amending section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070; amending section 6, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.080; amending section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090; amending section 51.28.020, chapter 23, Laws of 1961 as last amended by section 33, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.020; amending section 39, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.28.025; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43,

Laws of 1972 ex. sess. and RCW 51.28.030; amending section 51.28.070, chapter 23, Laws of 1961 as last amended by section 36, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.070; amending section 51.32.010, chapter 23, Laws of 1961 as last amended by section 37, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.010; amending section 1, chapter 107, Laws of 1961 as last amended by section 38, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.015; amending section 8, chapter 14, Laws of 1980 and RCW 51.32.030; amending section 13, chapter 2, Laws of 1983 and RCW 51.32.040; amending section 46, chapter 289, Laws of 1971 ex. sess. as last amended by section 1, chapter 326, Laws of 1981 and RCW 51.32.055; amending section 51.32.060, chapter 23, Laws of 1961 as last amended by section 159, chapter 3, Laws of 1983 and RCW 51.32.060; amending section 9, chapter 14, Laws of 1980 and RCW 51.32.073; amending section 10, chapter 14, Laws of 1980 as last amended by section 2, chapter 70, Laws of 1983 and RCW 51.32.095; amending section 11, chapter 14, Laws of 1980 and RCW 51.32.110; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 47, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 20, Laws of 1982 1st ex. sess. and RCW 51.32.190; amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 3, chapter 286, Laws of 1975 1st ex. sess. as last amended by section 19, chapter 63, Laws of 1982 and RCW 51.32.220; amending section 2, chapter 151, Laws of 1979 ex. sess. and RCW 51.32.230; amending section 13, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.32.240; amending section 51.36.010, chapter 23, Laws of 1961 as last amended by section 56, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.010; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 12, chapter 63, Laws of 1982 and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. as amended by section 1, chapter 42, Laws of 1979 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. as amended by section 15, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. as amended by section 60, chapter 350, Laws of 1977 ex. sess. and RCW 51.36.070; amending section 55, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.080; amending section 51.44.010, chapter 23, Laws of 1961 and RCW 51.44.010; amending section 51.44.040, chapter 23, Laws of 1961 as last amended by section 14, chapter 63, Laws of 1982 and RCW 51.44.040; amending section 51.44.070, chapter 23, Laws of 1961 as last amended by section 1, chapter 312, Laws of 1983 and RCW 51.44.070; amending section 51.44.080, chapter 23, Laws of 1961 as last amended by section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080; amending section 51.44.100, chapter 23, Laws of 1961 as last amended by section 41, chapter 3, Laws of 1981 and RCW 51.44.100; amending section 51.48.010, chapter 23, Laws of 1961 as last amended by section 20, chapter 63, Laws of 1982 and RCW 51.48.010; amending section 62, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.015; amending section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; amending section 51.48.020, chapter 23, Laws of 1961 as last amended by section 22, chapter 323, Laws of 1977 ex. sess. and RCW 51.48.020; amending section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040; amending section 13, chapter 14, Laws of 1980 and RCW 51.48.050; amending section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; amending section 32, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.120; amending section 33, chapter 43, Laws of 1972 ex. sess. as amended by section 3, chapter 109, Laws of 1982 and RCW 51.48.130; amending section 34, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.140; amending section 35, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.150; amending section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030; amending section 51.52.050, chapter 23, Laws of 1961 as last amended by section 4, chapter 109, Laws of 1982 and RCW 51.52.050; amending section 51.52.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.060; amending section 51.52.070, chapter 23, Laws of 1961 as last amended by section 77, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.070; amending section 51.52.095, chapter 23, Laws of 1961 as last amended by section 7, chapter 109, Laws of 1982 and RCW 51.52.095; amending section 1, chapter 40, Laws of 1973 as last amended by section 6, chapter 109, Laws of 1982 and RCW 51.52.110; amending section 51.52.130, chapter 23, Laws of 1961 as last amended by section 23, chapter 63, Laws of 1982 and RCW 51.52.130; amending section 51.52.150, chapter 23, Laws of 1961 and RCW 51.52.150; adding new sections to chapter 51.08 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 51.16 RCW; adding a new chapter to Title 51 RCW; creating new sections; repealing section 51.04.090, chapter 23, Laws of 1961, section 5, chapter 350, Laws of 1977 ex. sess. and RCW 51.04.090; repealing section 88, chapter 289, Laws of 1971 ex. sess., section 5, chapter 43, Laws of 1972 ex. sess., section 5, chapter 323, Laws of 1977 ex. sess. and RCW 51.08.175; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 51.16.130, chapter 23, Laws of 1961, section 14, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.130; repealing section 26, chapter 43, Laws of 1972 ex. sess., section 55, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.210; repealing section 51.44.020, chapter 23, Laws of 1961 and RCW 51.44.020; repealing section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; repealing section 51.44.060, chapter 23, Laws of 1961, section 28, chapter 43, Laws of 1972

ex. sess. and RCW 51.44.060; repealing section 51.44.090, chapter 23, Laws of 1961, section 31, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.090; repealing section 51.44.110, chapter 23, Laws of 1961, section 30, chapter 106, Laws of 1973, section 68, chapter 350, Laws of 1977 ex. sess. and RCW 51.44.110; repealing section 51.44.120, chapter 23, Laws of 1961 and RCW 51.44.120; repealing section 58, chapter 289, Laws of 1971 ex. sess., section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; repealing section 60, chapter 289, Laws of 1971 ex. sess., section 17, chapter 224, Laws of 1975 1st ex. sess. and RCW 51.44.160; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4617 by Senators Hughes and Zimmerman

AN ACT Relating to solid waste management; amending section 6, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.060; amending section 9, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 293, Laws of 1971 ex. sess. and RCW 70.95.090; amending section 10, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.100; amending section 11, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.110; amending section 17, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.170; amending section 19, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.190; adding a new section to chapter 70.95 RCW; and repealing section 12, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.120.

Referred to Committee on Parks and Ecology.

SB 4618 by Senators Vognild, Quigg, Bottiger and Hayner

AN ACT Relating to sales and use taxation; and amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.010.

Referred to Committee on Ways and Means.

SB 4619 by Senators Thompson, Zimmerman and Granlund

AN ACT Relating to fire protection districts; and amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050.

Referred to Committee on Local Government.

SB 4620 by Senators Hughes, Bender, Owen, McDermott, Peterson, Wojahn, Bottiger, Talmadge, Moore, Bauer, Gaspard, Shinpoch, McCaslin, McDonald, Sellar, Fleming, Vognild and Conner

AN ACT Relating to veterans; and amending section 1, chapter 269, Laws of 1969 ex. sess. as last amended by section 1, chapter 230, Laws of 1983 and RCW 41.04.005.

Referred to Committee on State Government.

SB 4621 by Senators Thompson, Zimmerman, Granlund and Conner

AN ACT Relating to fire protection districts; and amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030.

Referred to Committee on Local Government.

SB 4622 by Senator Vognild; (by Insurance Commissioner and State Fire Marshal request)

AN ACT Relating to the state fire marshal.

Referred to Committee on Commerce and Labor.

SB 4623 by Senators Shinpoch and Goltz (by Human Rights Commission request)

AN ACT Relating to human rights; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.010; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 127, Laws of 1979 and RCW 49.60.040; amending section 3, chapter 270, Laws of 1955 and RCW 49.60.060; amending section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 49.60.070; amending section 5, chapter 270, Laws of 1955 and RCW 49.60.080; amending section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090; amending section 7, chapter 270, Laws of 1955 as amended by section 74, chapter 75, Laws of 1977 and RCW 49.60.100; amending section 5, chapter 183, Laws of 1949 and RCW 49.60.110; amending section 8, chapter 270, Laws of 1955 as last amended by section 4, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as last

amended by section 146, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.130; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 12, chapter 270, Laws of 1955 and RCW 49.60.160; amending section 13, chapter 270, Laws of 1955 and RCW 49.60.170; amending section 9, chapter 37, Laws of 1957 as last amended by section 6, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 8, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 9, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.200; amending section 12, chapter 37, Laws of 1957 and RCW 49.60.210; amending section 7, chapter 167, Laws of 1969 ex. sess. as last amended by section 11, chapter 127, Laws of 1979 and RCW 49.60.225; amending section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 as last amended by section 1, chapter 259, Laws of 1981 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as last amended by section 1, chapter 293, Laws of 1983 and RCW 49.60.250; amending section 21, chapter 37, Laws of 1957 as last amended by section 3, chapter 259, Laws of 1981 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 as amended by section 4, chapter 259, Laws of 1981 and RCW 49.60.270; amending section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310; amending section 11, chapter 183, Laws of 1949 and RCW 49.60.320; and adding a new section to chapter 49.60 RCW.

Referred to Committee on State Government.

SB 4624 by Senators Gaspard and Conner (by Superintendent of Public Instruction request)

AN ACT Relating to the basic education honors program; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.80 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Education.

SB 4625 by Senators Hurley, McCaslin, Patterson, Gaspard and Guess (by Office of Financial Management request)

AN ACT Relating to higher education; amending section 28B.10.300, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.300; amending section 3, chapter 277, Laws of 1969 ex. sess. as amended by section 3, chapter 132, Laws of 1975 1st ex. sess. and RCW 28B.80.030; amending section 2, chapter 201, Laws of 1977 ex. sess. and RCW 28B.80.035; creating a new section; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4626 by Senators Goltz, Bauer, Quigg and Thompson

AN ACT Relating to the appearance of fairness doctrine; and amending section 6, chapter 229, Laws of 1982 and RCW 42.36.060.

Referred to Committee on Local Government.

SB 4627 by Senators Thompson, Zimmerman, Bauer and McCaslin

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

Referred to Committee on Local Government.

SB 4628 by Senators Vogtild, Newhouse and Conner

AN ACT Relating to civil service for employees of county sheriffs; and amending section 13, chapter 1, Laws of 1959 as amended by section 4, chapter 153, Laws of 1979 ex. sess. and RCW 41.14.130.

Referred to Committee on Local Government.

SB 4629 by Senators Hughes, Talmadge and McDermott

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

Referred to Committee on Social and Health Services.

SB 4630 by Senators Wojahn, Benitz, McManus, Hayner, Kiskaddon, Rinehart, Fuller, Craswell, Talmadge, Granlund and Moore

AN ACT Relating to social services; amending section 3, chapter 172, Laws of 1967 as last amended by section 6, chapter 118, Laws of 1982 and RCW 74.15.030; and adding a new section to chapter 74.15 RCW.

Referred to Committee on Social and Health Services.

SB 4631 by Senators Thompson and Zimmerman

AN ACT Relating to public works; amending section 1, chapter 56, Laws of 1975 1st ex. sess. as amended by section 1, chapter 89, Laws of 1979 ex. sess. and RCW 35.22.620; amending section 4, chapter 56, Laws of 1975 1st ex. sess. and RCW 35.22.650; amending section 1, chapter 183, Laws of 1923 as last amended by section 1, chapter 98, Laws of 1982 and RCW 39.04.010; amending section 2, chapter 183, Laws of 1923 as last amended by section 4, chapter 98, Laws of 1982 and RCW 39.04.020; amending section 4, chapter 183, Laws of 1923 and RCW 39.04.050; amending section 6, chapter 183, Laws of 1923 and RCW 39.04.070; and repealing section 8, chapter 183, Laws of 1923 and RCW 39.04.090.

Referred to Committee on Local Government.

SB 4632 by Senators Goltz and Conner

AN ACT Relating to motor vehicle license fees; and amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 8, chapter 342, Laws of 1981 and RCW 46.16.060.

Referred to Committee on Transportation.

SB 4633 by Senators Goltz and Barr

AN ACT Relating to goats milk; adding a new section to chapter 15.32 RCW; and adding a new section to chapter 15.36 RCW.

Referred to Committee on Agriculture.

SB 4634 by Senator Vognild

AN ACT Relating to real estate licenses; and amending section 8, chapter 370, Laws of 1977 ex. sess. and RCW 18.85.215.

Referred to Committee on Commerce and Labor.

SB 4635 by Senator McCaslin

AN ACT Relating to counties; and amending section 36.21.070, chapter 4, Laws of 1963 and RCW 36.21.070.

Referred to Committee on Local Government.

SB 4636 by Senators Warnke, Newhouse and Granlund (by Planning and Community Affairs Agency request)

AN ACT Relating to actions against state officers, employees, and authorized agents; amending section 1, chapter 79, Laws of 1921 as last amended by section 1, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.060; and amending section 2, chapter 79, Laws of 1921 as last amended by section 2, chapter 126, Laws of 1975 1st ex. sess. and RCW 4.92.070.

Referred to Committee on State Government.

SB 4637 by Senators Granlund and McCaslin (by Department of Social and Health Services request)

AN ACT Relating to child placement and review hearings; amending section 31, chapter 155, Laws of 1979 as amended by section 12, chapter 298, Laws of 1981 and RCW 13.32A.170; amending section 33, chapter 155, Laws of 1979 as amended by section 13, chapter 298, Laws of 1981 and RCW 13.32A.190; amending section 34, chapter 291, Laws of 1977 ex. sess. as last amended by section 1, chapter 246, Laws of 1983 and RCW 13.34.060; and reenacting and amending section 41, chapter 291, Laws of 1977 ex. sess. as last

amended by section 2, chapter 246, Laws of 1983 and by section 5, chapter 311, Laws of 1983 and RCW 13.34.130.

Referred to Committee on Institutions.

SB 4638 by Senator Hansen

AN ACT Relating to consolidation of cities; amending section 35.10.200, chapter 7, Laws of 1965 as amended by section 1, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.200; amending section 3, chapter 89, Laws of 1969 ex. sess. and RCW 35.10.215; amending section 1, chapter 73, Laws of 1967 and RCW 35.14.010; amending section 2, chapter 73, Laws of 1967 and RCW 35.14.020; and declaring an emergency.

Referred to Committee on Local Government.

SB 4639 by Senators McManus, Deccio, Moore, Wojahn, Granlund and Craswell

AN ACT Relating to a joint select legislative committee on child protective services; creating new section; making an appropriation; providing an expiration date; and declaring an emergency.

Referred to Committee on Social and Health Services.

SB 4640 by Senators Owen and Pullen

AN ACT Relating to game hunters; amending section 1, chapter 127, Laws of 1979 ex. sess. as last amended by section 4, chapter 310, Laws of 1981 and RCW 77.16.310; adding new sections to chapter 77.16 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SB 4641 by Senators Granlund and Talmadge

AN ACT Relating to an ombudsman for the department of corrections; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Institutions.

SB 4642 by Senators Moore, Clarke, Bender and Bluechel

AN ACT Relating to mutual insurers; amending section .09.35, chapter 79, Laws of 1947 as amended by section 1, chapter 32, Laws of 1983 1st ex. sess. and RCW 48.09.350; and amending section .09.36, chapter 79, Laws of 1947 and RCW 48.09.360.

Referred to Committee on Financial Institutions.

SB 4643 by Senator McDermott

AN ACT Relating to licensing acupuncturists; amending section 1, chapter 157, Laws of 1969 ex. sess. as last amended by section 4, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.24.240; amending section 1, chapter 35, Laws of 1975 1st ex. sess. as amended by section 1, chapter 149, Laws of 1983 and RCW 4.24.290; amending section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 53, Laws of 1981 and RCW 7.70.020; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4644 by Senator Lee

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

Referred to Committee on Social and Health Services.

SB 4645 by Senators Gaspard and Goltz (by Superintendent of Public Instruction request)

AN ACT Relating to nursery school care and before-and-after-school care by school districts; amending section 28A.34.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.010; repealing section 28A.34.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.020; repealing section 28A.34.040, chapter 223, Laws of 1969 ex. sess. and RCW

28A.34.040; and repealing section 28A.34.050, chapter 223, Laws of 1969 ex. sess., section 45, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.34.050.

Referred to Committee on Education.

SB 4646 by Senators Zimmerman and Conner

AN ACT Relating to fire protection districts; and adding new sections to chapter 52.14 RCW.

Referred to Committee on Local Government.

SB 4647 by Senators McManus, Kiskaddon and Deccio (by Department of Social and Health Services request)

AN ACT Relating to the state advisory committee to the department of social and health services; amending section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; amending section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; repealing section 37, chapter 99, Laws of 1979 and RCW 43.131.221; and repealing section 79, chapter 99, Laws of 1979 and RCW 43.131.222.

Referred to Committee on Social and Health Services.

SB 4648 by Senator Talmadge (by Superintendent of Public Instruction request)

AN ACT Relating to administrative hearings by the office of the superintendent of public instruction; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

SB 4649 by Senator Gaspard (by State Board of Education request)

AN ACT Relating to education; amending section 28A.57.020, chapter 223, Laws of 1969 ex. sess. as last amended by section 33, chapter 3, Laws of 1983 and RCW 28A.57.020; amending section 28A.57.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.030; amending section 28A.57.031, chapter 223, Laws of 1969 ex. sess. as last amended by section 79, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.031; amending section 1, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.032; amending section 28A.57.033, chapter 223, Laws of 1969 ex. sess. as last amended by section 81, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.033; amending section 28A.57.034, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.034; amending section 28A.57.035, chapter 223, Laws of 1969 ex. sess. as amended by section 118, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.035; amending section 28A.57.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 82, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.040; amending section 2, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.050; amending section 28A.57.055, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.055; amending section 26, chapter 282, Laws of 1971 ex. sess. and RCW 28A.57.057; amending section 28A.57.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.060; amending section 28A.57.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 84, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.070; amending section 28A.57.075, chapter 223, Laws of 1969 ex. sess. as last amended by section 85, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.075; amending section 28A.57.080, chapter 223, Laws of 1969 ex. sess. as last amended by section 86, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.080; amending section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 87, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.090; amending section 28A.57.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.100; amending section 28A.57.110, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.110; amending section 28A.57.150, chapter 223, Laws of 1969 ex. sess. as last amended by section 90, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.150; amending section 28A.57.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1982 and RCW 28A.57.170; amending section 28A.57.180, chapter 223, Laws of 1969 ex. sess. as last amended by section 92, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.180; amending section 28A.57.190, chapter 223, Laws of 1969 ex. sess. as last amended by section 93, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.190; amending section 2, chapter 63, Laws of 1972 ex. sess. and RCW 28A.57.196; amending section 4, chapter 15, Laws of 1975-'76 2nd ex. sess. and RCW 28A.57.200; amending section 28A.57.240, chapter 223, Laws of 1969 ex. sess. as last amended by section 95, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.240; amending section 28A.57.245, chapter 223, Laws of 1969 ex. sess. as last amended by section 96, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.245; amending section 28A.57.342, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.342; amending section 28A.57.344, chapter 223, Laws of 1969 ex. sess. as last amended by

section 3, chapter 183, Laws of 1979 ex. sess. and RCW 28A.57.344; amending section 28A.57.390, chapter 223, Laws of 1969 ex. sess. as last amended by section 106, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.57.390; amending section 28A.56.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.005; amending section 28A.56.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.010; amending section 28A.56.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.020; amending section 28A.56.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 74, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.030; amending section 28A.56.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.040; amending section 28A.56.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 77, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.56.060; amending section 28A.56.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.56.070; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW.

Referred to Committee on Education.

SB 4650 by Senators Thompson, Zimmerman and Granlund

AN ACT Relating to fire protection districts; amending section 20, chapter 254, Laws of 1947 and RCW 52.28.010; amending section 21, chapter 254, Laws of 1947 and RCW 52.28.020; amending section 22, chapter 254, Laws of 1947 and RCW 52.28.030; amending section 23, chapter 254, Laws of 1947 and RCW 52.28.040; and adding new sections to chapter 52.12 RCW.

Referred to Committee on Local Government.

SB 4651 by Senators McManus and Deccio (by Department of Social and Health Services request)

AN ACT Relating to collection of child support assigned to the department of social and health services; and amending section 18, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.270.

Referred to Committee on Social and Health Services.

SB 4652 by Senator Warnke

AN ACT Relating to escrow agents and officers; and amending section 1, chapter 107, Laws of 1979 ex. sess. and RCW 19.62.010.

Referred to Committee on Commerce and Labor.

SB 4653 by Senators Peterson, McManus, Wojahn, Deccio, Moore and Bauer (by Lieutenant Governor request)

AN ACT Relating to children; amending section 31, chapter 155, Laws of 1979 as amended by section 12, chapter 298, Laws of 1981 and RCW 13.32A.170; reenacting and amending section 41, chapter 291, Laws of 1977 ex. sess. as last amended by section 2, chapter 246, Laws of 1983 and by section 5, chapter 311, Laws of 1983 and RCW 13.34.130; amending section 3, chapter 13, Laws of 1965 as last amended by section 7, chapter 129, Laws of 1982 and RCW 26.44.030; amending section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 4, chapter 164, Laws of 1981 and RCW 26.44.070; amending section 2, chapter 4, Laws of 1982 and RCW 43.121.020; amending section 9, chapter 4, Laws of 1982 and RCW 43.121.090; amending section 10, chapter 4, Laws of 1982 and RCW 43.121.100; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010; adding new sections to chapter 13.34 RCW; adding a new section to chapter 26.44 RCW; repealing section 11, chapter 4, Laws of 1982 and RCW 43.121.900; and prescribing penalties.

Referred to Committee on Social and Health Services.

SB 4654 by Senator Fleming

AN ACT Relating to the creation of a department of water resources; amending section 2, chapter 242, Laws of 1967 and RCW 43.27A.020; amending section 9, chapter 242, Laws of 1967 and RCW 43.27A.090; amending section 1, chapter 10, Laws of 1979 as amended by section 61, chapter 136, Laws of 1981 and RCW 43.17.010; amending section 2, chapter 10, Laws of 1979 as amended by section 62, chapter 136, Laws of 1981 and RCW 43.17.020; amending section 2, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.020; amending section 6, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.060; amending section 17, chapter 62, Laws of 1970 ex. sess. as amended by section 68, chapter 141, Laws of 1979 and RCW 43.21A.170; amending section 19, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.190; amending section 1, chapter 76, Laws of 1982 and RCW 43.21A.450; amending section 1, chapter 18, Laws of 1983 1st ex. sess. and RCW 43.21A.460; amending section 7, chapter 7, Laws of 1982 as amended by section 6, chapter 1, Laws of 1983 1st ex. sess. and RCW 43.21A.500; amending section 4, chapter 128, Laws of 1972 ex. sess. and

RCW 43.83B.040; amending section 3, chapter 295, Laws of 1975 1st ex. sess. as last amended by section 11, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.210; amending section 5, chapter 295, Laws of 1975 1st ex. sess. and RCW 43.83B.220; amending section 14, chapter 295, Laws of 1975 1st ex. sess. and RCW 43.83B.230; amending section 1, chapter 1, Laws of 1977 ex. sess. as amended by section 1, chapter 263, Laws of 1979 ex. sess. and RCW 43.83B.300; amending section 7, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.330; amending section 8, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.335; amending section 10, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.345; amending section 14, chapter 1, Laws of 1977 ex. sess. and RCW 43.83B.365; amending section 4, chapter 104, Laws of 1959 as last amended by section 2, chapter 216, Laws of 1981 and RCW 89.16.040; amending section 1, chapter 181, Laws of 1967 as amended by section 4, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.045; amending section 5, chapter 158, Laws of 1919 as last amended by section 248, chapter 167, Laws of 1983 and RCW 89.16.050; amending section 6, chapter 158, Laws of 1919 as amended by section 6, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.060; amending section 8, chapter 158, Laws of 1919 as amended by section 7, chapter 51, Laws of 1972 ex. sess. and RCW 89.16.080; amending section 8, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.005; amending section 3, chapter 117, Laws of 1917 and RCW 90.03.030; amending section 9, chapter 117, Laws of 1917 as last amended by section 1, chapter 80, Laws of 1967 and RCW 90.03.060; amending section 10, chapter 117, Laws of 1917 as amended by section 2, chapter 80, Laws of 1967 and RCW 90.03.070; amending section 11, chapter 117, Laws of 1917 as amended by section 1, chapter 71, Laws of 1919 and RCW 90.03.080; amending section 13, chapter 117, Laws of 1917 and RCW 90.03.100; amending section 14, chapter 117, Laws of 1917 and RCW 90.03.110; amending section 15, chapter 117, Laws of 1917 as amended by section 1, chapter 357, Laws of 1977 ex. sess. and RCW 90.03.120; amending section 16, chapter 117, Laws of 1917 as last amended by section 2, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.130; amending section 17, chapter 117, Laws of 1917 as amended by section 2, chapter 122, Laws of 1929 and RCW 90.03.140; amending section 19, chapter 117, Laws of 1917 and RCW 90.03.160; amending section 20, chapter 117, Laws of 1917 and RCW 90.03.170; amending section 22, chapter 117, Laws of 1917 and RCW 90.03.190; amending section 23, chapter 117, Laws of 1917 as amended by section 176, chapter 81, Laws of 1971 and RCW 90.03.200; amending section 1, chapter 103, Laws of 1921 and RCW 90.03.210; amending section 25, chapter 117, Laws of 1917 and RCW 90.03.230; amending section 26, chapter 117, Laws of 1917 and RCW 90.03.240; amending section 1, chapter 166, Laws of 1979 ex. sess. as amended by section 46, chapter 87, Laws of 1980 and RCW 90.03.247; amending section 27, chapter 117, Laws of 1917 and RCW 90.03.250; amending section 28, chapter 117, Laws of 1917 and RCW 90.03.260; amending section 29, chapter 117, Laws of 1917 and RCW 90.03.270; amending section 30, chapter 117, Laws of 1917 as last amended by section 1, chapter 275, Laws of 1953 and RCW 90.03.280; amending section 31, chapter 117, Laws of 1917 as last amended by section 1, chapter 133, Laws of 1947 and RCW 90.03.290; amending section 3, chapter 103, Laws of 1921 and RCW 90.03.300; amending section 32, chapter 117, Laws of 1917 and RCW 90.03.310; amending section 33, chapter 117, Laws of 1917 and RCW 90.03.320; amending section 34, chapter 117, Laws of 1917 as amended by section 5, chapter 122, Laws of 1929 and RCW 90.03.330; amending section 35, chapter 117, Laws of 1917 and RCW 90.03.340; amending section 7, chapter 216, Laws of 1979 ex. sess. and RCW 90.03.345; amending section 36, chapter 117, Laws of 1917 as last amended by section 1, chapter 362, Laws of 1955 and RCW 90.03.350; amending section 37, chapter 117, Laws of 1917 and RCW 90.03.360; amending section 38, chapter 117, Laws of 1917 and RCW 90.03.370; amending section 39, chapter 117, Laws of 1917 as amended by section 6, chapter 122, Laws of 1929 and RCW 90.03.380; amending section 7, chapter 122, Laws of 1929 and RCW 90.03.390; amending section 3, chapter 71, Laws of 1919 and RCW 90.03.430; amending section 4, chapter 71, Laws of 1919 and RCW 90.03.440; amending section 44, chapter 117, Laws of 1917 as last amended by section 1, chapter 160, Laws of 1965 ex. sess. and RCW 90.03.470; amending section 1, chapter 162, Laws of 1925 ex. sess. as amended by section 1, chapter 22, Laws of 1977 and RCW 90.08.040; amending section 13, chapter 233, Laws of 1967 and RCW 90.14.130; amending section 15, chapter 233, Laws of 1967 and RCW 90.14.150; amending section 18, chapter 233, Laws of 1967 and RCW 90.14.180; amending section 19, chapter 233, Laws of 1967 and RCW 90.14.190; amending section 20, chapter 233, Laws of 1967 as amended by section 6, chapter 216, Laws of 1979 ex. sess. and RCW 90.14.200; amending section 23, chapter 233, Laws of 1967 and RCW 90.14.230; amending section 2, chapter 107, Laws of 1939 as amended by section 1, chapter 258, Laws of 1959 and RCW 90.24.010; amending section 4, chapter 107, Laws of 1939 as last amended by section 1, chapter 243, Laws of 1963 and RCW 90.24.030; amending section 5, chapter 107, Laws of 1939 as amended by section 3, chapter 258, Laws of 1959 and RCW 90.24.040; amending section 6, chapter 107, Laws of 1939 and RCW 90.24.050; amending section 7, chapter 107, Laws of 1939 and RCW 90.24.060; amending section 5, chapter 263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW 90.44.050; amending section 6, chapter 263, Laws of 1945 and RCW 90.44.060; amending section 7, chapter 263, Laws of 1945 and RCW 90.44.070; amending section 8, chapter 263, Laws of 1945 and RCW 90.44.080; amending section 9, chapter 263, Laws of 1945 as

amended by section 2, chapter 122, Laws of 1947 and RCW 90.44.090; amending section 10, chapter 263, Laws of 1945 and RCW 90.44.100; amending section 11, chapter 263, Laws of 1945 as amended by section 1, chapter 63, Laws of 1949 and RCW 90.44.110; amending section 3, chapter 122, Laws of 1947 as amended by section 2, chapter 63, Laws of 1949 and RCW 90.44.120; amending section 12, chapter 263, Laws of 1945 as amended by section 4, chapter 122, Laws of 1947 and RCW 90.44.130; amending section 13, chapter 263, Laws of 1945 and RCW 90.44.180; amending section 15, chapter 263, Laws of 1945 and RCW 90.44.200; amending section 16, chapter 263, Laws of 1945 and RCW 90.44.215; amending section 17, chapter 263, Laws of 1945 and RCW 90.44.220; amending section 18, chapter 263, Laws of 1945 and RCW 90.44.230; amending section 19, chapter 263, Laws of 1945 and RCW 90.44.250; amending section 1, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.010; amending section 10, chapter 225, Laws of 1971 ex. sess. as amended by section 95, chapter 75, Laws of 1977 and RCW 90.54.090; amending section 11, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.100; amending section 12, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.110; amending section 13, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.120; amending section 9, chapter 216, Laws of 1979 ex. sess. and RCW 90.54.150; amending section 9, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.900; amending section 4, chapter 3, Laws of 1979 and RCW 90.66.040; adding new sections to chapter 43.27A RCW; recodifying RCW 43.21A.450, 43.21A.460, and 43.21A.500 into chapter 43.27A RCW; creating new sections; repealing section 43.21.130, chapter 8, Laws of 1965, section 46, chapter 75, Laws of 1977 and RCW 43.21.130; decodifying RCW 43.83B.305, 43.83B.310, 43.83B.315, 43.83B.320, 43.83B.325, 43.83B.340, and 90.14.043; and providing an effective date.

Referred to Committee on Agriculture.

SB 4655 by Senators Shinpoch, Lee, Vognild, Wojahn, McDermott, Woody, Moore, Talmadge, McManus, Gaspard and Conner

AN ACT Relating to the support of dependent children; adding new sections to chapter 44.04 RCW; providing an expiration date; and creating a new section.

Referred to Committee on Social and Health Services.

SB 4656 by Senators Bottiger, Talmadge and McManus

AN ACT Relating to paternity; and amending section 5, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.040.

Referred to Committee on Social and Health Services.

SB 4657 by Senators Vognild and Conner (by Emergency Commission on Economic Development request)

AN ACT Relating to use tax exemptions for nonprofit teaching and research institutions; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4658 by Senators Deccio, McManus, Owen, Guess, Sellar, McCaslin, Quigg, Craswell, Hayner, McDonald, Newhouse and Barr

AN ACT Relating to group self-insurance for industrial insurance purposes; amending section 7, chapter 191, Laws of 1982 as amended by section 2, chapter 174, Laws of 1983 and RCW 51.14.150; and amending section 16, chapter 289, Laws of 1971 ex. sess. as last amended by section 4, chapter 129, Laws of 1980 and RCW 51.16.035.

Referred to Committee on Commerce and Labor.

SB 4659 by Senator Barr

AN ACT Relating to industrial insurance; amending section 51.04.020, chapter 23, Laws of 1961 as last amended by section 77, chapter 75, Laws of 1977 and RCW 51.04.020; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; adding new sections to chapter 51.04 RCW; repealing section 51.16.105, chapter 23, Laws of 1961, section 86, chapter 289, Laws of 1971 ex. sess., section 8, chapter 52, Laws of 1973 1st ex. sess., section 27, chapter 350, Laws of 1977 ex. sess. and RCW 51.16.105; repealing section 46, chapter 289, Laws of 1971 ex. sess., section 43, chapter 350, Laws of 1977 ex. sess., section 1, chapter 326, Laws of 1981 and RCW 51.32.055; repealing section 11, chapter 14, Laws of 1980 and RCW 51.32.110; repealing section 51.32.135, chapter 23, Laws of 1961, section 98, chapter 154, Laws of 1973 1st ex. sess., section 52, chapter 350, Laws of 1977 ex. sess. and RCW 51.32.135; repealing section 51.32.160, chapter 23, Laws of 1961, section 1, chapter 192, Laws of 1973 1st ex. sess. and RCW 51.32.160; repealing section 62, chapter 289, Laws

of 1971 ex. sess. and RCW 51.48.015; repealing section 13, chapter 14, Laws of 1980 and RCW 51.48.050; and prescribing penalties.

Referred to Committee on Commerce and Labor.

SB 4660 by Senator McManus

AN ACT Relating to nursing home administrators; amending section 3, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.030; amending section 7, chapter 57, Laws of 1970 ex. sess. as last amended by section 2, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.070; amending section 9, chapter 57, Laws of 1970 ex. sess. as amended by section 3, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.090; amending section 11, chapter 57, Laws of 1970 ex. sess. as last amended by section 54, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.110; amending section 12, chapter 57, Laws of 1970 ex. sess. as last amended by section 5, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.120; amending section 17, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.160; adding a new section to chapter 18.52 RCW; and repealing section 8, chapter 57, Laws of 1970 ex. sess., section 53, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.080.

Referred to Committee on Social and Health Services.

SB 4661 by Senators Craswell, Granlund, McManus and Deccio

AN ACT Relating to physically disabled persons; amending section 3, chapter 141, Laws of 1969 as amended by section 3, chapter 109, Laws of 1980 and RCW 70.84.030; amending section 4, chapter 141, Laws of 1969 as last amended by section 4, chapter 109, Laws of 1980 and RCW 70.84.040; amending section 6, chapter 141, Laws of 1969 as amended by section 6, chapter 109, Laws of 1980 and RCW 70.84.060; amending section 7, chapter 141, Laws of 1969 as amended by section 7, chapter 109, Laws of 1980 and RCW 70.84.070; and adding a new section to chapter 70.84 RCW.

Referred to Committee on Social and Health Services.

SB 4662 by Senators Thompson, Lee, McManus and Moore

AN ACT Relating to the extension of the effective dates of provisions pertaining to nursing home property reimbursement; amending section 27, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.525; amending section 94, chapter 177, Laws of 1980 as last amended by section 49, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.901; and providing effective dates.

Referred to Committee on Ways and Means.

SB 4663 by Senator Patterson

AN ACT Relating to retirement from public service; and amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 259, Laws of 1979 ex. sess. and RCW 28B.10.400.

Referred to Committee on Ways and Means.

SB 4664 by Senators Talmadge and Warnke

AN ACT Relating to water resources; amending section 2, chapter 225, Laws of 1971 ex. sess. and RCW 90.54.020; amending section 3, chapter 284, Laws of 1969 ex. sess. and RCW 90.22.010; adding a new section to chapter 90.03 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4665 by Senators Zimmerman and Quigg

AN ACT Relating to referendum procedures on local taxation; amending section 6, chapter 99, Laws of 1983 and RCW 35.21.706; and amending section 3, chapter 99, Laws of 1983 and RCW 82.46.021.

Referred to Committee on Local Government.

SB 4666 by Senators Rinehart, Warnke, Hemstad, Hughes, Hurley, Shinpoch and Kiskaddon

AN ACT Relating to state parks; amending section 3, chapter 271, Laws of 1981 and RCW 43.51.045; and adding new sections to chapter 43.51 RCW.

Referred to Committee on Parks and Ecology.

SB 4667 by Senators Goltz, Williams, Granlund and Pullen

AN ACT Relating to mandatory measured telephone service rates; adding a new section to chapter 80.36 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4668 by Senators Vognild, McManus, Lee and McDermott (by Emergency Commission on Economic Development request)

AN ACT Relating to the Washington State University small business development center; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.30 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4669 by Senators Goltz, McCaslin, Guess, Owen, Bauer, Barr, Hayner, Zimmerman, Hurley and Hughes

AN ACT Relating to home education of students; amending section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 59, Laws of 1980 and RCW 28A.27.010; and amending section 4, chapter 217, Laws of 1969 ex. sess. as last amended by section 8, chapter 359, Laws of 1977 ex. sess. and RCW 28A.41.145.

Referred to Committee on Education.

SB 4670 by Senators Talmadge, Lee, Gaspard and Hemstad

AN ACT Relating to the support of dependent children; amending section 1, chapter 10, Laws of 1982 and RCW 6.12.100; and amending section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010.

Referred to Committee on Judiciary.

SB 4671 by Senators Bauer, Lee, Granlund, McDermott, Woody, Talmadge, McManus, Gaspard and Hemstad

AN ACT Relating to the support of dependent children; adding new sections to chapter 26.09 RCW; adding a new chapter to Title 7 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4672 by Senators Woody, Talmadge, McManus and Lee

AN ACT Relating to the support of dependent children; amending section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030; and amending section 2, chapter 28, Laws of 1913 as last amended by section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050.

Referred to Committee on Judiciary.

SB 4673 by Senators Metcalf, McManus and Rinehart

AN ACT Relating to surface waters; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture.

SB 4674 by Senators McManus and Kiskaddon

AN ACT Relating to hospital privileges; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Social and Health Services.

SB 4675 by Senators Peterson, Vognild, Boltiger, McDermott, Woody, Granlund, Talmadge, McManus, Gaspard and Hemstad

AN ACT Relating to the support of dependent children; amending section 2, chapter 60, Laws of 1929 as amended by section 17, chapter 81, Laws of 1971 and RCW 4.56.200; adding new sections to chapter 4.56 RCW; adding a new chapter to Title 26 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4676 by Senators Hayner, Hansen, Barr, Benitz and Newhouse

AN ACT Relating to liens; amending section 4, chapter 256, Laws of 1927 as amended by section 1, chapter 119, Laws of 1933 and RCW 60.12.040; amending section 3, chapter 336, Laws of 1955 and RCW 60.12.190; amending section 2, chapter 217, Laws of 1955 and RCW 60.14.020; amending section 2, chapter 110, Laws of 1917 and RCW 60.16.020; amending section 3, chapter 18, Laws of 1943 as amended by section 1, chapter 239, Laws

of 1955 and RCW 60.20.030; amending section 2, chapter 264, Laws of 1961 as amended by section 1, chapter 21, Laws of 1977 and RCW 60.22.020; amending section 7, chapter 132, Laws of 1893 and RCW 60.24.075; amending section 8, chapter 132, Laws of 1893 and RCW 60.24.080; amending section 11, chapter 132, Laws of 1893 and RCW 60.24.120; amending section 12, chapter 132, Laws of 1893 as amended by section 1, chapter 90, Laws of 1899 and RCW 60.24.130; repealing section 6, chapter 256, Laws of 1927, section 2, chapter 32, Laws of 1933 and RCW 60.12.070; repealing section 4, chapter 18, Laws of 1943 and RCW 60.20.040; and repealing section 9, chapter 132, Laws of 1893 and RCW 60.24.100.

Referred to Committee on Agriculture.

SB 4677 by Senators Rinehart and Hansen

AN ACT Relating to pesticide control; adding a new section to chapter 17.21 RCW; adding a new section to chapter 15.58 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

SB 4678 by Senators Rinehart, Guess, Wojahn and Zimmerman

AN ACT Relating to excise taxes; and amending section 3, chapter 94, Laws of 1970 ex. sess. as last amended by section 31, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.14.020.

Referred to Committee on Ways and Means.

SB 4679 by Senators Fuller and Peterson

AN ACT Relating to motor vehicle fuel; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation.

SB 4680 by Senator Fuller

AN ACT Relating to rights of crime victims, survivors of crime victims, and witnesses of crime; amending section 1, chapter 145, Laws of 1981 and RCW 7.69.010; amending section 2, chapter 145, Laws of 1981 and RCW 7.69.020; amending section 3, chapter 145, Laws of 1981 and RCW 7.69.030; amending section 1, chapter 24, Laws of 1905 as last amended by section 8, chapter 47, Laws of 1982 1st ex. sess. and RCW 9.92.060; amending section 11, chapter 137, Laws of 1981 and RCW 9.94A.110; amending section 12, chapter 137, Laws of 1981 as last amended by section 2, chapter 163, Laws of 1983 and RCW 9.94A.120; amending section 14, chapter 137, Laws of 1981 as amended by section 5, chapter 192, Laws of 1982 and RCW 9.94A.140; amending section 4, chapter 133, Laws of 1955 and RCW 9.95.030; amending section 7, chapter 98, Laws of 1969 and RCW 9.95.125; amending section 3, chapter 114, Laws of 1935 as last amended by section 40, chapter 136, Laws of 1981 and RCW 9.95.170; amending section 1, chapter 19, Laws of 1980 as last amended by section 4, chapter 156, Laws of 1983 and RCW 9.95.210; adding new sections to chapter 7.69 RCW; adding a new section to chapter 9.95 RCW; adding a new section to chapter 72.01 RCW; and providing effective dates.

Referred to Committee on Judiciary.

SB 4681 by Senator Metcalf

AN ACT Relating to education; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW.

Referred to Committee on Education.

SB 4682 by Senators McManus, McCaslin, Newhouse, Bauer, Kiskaddon and Craswell

AN ACT Relating to health care service contractors; amending section 1, chapter 168, Laws of 1982 and RCW 48.44.026; adding new sections to chapter 48.44 RCW; and creating a new section.

Referred to Committee on Social and Health Services.

SB 4683 by Senators Talmadge, Bender and Warnke

AN ACT Relating to public employment; and amending section 1, chapter 189, Laws of 1945 as last amended by section 1, chapter 170, Laws of 1974 ex. sess. and RCW 41.04.010.

Referred to Committee on State Government.

SB 4684 by Senator Hansen

AN ACT Relating to agricultural products merchants; and amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 305, Laws of 1983 and RCW 20.01.030.

Referred to Committee on Agriculture.

SB 4685 by Senators Talmadge, McDermott, Fleming and Woody

AN ACT Relating to juvenile mental health treatment; amending section 27, chapter 137, Laws of 1981 and RCW 9.94A.900; amending section 14, chapter 152, Laws of 1972 ex. sess. as amended by section 108, chapter 3, Laws of 1983 and RCW 43.43.765; amending section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 179, chapter 3, Laws of 1983 and RCW 71.05.030; amending section 2, chapter 108, Laws of 1979 ex. sess. as last amended by section 1, chapter 279, Laws of 1983 and RCW 72.72.020; adding a new chapter to Title 71 RCW; creating a new section; repealing section 71.06.010, chapter 25, Laws of 1959, section 1, chapter 65, Laws of 1961, section 65, chapter 292, Laws of 1971 ex. sess., section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010; repealing section 71.06.020, chapter 25, Laws of 1959 and RCW 71.06.020; repealing section 71.06.030, chapter 25, Laws of 1959, section 1, chapter 104, Laws of 1967 and RCW 71.06.030; repealing section 71.06.040, chapter 25, Laws of 1959 and RCW 71.06.040; repealing section 71.06.050, chapter 25, Laws of 1959 and RCW 71.06.050; repealing section 71.06.060, chapter 25, Laws of 1959, section 2, chapter 104, Laws of 1967, section 129, chapter 141, Laws of 1979 and RCW 71.06.060; repealing section 71.06.070, chapter 25, Laws of 1959 and RCW 71.06.070; repealing section 71.06.080, chapter 25, Laws of 1959 and RCW 71.06.080; repealing section 3, chapter 104, Laws of 1967, section 130, chapter 141, Laws of 1979, section 64, chapter 136, Laws of 1981 and RCW 71.06.091; repealing section 71.06.100, chapter 25, Laws of 1959, section 4, chapter 104, Laws of 1967 and RCW 71.06.100; repealing section 71.06.120, chapter 25, Laws of 1959 and RCW 71.06.120; repealing section 71.06.130, chapter 25, Laws of 1959, section 5, chapter 104, Laws of 1967 and RCW 71.06.130; repealing section 71.06.140, chapter 25, Laws of 1959, section 6, chapter 104, Laws of 1967, section 131, chapter 141, Laws of 1979, section 65, chapter 136, Laws of 1981 and RCW 71.06.140; repealing section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150; repealing section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160; repealing section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170; repealing section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180; repealing section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190; repealing section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200; repealing section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210; repealing section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220; repealing section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230; repealing section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240; repealing section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250; repealing section 71.06.260, chapter 25, Laws of 1959, section 132, chapter 141, Laws of 1979 and RCW 71.06.260; repealing section 5, chapter 196, Laws of 1983 and RCW 71.06.270; repealing section 72.23.070, chapter 28, Laws of 1959, section 50, chapter 292, Laws of 1971 ex. sess., section 4, chapter 142, Laws of 1973 1st ex. sess., section 1, chapter 24, Laws of 1973 2nd ex. sess., section 3, chapter 145, Laws of 1974 ex. sess., section 11, chapter 199, Laws of 1975 1st ex. sess., section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070; and providing an effective date.

Referred to Committee on Social and Health Services.

SB 4686 by Senator Metcalf

AN ACT Relating to motor vehicles; and amending section 1, chapter 8, Laws of 1982 and RCW 46.20.435.

Referred to Committee on Transportation.

SB 4687 by Senators Hayner, Clarke and Newhouse

AN ACT Relating to the Washington public employees' retirement system; and amending section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120.

Referred to Committee on State Government.

SB 4688 by Senator Lee

AN ACT Relating to supplemental school district equalization appropriations; adding a new section to chapter 84.52 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4689 by Senators Peterson, Hughes, Hurley, Woody, Williams, Bottiger, Shinpoch and McDermott

AN ACT Relating to low-level radioactive waste disposal; amending section 3, chapter 207, Laws of 1961 as last amended by section 9, chapter 19, Laws of 1983 1st ex. sess. and RCW 70.98.030; and adding new sections to chapter 70.98 RCW.

Referred to Committee on Energy and Utilities.

SB 4690 by Senators Hughes, Haley, Rasmussen, Hurley, Hansen, Lee and Kiskaddon

AN ACT Relating to air pollution control; amending section 19, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.190; adding new sections to chapter 70.94 RCW; providing and effective date; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4691 by Senators Talmadge, Hemstad, Fleming, McDermott, Peterson, Owen and Woody

AN ACT Relating to the state enhancement of the prosecution and adjudication of serious traffic infractions; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Judiciary.

SB 4692 by Senators Deccio, Owen, Guess, Sellar, McCaslin, Zimmerman, Quigg, Craswell, Hayner, McDonald, McManus and Barr

AN ACT Relating to sales and use tax reductions; and amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 41, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.08.020.

Referred to Committee on Ways and Means.

SB 4693 by Senators Deccio, Sellar, Guess, McCaslin, Zimmerman, Quigg, Craswell, Hayner, McManus and Barr

AN ACT Relating to excise taxation; amending section 82.08.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.08.010; amending section 82.12.010, chapter 15, Laws of 1961 as last amended by section 2, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.010; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4694 by Senator Bottiger

AN ACT Relating to fire protection districts; amending section 1, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.010; amending section 2, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.020; amending section 3, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.030; amending section 4, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.040; amending section 5, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.050; amending section 6, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.060; amending section 7, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.070; and amending section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080.

Referred to Committee on Local Government.

SB 4695 by Senators Woody and Metcalf

AN ACT Relating to camping club contracts; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SB 4696 by Senator Lee

AN ACT Establishing a school district equalized calculation formula; and reenacting and amending section 4, chapter 325, Laws of 1977 ex. sess. as last amended by section 1, chapter 168, Laws of 1981 and by section 10, chapter 264, Laws of 1981 and RCW 84.52.0531.

Referred to Committee on Education.

SB 4697 by Senators Metcalf, Rasmussen, Vognild, Craswell, Moore, Pullen and Barr

AN ACT Relating to state government; and creating new sections.

Referred to Committee on Natural Resources.

SB 4698 by Senator Moore

AN ACT Relating to industrial loan companies; amending section 8, chapter 172, Laws of 1923 as last amended by section 2, chapter 312, Laws of 1981 and RCW 31.04.090; amending section 9, chapter 172, Laws of 1923 as last amended by section 3, chapter 312, Laws of 1981 and RCW 31.04.100; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Financial Institutions.

SB 4699 by Senators Barr, Hansen, Benitz, Newhouse and Goltz

AN ACT Relating to wheat-related education; and amending section 14, chapter 87, Laws of 1961 and RCW 15.63.140.

Referred to Committee on Agriculture.

SB 4700 by Senators Zimmerman, Hughes, Thompson and Haley

AN ACT Relating to ground water management; and adding new sections to chapter 90.44 RCW.

Referred to Committee on Parks and Ecology.

SB 4701 by Senator Metcalf

AN ACT Relating to the scenic and recreational highway system; and amending section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 8, chapter 63, Laws of 1975 and RCW 47.39.020.

Referred to Committee on Transportation.

SB 4702 by Senators McManus and Woody

AN ACT Relating to dental health benefits; and adding a new chapter to Title 48 RCW.

Referred to Committee on Social and Health Services.

SB 4703 by Senator Hansen

AN ACT Relating to water use planning; adding a new section to chapter 90.54 RCW; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Agriculture.

SB 4704 by Senators Deccio, Craswell, Guess, Sellar, McCaslin, Zimmerman, Quigg, Hayner and Barr

AN ACT Relating to the reduction of business and occupation taxes; amending section 3, chapter 65, Laws of 1970 ex. sess. as last amended by section 1, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.255; amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.290; amending section 3, chapter 130, Laws of 1975-'76 2nd ex. sess. as last amended by section 4, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.2901; amending section 31, chapter 35, Laws of 1982 1st ex. sess. as last amended by section 6, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.02.030; and repealing section 3, chapter 9, Laws of 1983, section 3, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.2904.

Referred to Committee on Ways and Means.

SB 4705 by Senators Warnke, Sellar and Fleming (by Department of Commerce and Economic Development request)

AN ACT Relating to the department of commerce and economic development; amending section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010; amending section 43.31.030, chapter 8, Laws of 1965 and RCW 43.31.030; amending section 2, chapter 93, Laws of 1972 ex. sess. as last amended by section 1, chapter 2, Laws of 1981 2nd ex. sess. and RCW 43.31.832; amending section 28, chapter 197, Laws of 1983 and RCW 43.131.258; adding new sections to chapter 43.31 RCW; repealing section 43.31.050, chapter 8, Laws of 1965, section 53, chapter 75, Laws of 1977 and RCW 43.31.050; repealing section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060; repealing section 43.31.080, chapter 8, Laws of 1965 and RCW 43.31.080; repealing section 43.31.120, chapter 8, Laws of 1965 and RCW 43.31.120; repealing section 43.31.130, chapter 8, Laws of 1965, section 110, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.31.130; repealing section 43.31.140, chapter 8, Laws of 1965 and RCW 43.31.140; repealing section 43.31.150, chapter 8, Laws of 1965 and RCW 43.31.150; repealing section 1, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.915; repealing section 2, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.920; repealing section 3, chapter 70, Laws of 1977 ex. sess., section 9, chapter 6, Laws of 1982 and RCW

43.31.925; repealing section 4, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.930; and repealing section 5, chapter 70, Laws of 1977 ex. sess. and RCW 43.31.935.

Referred to Committee on State Government.

SB 4706 by Senators Conner, Peterson and Bottiger

AN ACT Relating to the Hood Canal bridge; amending section 47.60.010, chapter 13, Laws of 1961 and RCW 47.60.010; amending section 1, chapter 341, Laws of 1981 and RCW 47.60.013; amending section 1, chapter 105, Laws of 1974 ex. sess. and RCW 47.60.017; amending section 47.60.020, chapter 13, Laws of 1961 and RCW 47.60.020; amending section 47.60.060, chapter 13, Laws of 1961 as last amended by section 28, chapter 106, Laws of 1973 and RCW 47.60.060; amending section 47.60.130, chapter 13, Laws of 1961 as last amended by section 6, chapter 189, Laws of 1979 ex. sess. and RCW 47.60.130; amending section 47.60.140, chapter 13, Laws of 1961 as amended by section 58, chapter 170, Laws of 1965 ex. sess. and RCW 47.60.140; amending section 47.60.170, chapter 13, Laws of 1961 as amended by section 6, chapter 85, Laws of 1970 ex. sess. and RCW 47.60.170; amending section 5, chapter 344, Laws of 1981 as amended by section 25, chapter 15, Laws of 1983 and RCW 47.60.326; amending section 26, chapter 15, Laws of 1983 and RCW 47.60.330; amending section 3, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.420; amending section 5, chapter 9, Laws of 1961 ex. sess. as last amended by section 139, chapter 3, Laws of 1983 and RCW 47.60.440; amending section 6, chapter 9, Laws of 1961 ex. sess. and RCW 47.60.450; amending section 1, chapter 184, Laws of 1981 and RCW 47.60.504; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

SB 4707 by Senators Bottiger, Quigg, Hurley and McManus

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

Referred to Committee on Energy and Utilities.

SB 4708 by Senators McManus and Deccio (by Department of Social and Health Services request)

AN ACT Relating to methods of determining costs of operating state institutions; amending section 71.02.410, chapter 25, Laws of 1959 as amended by section 1, chapter 127, Laws of 1967 ex. sess. and RCW 71.02.410; amending section 5, chapter 127, Laws of 1967 ex. sess. as amended by section 126, chapter 141, Laws of 1979 and RCW 71.02.412; and amending section 3, chapter 141, Laws of 1967 as amended by section 238, chapter 141, Laws of 1979 and RCW 72.33.660.

Referred to Committee on Social and Health Services.

SB 4709 by Senators Wojahn, Vognild and Bender (by Emergency Commission on Economic Development request)

AN ACT Relating to plant closures and employee layoffs; adding a new chapter to Title 49 RCW; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4710 by Senators Williams, Warnke and Hughes (by Office of Archaeology and Historic Preservation request)

AN ACT Relating to archaeological materials; amending section 2, chapter 216, Laws of 1941 as amended by section 6, chapter 169, Laws of 1977 ex. sess. and RCW 27.44.020; and amending section 12, chapter 91, Laws of 1983 and RCW 27.34.220.

Referred to Committee on State Government.

SB 4711 by Senators Thompson, Zimmerman and Granlund

AN ACT Relating to fire protection districts under Title 52 RCW; amending section 1, chapter 34, Laws of 1939 as last amended by section 5, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.020; amending section 2, chapter 34, Laws of 1939 as last amended by section 1, chapter 13, Laws of 1963 ex. sess. and RCW 52.04.030; amending section 3, chapter 34, Laws of 1939 and RCW 52.04.040; amending section 4, chapter 34, Laws of 1939 and RCW 52.04.050; amending section 5, chapter 34, Laws of 1939 as amended by section 3, chapter 254, Laws of 1947 and RCW 52.04.060; amending section 6, chapter 34, Laws of 1939 and RCW 52.04.070; amending section 7, chapter 34, Laws of 1939 and RCW 52.04.080; amending section 8, chapter 34, Laws of 1939 and RCW 52.04.090; amending section 9, chapter 34, Laws of 1939 and RCW 52.04.100; amending section 10, chapter 34, Laws of 1939 as amended by section 2, chapter 70, Laws of 1941 and RCW 52.04.110; amending section 11, chapter 34, Laws of 1939 and RCW 52.04.120; amending section 12, chapter 34,

Laws of 1939 as amended by section 4, chapter 254, Laws of 1947 and RCW 52.04.130; amending section 13, chapter 34, Laws of 1939 and RCW 52.04.140; amending section 14, chapter 34, Laws of 1939 and RCW 52.04.150; amending section 46, chapter 34, Laws of 1939 and RCW 52.04.155; amending section 2, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.180; amending section 4, chapter 179, Laws of 1979 ex. sess. and RCW 52.04.190; amending section 15, chapter 34, Laws of 1939 as amended by section 5, chapter 164, Laws of 1967 and RCW 52.08.010; amending section 16, chapter 34, Laws of 1939 and RCW 52.08.020; amending section 18, chapter 34, Laws of 1939 and RCW 52.08.040; amending section 19, chapter 34, Laws of 1939 and RCW 52.08.050; amending section 3, chapter 70, Laws of 1941 as last amended by section 49, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.060; amending section 1, chapter 59, Laws of 1965 and RCW 52.08.065; amending section 2, chapter 59, Laws of 1965 and RCW 52.08.066; amending section 3, chapter 59, Laws of 1965 and RCW 52.08.067; amending section 4, chapter 59, Laws of 1965 and RCW 52.08.068; amending section 1, chapter 21, Laws of 1965 as amended by section 29, chapter 42, Laws of 1970 ex. sess. and RCW 52.08.080; amending section 22, chapter 34, Laws of 1939 as last amended by section 1, chapter 27, Laws of 1980 and RCW 52.12.010; amending section 3, chapter 242, Laws of 1971 ex. sess. and RCW 52.12.015; amending section 23, chapter 34, Laws of 1939 as amended by section 32, chapter 126, Laws of 1979 ex. sess. and RCW 52.12.020; amending section 24, chapter 34, Laws of 1939 and RCW 52.12.030; amending section 25, chapter 34, Laws of 1939 as last amended by section 1, chapter 101, Laws of 1972 ex. sess. and RCW 52.12.040; amending section 27, chapter 34, Laws of 1939 as amended by section 33, chapter 126, Laws of 1979 ex. sess. and RCW 52.12.060; amending section 29, chapter 34, Laws of 1939 and RCW 52.12.070; amending section 30, chapter 34, Laws of 1939 as amended by section 2, chapter 112, Laws of 1965 and RCW 52.12.080; amending section 31, chapter 34, Laws of 1939 as amended by section 8, chapter 254, Laws of 1947 and RCW 52.12.090; amending section 32, chapter 34, Laws of 1939 and RCW 52.12.100; amending section 33, chapter 34, Laws of 1939 and RCW 52.16.010; amending section 34, chapter 34, Laws of 1939 as last amended by section 120, chapter 167, Laws of 1983 and RCW 52.16.020; amending section 35, chapter 34, Laws of 1939 and RCW 52.16.030; amending section 36, chapter 34, Laws of 1939 and RCW 52.16.040; amending section 37, chapter 34, Laws of 1939 as amended by section 121, chapter 167, Laws of 1983 and RCW 52.16.050; amending section 3, chapter 176, Laws of 1953 as last amended by section 122, chapter 167, Laws of 1983 and RCW 52.16.061; amending section 39, chapter 34, Laws of 1939 as last amended by section 123, chapter 167, Laws of 1983 and RCW 52.16.070; amending section 4, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.090; amending section 5, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 124, chapter 167, Laws of 1983 and RCW 52.16.100; amending section 6, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 125, chapter 167, Laws of 1983 and RCW 52.16.110; amending section 7, chapter 24, Laws of 1951 2nd ex. sess. as amended by section 51, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.120; amending section 8, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 126, chapter 167, Laws of 1983 and RCW 52.16.130; amending section 9, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 127, chapter 167, Laws of 1983 and RCW 52.16.140; amending section 11, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.150; amending section 3, chapter 13, Laws of 1963 ex. sess. and RCW 52.16.170; amending section 8, chapter 126, Laws of 1974 ex. sess. and RCW 52.18.080; amending section 40, chapter 34, Laws of 1939 as last amended by section 2, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.010; amending section 41, chapter 34, Laws of 1939 as amended by section 3, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.020; amending section 3, chapter 161, Laws of 1961 as amended by section 4, chapter 130, Laws of 1975 1st ex. sess. and RCW 52.20.025; amending section 5, chapter 161, Laws of 1961 and RCW 52.20.027; amending section 45, chapter 34, Laws of 1939 as last amended by section 129, chapter 167, Laws of 1983 and RCW 52.20.060; amending section 21, chapter 34, Laws of 1939 and RCW 52.20.070; amending section 1, chapter 111, Laws of 1955 and RCW 52.22.010; amending section 8, chapter 237, Laws of 1959 and RCW 52.22.040; amending section 9, chapter 237, Laws of 1959 and RCW 52.22.060; amending section 12, chapter 254, Laws of 1947 and RCW 52.24.010; amending section 13, chapter 254, Laws of 1947 and RCW 52.24.020; amending section 14, chapter 254, Laws of 1947 and RCW 52.24.030; amending section 15, chapter 254, Laws of 1947 and RCW 52.24.040; amending section 17, chapter 254, Laws of 1947 and RCW 52.24.060; amending section 18, chapter 254, Laws of 1947 and RCW 52.24.070; amending section 19, chapter 254, Laws of 1947 and RCW 52.24.080; amending section 5, chapter 176, Laws of 1953 as last amended by section 2, chapter 18, Laws of 1965 ex. sess. and RCW 52.24.090; amending section 6, chapter 176, Laws of 1953 and RCW 52.24.100; amending section 1, chapter 34, Laws of 1939 as last amended by section 1, chapter 230, Laws of 1947 and RCW 52.32.010; amending section 1, chapter 255, Laws of 1947 as amended by section 130, chapter 167, Laws of 1983 and RCW 52.34.010; amending section 2, chapter 255, Laws of 1947 and RCW 52.34.020; amending section 3, chapter 255, Laws of 1947 and RCW 52.34.030; amending section 4, chapter 255, Laws of 1947 and RCW 52.34.040; amending section 5, chapter 255, Laws of 1947 and RCW 52.34.050; amending section 6, chapter 255, Laws of 1947 as amended by section 131, chapter

167, Laws of 1983 and RCW 52.34.060; amending section 7, chapter 255, Laws of 1947 and RCW 52.34.070; amending section 8, chapter 255, Laws of 1947 and RCW 52.34.080; amending section 9, chapter 255, Laws of 1947 and RCW 52.34.090; amending section 28, chapter 34, Laws of 1939 and RCW 52.36.010; amending section 2, chapter 88, Laws of 1969 as amended by section 1, chapter 43, Laws of 1980 and RCW 52.36.025; amending section 3, chapter 88, Laws of 1969 and RCW 52.36.027; amending section 1, chapter 72, Laws of 1949 as amended by section 2, chapter 256, Laws of 1971 ex. sess. and RCW 52.36.060; amending section 1, chapter 256, Laws of 1971 ex. sess. and RCW 52.36.065; amending section 1, chapter 64, Laws of 1975 and RCW 52.36.090; amending section 1, chapter 102, Laws of 1979 ex. sess. as amended by section 1, chapter 146, Laws of 1983 and RCW 35.21.775; amending section 3, chapter 209, Laws of 1969 ex. sess. as last amended by section 4, chapter 256, Laws of 1981 and RCW 41.26.030; amending section 18, chapter 114, Laws of 1929 as last amended by section 163, chapter 3, Laws of 1983 and RCW 57.20.100; adding new sections to chapter 52.12 RCW; adding a new section to chapter 52.14 RCW; adding a new section to chapter 52.22 RCW; adding new chapters to Title 52 RCW; decodifying RCW 52.36.040; recodifying RCW 52.04.200; recodifying RCW 52.22.020; recodifying RCW 52.22.050; recodifying RCW 52.28.020; recodifying RCW 52.28.030; recodifying RCW 52.28.050; repealing section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110; repealing section 6, chapter 237, Laws of 1959, section 6, chapter 179, Laws of 1979 ex. sess. and RCW 52.22.030; repealing section 2, chapter 147, Laws of 1975 1st ex. sess. and RCW 52.36.095; and prescribing penalties.

Referred to Committee on Local Government.

SB 4712 by Senator McCaslin

AN ACT Relating to property taxation; and adding a new section to chapter 84.56 RCW.

Referred to Committee on Local Government.

SB 4713 by Senator Gaspard

AN ACT Relating to education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and declaring an emergency.

Referred to Committee on Education.

SB 4714 by Senators McDonald, Lee, Hayner, Quigg and Barr

AN ACT Relating to the budget stabilization account; and amending section 3, chapter 280, Laws of 1981 as amended by section 2, chapter 36, Laws of 1982 1st ex. sess. and RCW 43.88.530.

Referred to Committee on Ways and Means.

SB 4715 by Senators McManus, Zimmerman and Hemstad

AN ACT Relating to nursing home auditing; amending section 18, chapter 177, Laws of 1980 as amended by section 11, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.180; amending section 41, chapter 177, Laws of 1980 as amended by section 17, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.410; and amending section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.460.

Referred to Committee on Social and Health Services.

SB 4716 by Senators Vognild and Quigg

AN ACT Relating to restrictions on explosive cargo; and adding a new section to chapter 70.74 RCW.

Referred to Committee on Commerce and Labor.

SB 4717 by Senators Rinehart, Kiskaddon, Goltz and Benitz

AN ACT Relating to self-sustaining educational programs; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.20 RCW.

Referred to Committee on Education.

SB 4718 by Senators Lee and Bluechel

AN ACT Relating to volunteers; and amending section 5, chapter 11, Laws of 1982 1st ex. sess. and RCW 43.150.050.

Referred to Committee on Judiciary.

SB 4719 by Senators Lee and Bluechel

AN ACT Relating to school attendance; amending section 1, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.020; and amending section 1, chapter 248, Laws of 1975 1st ex. sess. and RCW 28A.58.050.

Referred to Committee on Education.

SB 4720 by Senators Vognild and Zimmerman

AN ACT Relating to public records and filings; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010; amending section 36.18.110, chapter 4, Laws of 1963 and RCW 36.18.110; amending section 36.18.120, chapter 4, Laws of 1963 and RCW 36.18.120; amending section 3, page 473, Laws of 1890 as last amended by section 1, chapter 314, Laws of 1981 and RCW 42.28.030; amending section 5, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.035; amending section 5, page 474, Laws of 1890 as amended by section 2, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.060; amending section 6, page 474, Laws of 1890 as amended by section 3, chapter 85, Laws of 1975 1st ex. sess. and RCW 42.28.070; amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 214, Laws of 1983 and RCW 42.28.090; amending section 6, chapter 24, Laws of 1893 as amended by section 2, chapter 217, Laws of 1949 and RCW 60.04.070; amending section 6, chapter 256, Laws of 1927 as amended by section 2, chapter 32, Laws of 1933 and RCW 60.12.070; amending section 3, chapter 336, Laws of 1955 and RCW 60.12.190; amending section 1, page 116, Laws of 1886 as amended by section 1, chapter 52, Laws of 1901 and RCW 61.16.020; amending section 2726, Code of 1881 as amended by section 10, chapter 119, Laws of 1893 and RCW 65.04.020; amending section 1, page 26, Laws of 1865 as last amended by section 1, chapter 98, Laws of 1967 and RCW 65.04.030; amending section 1, chapter 125, Laws of 1919 as last amended by section 2, chapter 98, Laws of 1967 and RCW 65.04.040; amending section 25, page 315, Laws of 1869 as amended by section 2729, Code of 1881 and RCW 65.04.060; amending section 19, page 313, Laws of 1869 as last amended by section 1, chapter 187, Laws of 1927 and RCW 65.04.080; adding a new section to chapter 26.04 RCW; repealing section 36.18.100, chapter 4, Laws of 1963 and RCW 36.18.100; repealing section 36.18.150, chapter 4, Laws of 1963 and RCW 36.18.150; repealing section 2733, Code of 1881 and RCW 65.04.100; and repealing section 1, chapter 16, Laws of 1949, section 1, chapter 89, Laws of 1967 and RCW 73.04.120.

Referred to Committee on Local Government.

SB 4721 by Senators Fuller and Owen

AN ACT Relating to the unlawful issuance of checks and drafts; and amending section 9A.56.060, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 138, Laws of 1982 and RCW 9A.56.060.

Referred to Committee on Financial Institutions.

SB 4722 by Senators Thompson, Zimmerman and Barr

AN ACT Relating to the office of county sheriff; adding new sections to chapter 36.28 RCW; and repealing section 6, chapter 153, Laws of 1979 ex. sess. and RCW 36.28.025.

Referred to Committee on Local Government.

SB 4723 by Senators Hansen and Newhouse

AN ACT Relating to irrigation districts; amending section 1, chapter 82, Laws of 1931 as last amended by section 1, chapter 163, Laws of 1975 1st ex. sess. and RCW 87.03.135; and amending section 1, chapter 194, Laws of 1933 as amended by section 12, chapter 209, Laws of 1981 and RCW 87.03.375.

Referred to Committee on Agriculture.

SB 4724 by Senators Craswell, Guess, Sellar, McCaslin, Zimmerman and Quigg

AN ACT Relating to self-insurers in industrial insurance; and amending section 27, chapter 289, Laws of 1971 ex. sess. as last amended by section 9, chapter 323, Laws of 1977 ex. sess. and RCW 51.14.020.

Referred to Committee on Commerce and Labor.

SB 4725 by Senator Fleming

AN ACT Relating to nursing home employee compensation; amending section 46, chapter 177, Laws of 1980 as last amended by section 21, chapter 67, Laws of 1983 1st ex.

sess. and RCW 74.46.460; and amending section 24, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.481.

Referred to Committee on Ways and Means.

SB 4726 by Senators Bauer, McCaslin and Deccio

AN ACT Relating to dentistry; amending section 1, chapter 130, Laws of 1951 as last amended by section 35, chapter 158, Laws of 1979 and RCW 18.32.030; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Social and Health Services.

SB 4727 by Senators Hayner, Clarke, Bluechel, Quigg, von Reichbauer, Fuller, Metcalf, Craswell, Benitz, Barr, Zimmerman, Haley, Lee, Deccio, McDonald, Sellar, Newhouse, Guess and McCaslin

AN ACT Relating to appropriations and expenditures by the state and placing limitations thereon; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4728 by Senators Zimmerman and Quigg

AN ACT Relating to referendums of local ordinances; amending section 35.17.230, chapter 7, Laws of 1965 and RCW 35.17.230; amending section 6, chapter 99, Laws of 1983 and RCW 35.21.706; and amending section 2, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.090.

Referred to Committee on Local Government.

SB 4729 by Senator Fuller

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

Referred to Committee on Ways and Means.

SB 4730 by Senators Woody, Lee, Rinehart, Hayner, Wojahn, Hurley and Hemstad

AN ACT Relating to child support; and adding a new section to chapter 26.09 RCW.

Referred to Committee on Judiciary.

SB 4731 by Senators Bottiger, Hayner and Conner

AN ACT Relating to retirement from public employment; and amending section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120.

Referred to Committee on State Government.

SB 4732 by Senator Barr

AN ACT Relating to penalties for sex crimes; amending section 35, chapter 249, Laws of 1909 and RCW 9.92.100; amending section 12, chapter 137, Laws of 1981 as last amended by section 2, chapter 163, Laws of 1983 and RCW 9.94A.120; providing an effective date; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4733 by Senators Bauer, Zimmerman and Thompson

AN ACT Relating to the schools for the deaf and blind; amending section 72.40.020, chapter 28, Laws of 1959 as amended by section 247, chapter 141, Laws of 1979 and RCW 72.40.020; amending section 72.40.040, chapter 28, Laws of 1959 as last amended by section 68, chapter 80, Laws of 1977 ex. sess. and RCW 72.40.040; amending section 72.40.050, chapter 28, Laws of 1959 as amended by section 249, chapter 141, Laws of 1979 and RCW 72.40.050; amending section 72.40.060, chapter 28, Laws of 1959 as last amended by section 151, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.060; amending section 72.40.070, chapter 28, Laws of 1959 as last amended by section 250, chapter 141, Laws of 1979 and RCW 72.40.070; amending section 72.40.080, chapter 28, Laws of 1959 as last amended by section 153, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.080; amending section 72.40.100, chapter 28, Laws of 1959 as last amended by section 154, chapter 275, Laws of 1975 1st ex. sess. and RCW 72.40.100; amending section 1, chapter 118, Laws of 1973 and RCW 72.41.010; amending section 2, chapter 118, Laws of 1973 as amended by section 13, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.41.020; amending section 4, chapter 118, Laws of 1973 and RCW 72.41.040; amending section 8, chapter

118, Laws of 1973 and RCW 72.41.080; amending section 1, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.010; amending section 2, chapter 96, Laws of 1972 ex. sess. as amended by section 15, chapter 30, Laws of 1982 1st ex. sess. and RCW 72.42.020; amending section 4, chapter 96, Laws of 1972 ex. sess. as amended by section 1, chapter 42, Laws of 1981 and RCW 72.42.040; amending section 8, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.080; adding new sections to chapter 72.40 RCW; and repealing section 72.40.090, chapter 28, Laws of 1959, section 1, chapter 51, Laws of 1975 and RCW 72.40.090.

Referred to Committee on Education.

SB 4734 by Senators Haley, Lee, Rasmussen and Granlund

AN ACT Relating to international airports; and adding a new section to chapter 53.08 RCW.

Referred to Committee on Local Government.

SB 4735 by Senators Metcalf, Bluechel and Fuller

AN ACT Relating to child pornography; and adding a new section to chapter 9.68A RCW.

Referred to Committee on Judiciary.

SB 4736 by Senators Quigg, Vognild and Metcalf

AN ACT Relating to the taxation of watercraft; amending section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260; and creating new sections.

Referred to Committee on Ways and Means.

SB 4737 by Senators Thompson and Zimmerman

AN ACT Relating to justice court trials; and amending section 3, chapter 260, Laws of 1981 and RCW 12.12.030.

Referred to Committee on Judiciary.

SB 4738 by Senators Rasmussen and Wojahn

AN ACT Relating to political parties; and amending section 29.42.050, chapter 9, Laws of 1965 as last amended by section 7, chapter 4, Laws of 1973 and RCW 29.42.050.

Referred to Committee on Judiciary.

SB 4739 by Senator Moore

AN ACT Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SB 4740 by Senators Granlund and Owen

AN ACT Relating to sanitary sewage facilities; amending section 4, chapter 159, Laws of 1980 and RCW 43.99F.040; amending section 5, chapter 159, Laws of 1980 and RCW 43.99F.050; and adding a new section to chapter 43.99F RCW.

Referred to Committee on Local Government.

SB 4741 by Senators Bottiger, Zimmerman, Fleming and Sellar

AN ACT Relating to port districts; amending section 3, chapter 65, Laws of 1955 as last amended by section 3, chapter 147, Laws of 1963 and RCW 53.08.020; adding a new section to chapter 53.08 RCW; and creating a new section.

Referred to Committee on Commerce and Labor.

SB 4742 by Senators Rasmussen, Wojahn, Guess and Brauer

AN ACT Relating to revenue and taxation; amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020; adding a new section to chapter 36.94 RCW; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Ways and Means.

SB 4743 by Senators Peterson, McDermott, Sellar, Vognild and Wojahn

AN ACT Relating to respite care services; creating new sections; making an appropriation; providing an effective date; and providing an expiration date.

Referred to Committee on Social and Health Services.

SB 4744 by Senators McManus, Fleming and Moore

AN ACT Relating to income assistance; and amending section 57, chapter 76, Laws of 1983 1st. ex. sess. (uncodified).

Referred to Committee on Ways and Means.

SB 4745 by Senators Fleming, Moore, Williams, Goltz and Shinpoch

AN ACT Relating to port districts, local economic development, and the exercise of port district powers outside its boundaries; and adding a new chapter to Title 53 RCW.

Referred to Committee on Commerce and Labor.

SB 4746 by Senator Talmadge

AN ACT Relating to unfair manufacturing processes; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 4747 by Senators Guess, Moore, Hayner and Sellar

AN ACT Relating to property taxation; amending section 84.64.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 322, Laws of 1981 and RCW 84.64.030; amending section 84.64.050, chapter 15, Laws of 1961 as last amended by section 4, chapter 322, Laws of 1981 and RCW 84.64.050; amending section 27, chapter 291, Laws of 1975 1st ex. sess. as amended by section 5, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.020; amending section 28, chapter 291, Laws of 1975 1st ex. sess. as amended by section 6, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.030; amending section 29, chapter 291, Laws of 1975 1st ex. sess. as amended by section 7, chapter 214, Laws of 1979 ex. sess. and RCW 84.38.040; amending section 35, chapter 291, Laws of 1975 1st ex. sess. as amended by section 1, chapter 322, Laws of 1981 and RCW 84.38.100; amending section 36, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.110; amending section 37, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.120; amending section 38, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.130; amending section 39, chapter 291, Laws of 1975 1st ex. sess. and RCW 84.38.140; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4748 by Senators Haley, Quigg, Moore, McDonald and McCaslin

AN ACT Relating to cigarettes; amending section 3, chapter 2, Laws of 1983 and RCW 19.91.010; amending section 18, chapter 286, Laws of 1957 as last amended by section 4, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.180; repealing section 2, chapter 286, Laws of 1957 and RCW 19.91.020; repealing section 3, chapter 286, Laws of 1957 and RCW 19.91.030; repealing section 4, chapter 286, Laws of 1957 and RCW 19.91.040; repealing section 5, chapter 286, Laws of 1957 and RCW 19.91.050; repealing section 6, chapter 286, Laws of 1957 and RCW 19.91.060; repealing section 7, chapter 286, Laws of 1957 and RCW 19.91.070; repealing section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080; repealing section 9, chapter 286, Laws of 1957 and RCW 19.91.090; repealing section 10, chapter 286, Laws of 1957 and RCW 19.91.100; repealing section 11, chapter 286, Laws of 1957 and RCW 19.91.110; and repealing section 21, chapter 286, Laws of 1957, section 5, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.910.

Referred to Committee on Commerce and Labor.

SB 4749 by Senators Quigg and Haley

AN ACT Relating to revenue and taxation; amending section 134, chapter 195, Laws of 1973 1st ex. sess. and RCW 84.52.043; amending section 2, chapter 1, Laws of 1980 and RCW 43.135.020; amending section 7, chapter 154, Laws of 1923 as last amended by section 11, chapter 154, Laws of 1980 and RCW 76.12.120; adding a new section to chapter 35.21 RCW; adding a new section to chapter 48.14 RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14A RCW; adding a new section to chapter 82.16 RCW; adding a new section to chapter 84.52 RCW; adding a new chapter to Title 82 RCW; repealing section 1, chapter 133, Laws of 1967 ex. sess., section 2, chapter 216, Laws of 1969 ex. sess., section 25, chapter 299, Laws of 1971 ex. sess., section 106, chapter 195, Laws of 1973 1st ex. sess., section 1, chapter 218, Laws of 1979 ex. sess. and RCW 84.52.065; repealing section 2, chapter 133, Laws of 1967 ex. sess. and RCW 84.52.067; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4750 by Senators Haley, McCaslin, Metcalf, Woody, Zimmerman and Barr

AN ACT Relating to high school graduation requirements; and amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120.

Referred to Committee on Education.

SB 4751 by Senators McDermott, Guess, Bottiger, Hurley, Hughes and Granlund

AN ACT Relating to driving under the influence of liquor or drugs; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515; creating a new chapter in Title 36 RCW; adding a new section to chapter 43.59 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Ways and Means.

SB 4752 by Senators Bottiger, McCaslin, Bender, McManus, Owen, Woody, Patterson, Moore, Quigg, Sellar, Hayner, Peterson and Metcalf

AN ACT Relating to land use controls; amending section 10, chapter 271, Laws of 1969 ex. sess. as amended by section 6, chapter 293, Laws of 1981 and RCW 58.17.100; adding a new section to chapter 271, Laws of 1969 ex. sess. and to chapter 58.17 RCW; adding a new section to chapter 36.70 RCW; and adding a new section to chapter 35.63 RCW.

Referred to Committee on Local Government.

SB 4753 by Senators Bluechel, Lee, Metcalf and Fuller

AN ACT Relating to child pornography; and amending section 2, chapter 53, Laws of 1980 and RCW 9.68A.020.

Referred to Committee on Judiciary.

SB 4754 by Senators Metcalf, Bluechel, Barr and Craswell

AN ACT Relating to child pornography; and amending section 3, chapter 53, Laws of 1980 and RCW 9.68A.030.

Referred to Committee on Judiciary.

SB 4755 by Senators Lee and Bluechel

AN ACT Relating to child pornography; amending section 3, chapter 53, Laws of 1980 and RCW 9.68A.030; and prescribing penalties.

Referred to Committee on Judiciary.

SB 4756 by Senators Bluechel, Fuller and Craswell

AN ACT Relating to child pornography; and amending section 2, chapter 53, Laws of 1980 and RCW 9.68A.020.

Referred to Committee on Judiciary.

SB 4757 by Senators McManus, Conner, Kiskaddon, Metcalf and Moore

AN ACT Relating to naturopathic physicians; and adding a new section to chapter 18.36 RCW.

Referred to Committee on Social and Health Services.

SB 4758 by Senators Woody, Sellar, Haley, Vognild, Benitz and Williams

AN ACT Relating to the alcohol content of candy; amending section 42, chapter 257, Laws of 1945 and RCW 69.04.240; adding a new section to chapter 66.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce and Labor.

SB 4759 by Senators Rasmussen and Wojahn

AN ACT Relating to the housing finance commission; amending section 8, chapter 161, Laws of 1983 and RCW 43.180.080; and declaring an emergency.

Referred to Committee on State Government.

SB 4760 by Senators Hansen and Guess (by Utilities and Transportation Commission request)

AN ACT Relating to private carriers; adding new sections to chapter 81.80 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Transportation.

SB 4761 by Senators Guess and Hansen

AN ACT Relating to motor freight carriers; amending section 3, chapter 59, Laws of 1963 as amended by section 2, chapter 115, Laws of 1973 and RCW 81.04.405; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

SB 4762 by Senators Guess and Hansen

AN ACT Relating to passenger charter carriers; amending section 3, chapter 150, Laws of 1965 as amended by section 1, chapter 132, Laws of 1969 and RCW 81.70.020; adding new sections to chapter 81.70 RCW; repealing section 5, chapter 150, Laws of 1965, section 2, chapter 132, Laws of 1969 and RCW 81.70.040; repealing section 6, chapter 150, Laws of 1965, section 3, chapter 132, Laws of 1969 and RCW 81.70.050; repealing section 7, chapter 150, Laws of 1965, section 4, chapter 132, Laws of 1969, section 6, chapter 115, Laws of 1973 and RCW 81.70.060; repealing section 8, chapter 150, Laws of 1965, section 5, chapter 132, Laws of 1969 and RCW 81.70.070; repealing section 9, chapter 150, Laws of 1965, section 6, chapter 132, Laws of 1969 and RCW 81.70.080; repealing section 10, chapter 150, Laws of 1965, section 7, chapter 132, Laws of 1969 and RCW 81.70.090; repealing section 8, chapter 132, Laws of 1969, section 7, chapter 115, Laws of 1973 and RCW 81.70.095; repealing section 11, chapter 150, Laws of 1965, section 9, chapter 132, Laws of 1969, section 8, chapter 115, Laws of 1973 and RCW 81.70.100; repealing section 12, chapter 150, Laws of 1965, section 10, chapter 132, Laws of 1969 and RCW 81.70.110; repealing section 13, chapter 150, Laws of 1965, section 11, chapter 132, Laws of 1969 and RCW 81.70.120; repealing section 14, chapter 150, Laws of 1965, section 12, chapter 132, Laws of 1969 and RCW 81.70.130; repealing section 15, chapter 150, Laws of 1965 and RCW 81.70.140; repealing section 16, chapter 150, Laws of 1965, section 13, chapter 132, Laws of 1969 and RCW 81.70.150; repealing section 17, chapter 150, Laws of 1965 and RCW 81.70.160; repealing section 18, chapter 150, Laws of 1965, section 107, chapter 136, Laws of 1979 ex. sess. and RCW 81.70.170; repealing section 19, chapter 150, Laws of 1965, section 14, chapter 132, Laws of 1969, section 2, chapter 48, Laws of 1977 ex. sess. and RCW 81.70.180; repealing section 20, chapter 150, Laws of 1965 and RCW 81.70.190; repealing section 21, chapter 150, Laws of 1965, section 15, chapter 132, Laws of 1969 and RCW 81.70.200; repealing section 22, chapter 150, Laws of 1965 and RCW 81.70.210; repealing section 23, chapter 150, Laws of 1965 and RCW 81.70.900; and repealing section 24, chapter 150, Laws of 1965 and RCW 81.70.910.

Referred to Committee on Transportation.

SB 4763 by Senators Bluechel, Fuller and Metcalf

AN ACT Relating to child pornography; and adding a new section to chapter 9.68A RCW.

Referred to Committee on Judiciary.

SB 4764 by Senators Peterson, Guess, Conner, Granlund and Bender

AN ACT Relating to abandoned, unauthorized, and disabled vehicles; creating a new chapter in Title 46 RCW; repealing section 3, chapter 42, Laws of 1969 ex. sess., section 7, chapter 178, Laws of 1979 ex. sess., section 2, chapter 185, Laws of 1981 and RCW 46.52.102; repealing section 39, chapter 281, Laws of 1969 ex. sess., section 164, chapter 158, Laws of 1979, section 8, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.104; repealing section 4, chapter 42, Laws of 1969 ex. sess., section 40, chapter 281, Laws of 1969 ex. sess., section 9, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.106; repealing section 5, chapter 42, Laws of 1969 ex. sess., section 44, chapter 281, Laws of 1969 ex. sess., section 165, chapter 158, Laws of 1979, section 10, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.108; repealing section 4, chapter 148, Laws of 1980 and RCW 46.52.110; repealing section 7, chapter 42, Laws of 1969 ex. sess., section 41, chapter 281, Laws of 1969 ex. sess., section 167, chapter 158, Laws of 1979, section 12, chapter 178, Laws of 1979 ex. sess., section 1, chapter 274, Laws of 1983 and RCW 46.52.111; repealing section 8, chapter 42, Laws of 1969 ex. sess., section 42, chapter 281, Laws of 1969 ex. sess., section 168, chapter 158, Laws of 1979, section 13, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.112; repealing section 9, chapter 42, Laws of 1969 ex. sess., section 169, chapter 158, Laws of 1979, section 14, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.113; repealing section 10, chapter 42, Laws of 1969 ex. sess., section 15, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.114; repealing section 2, chapter 42, Laws of 1969 ex. sess., section 45, chapter 281, Laws of 1969 ex. sess., section 170, chapter 158, Laws of 1979, section 16, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.115; repealing section 11, chapter 42, Laws of 1969

ex. sess., section 171, chapter 158, Laws of 1979, section 17, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.116; repealing section 12, chapter 42, Laws of 1969 ex. sess., section 43, chapter 281, Laws of 1969 ex. sess., section 172, chapter 158, Laws of 1979 and RCW 46.52.117; repealing section 1, chapter 281, Laws of 1975 1st ex. sess., section 2, chapter 274, Laws of 1983 and RCW 46.52.118; repealing section 1, chapter 208, Laws of 1969 ex. sess., section 2, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.119; repealing section 3, chapter 281, Laws of 1975 1st ex. sess., section 173, chapter 158, Laws of 1979 and RCW 46.52.1192; repealing section 4, chapter 281, Laws of 1975 1st ex. sess., section 3, chapter 274, Laws of 1983 and RCW 46.52.1194; repealing section 4, chapter 274, Laws of 1983 and RCW 46.52.1195; repealing section 5, chapter 281, Laws of 1975 1st ex. sess., section 5, chapter 274, Laws of 1983 and RCW 46.52.1196; repealing section 6, chapter 281, Laws of 1975 1st ex. sess. and RCW 46.52.1198; repealing section 1, chapter 111, Laws of 1971 ex. sess., section 18, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.145; repealing section 2, chapter 111, Laws of 1971 ex. sess., section 174, chapter 158, Laws of 1979, section 19, chapter 178, Laws of 1979 ex. sess., section 6, chapter 274, Laws of 1983 and RCW 46.52.150; repealing section 3, chapter 111, Laws of 1971 ex. sess. and RCW 46.52.160; repealing section 2, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.170; repealing section 3, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.180; repealing section 4, chapter 178, Laws of 1979 ex. sess., section 7, chapter 274, Laws of 1983 and RCW 46.52.190; repealing section 5, chapter 178, Laws of 1979 ex. sess., section 8, chapter 274, Laws of 1983 and RCW 46.52.200; repealing section 6, chapter 178, Laws of 1979 ex. sess. and RCW 46.52.210; and prescribing penalties.

Referred to Committee on Transportation.

SB 4765 by Senators Benitz, Guess, Quigg and Newhouse

AN ACT Relating to third party actions in industrial insurance; and amending section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030.

Referred to Committee on Judiciary.

SB 4766 by Senator Thompson

AN ACT Relating to vehicle parking for organizations transporting disabled persons; and amending section 6, chapter 192, Laws of 1979 ex. sess. and RCW 46.16.380.

Referred to Committee on Transportation.

SB 4767 by Senators Rasmussen, Goltz, Shinpoch, Hemstad, Haley, Clarke, McDonald and Quigg (by Insurance Commissioner, Treasurer, Secretary of State, Superintendent of Public Instruction, Lt. Governor, Auditor, Attorney General, Commissioner of Public Lands request)

AN ACT Relating to elected public officials' salaries; and amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 3, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.010.

Referred to Committee on Ways and Means.

SB 4768 by Senators Warnke and Hemstad (by Secretary of State request)

AN ACT Relating to voter registration in state offices; amending section 29.07.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 48, Laws of 1980 and RCW 29.07.010; adding a new section to chapter 29.07 RCW; and creating a new section.

Referred to Committee on State Government.

SB 4769 by Senators Haley, Lee, Rasmussen and Granlund

AN ACT Relating to international airports; and creating a new section.

Referred to Committee on Local Government.

SB 4770 by Senators Newhouse, Hansen and Barr

AN ACT Relating to weed control; amending section 1, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.010; amending section 3, chapter 113, Laws of 1969 ex. sess. as amended by section 23, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 17.10.030; amending section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1980 and RCW 17.10.050; amending section 6, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.060; amending section 7, chapter 113, Laws of 1969 ex. sess. as amended by section 4, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.070; amending section 8, chapter 113, Laws of 1969 ex. sess. as amended by section 5, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.080; amending section 9, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.090; amending section 10, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.100; amending

section 11, chapter 113, Laws of 1969 ex. sess. as amended by section 6, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.110; amending section 12, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.120; amending section 13, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.130; amending section 17, chapter 113, Laws of 1969 ex. sess. as last amended by section 1, chapter 118, Laws of 1979 and RCW 17.10.170; amending section 18, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.180; amending section 19, chapter 113, Laws of 1969 ex. sess. as amended by section 9, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.190; amending section 20, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 118, Laws of 1979 and RCW 17.10.200; amending section 4, chapter 118, Laws of 1979 and RCW 17.10.235; amending section 24, chapter 113, Laws of 1969 ex. sess. as amended by section 10, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.240; amending section 5, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.270; adding new sections to chapter 17.10 RCW; and repealing section 25, chapter 113, Laws of 1969 ex. sess., section 11, chapter 13, Laws of 1975 1st ex. sess. and RCW 17.10.250.

Referred to Committee on Agriculture.

SB 4771 by Senators Lee, Bluechel, Fuller and Hemstad

AN ACT Relating to child pornography; amending section 2, chapter 53, Laws of 1980 and RCW 9.68A.020; amending section 3, chapter 53, Laws of 1980 and RCW 9.68A.030; and adding a new section to chapter 9.68A RCW.

Referred to Committee on Judiciary.

SB 4772 by Senators Bluechel, Fuller, Metcalf and Craswell

AN ACT Relating to child pornography; and amending section 3, chapter 53, Laws of 1980 and RCW 9.68A.030.

Referred to Committee on Judiciary.

SB 4773 by Senators Vognild and McManus

AN ACT Relating to the small business innovators' opportunity program; repealing section 7, chapter 44, Laws of 1982 and RCW 43.170.900; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4774 by Senator Granlund; (by Secretary of State request)

AN ACT Relating to special absentee ballots; and adding a new section to chapter 29.39 RCW.

Referred to Committee on Judiciary.

SB 4775 by Senator Hughes

AN ACT Relating to the state parks and recreation commission; adding a new section to chapter 43.51 RCW; and declaring an emergency.

Referred to Committee on Parks and Ecology.

SB 4776 by Senators Gaspard, Bauer, Lee and Hemstad

AN ACT Relating to the life skills test; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SB 4777 by Senators Warnke and Hemstad (by Secretary of State request)

AN ACT Relating to voter registration; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 3, Laws of 1980 and RCW 29.07.160; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.07 RCW.

Referred to Committee on State Government.

SB 4778 by Senator Metcalf

AN ACT Relating to the federal reserve system; and creating new sections.

Referred to Committee on Financial Institutions.

SB 4779 by Senators Bluechel, Bender and Guess

AN ACT Relating to the Milwaukee Road; amending section 719, chapter 57, Laws of 1983 1st ex. sess. (uncodified); adding new sections to chapter 43.51 RCW; creating a new section; and making an appropriation.

Referred to Committee on Agriculture.

SB 4780 by Senators Bluechel, Fuller and Lee

AN ACT Relating to crime victims' compensation for minors; amending section 2, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 239, Laws of 1983 and RCW 7.68.020; amending section 7, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 239, Laws of 1983 and RCW 7.68.070; and amending section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 239, Laws of 1983 and RCW 7.68.080.

Referred to Committee on Judiciary.

SB 4781 by Senators Bauer, Benitz, Gaspard, McDermott, Haley, Bottiger, Bluechel, Rasmussen, Shinpoch, Lee, Zimmerman, Fleming, Vognild, Goltz, Kiskaddon and Hemstad

AN ACT Relating to education; amending section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 173, Laws of 1979 ex. sess. and RCW 28A.04.120; amending section 1, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.072; amending section 9, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.073; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and repealing section 28A.05.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.05.040.

Referred to Committee on Education.

SB 4782 by Senators Bender, McManus, Newhouse, Brauer and Guess

AN ACT Relating to energy-related building standards; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; amending section 7, chapter 96, Laws of 1974 ex. sess. as amended by section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; amending section 3, chapter 76, Laws of 1979 ex. sess. and RCW 19.27.075; adding new sections to chapter 19.27 RCW; repealing section 1, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.200; repealing section 2, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.210; repealing section 3, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.220; repealing section 4, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.230; repealing section 5, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.240; repealing section 6, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.250; repealing section 7, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.260; repealing section 8, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.270; repealing section 9, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.280; repealing section 10, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.290; repealing section 14, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.300; repealing section 16, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.310; and repealing section 17, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.905.

Referred to Committee on Energy and Utilities.

SB 4783 by Senator Bender

AN ACT Relating to jurors; amending section 185, page 164, Laws of 1854 as last amended by section 3, chapter 57, Laws of 1972 ex. sess. and RCW 4.44.120; and amending section 194, page 166, Laws of 1854 as last amended by section 229, Code of 1881 and RCW 4.44.300.

Referred to Committee on Judiciary.

SB 4784 by Senators Thompson, Haley, Granlund and Wojahn

AN ACT Relating to the office of county sheriff; adding new sections to chapter 36.28 RCW; and repealing section 6, chapter 153, Laws of 1979 ex. sess. and RCW 36.28.025.

Referred to Committee on Local Government.

SB 4785 by Senator Williams

AN ACT Relating to carrying out a treaty between the United States of America and Canada; authorizing implementing agreements between Washington municipalities and the Province of British Columbia for enhancing recreational opportunities and protecting environmental resources in the watersheds of rivers that form reservoirs which extend

across the international boundary; providing for an endowment fund and an administering commission and for the commission's power and authority; adding new sections to chapter 35.21 RCW; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4786 by Senators Haley, Woody and McCaslin

AN ACT Relating to lottery funds for the education and training of handicapped children; and amending section 24, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.240.

Referred to Committee on Ways and Means.

SB 4787 by Senators Goltz, Sellar, Moore and Deccio

AN ACT Relating to home health care; amending section 1, chapter 249, Laws of 1983 and RCW 48.21.220; amending section 2, chapter 249, Laws of 1983 and RCW 48.21A.090; amending section 3, chapter 249, Laws of 1983 and RCW 48.44.320; amending section 5, chapter 249, Laws of 1983 and RCW 70.126.010; amending section 6, chapter 249, Laws of 1983 and RCW 70.126.020; amending section 7, chapter 249, Laws of 1983 and RCW 70.126.030; amending section 8, chapter 249, Laws of 1983 and RCW 70.126.040; and providing an effective date.

Referred to Committee on Financial Institutions.

SB 4788 by Senators Woody, Haley, Hughes, Lee, Rinehart and Goltz

AN ACT Relating to threatened species; amending section 77.12.020, chapter 36, Laws of 1955 as last amended by section 13, chapter 78, Laws of 1980 and RCW 77.12.020; adding new sections to chapter 77.12 RCW; and creating a new section.

Referred to Committee on Parks and Ecology.

SB 4789 by Senator Williams

AN ACT Relating to energy financing approval; amending section 2, chapter 6, Laws of 1981 2nd ex. sess. and RCW 80.52.020; amending section 3, chapter 6, Laws of 1981 2nd ex. sess. and RCW 80.52.030; amending section 4, chapter 6, Laws of 1981 2nd ex. sess. and RCW 80.52.040; and declaring an emergency.

Referred to Committee on Energy and Utilities.

SB 4790 by Senators Goltz, Bauer and Quigg

AN ACT Relating to land use proceedings; amending section 9, chapter 234, Laws of 1959 as last amended by section 1, chapter 31, Laws of 1980 and RCW 34.04.090; amending section 12, chapter 234, Laws of 1959 as amended by section 1, chapter 12, Laws of 1975 and RCW 34.04.120; adding a new section to chapter 2.06 RCW; and adding a new section to chapter 2.08 RCW.

Referred to Committee on Parks and Ecology.

SB 4791 by Senators Owen, Bender and Bottiger

AN ACT Relating to state thermal performance standards; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Commerce and Labor.

SB 4792 by Senators Owen, Bender and Bottiger

AN ACT Relating to the state building code; amending section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 8, Laws of 1980 and RCW 19.27.030; and amending section 4, chapter 96, Laws of 1974 ex. sess. as amended by section 12, chapter 14, Laws of 1977 ex. sess. and RCW 19.27.040.

Referred to Committee on Energy and Utilities.

SB 4793 by Senators Haley, Hansen and Barr

AN ACT Relating to speed limits; amending section 1, chapter 16, Laws of 1963 as amended by section 54, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.400; amending section 2, chapter 16, Laws of 1963 as last amended by section 34, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.405; and amending section 4, chapter 16, Laws of 1963 as last amended by section 36, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.415.

Referred to Committee on Transportation.

SB 4794 by Senator Williams

AN ACT Relating to the centennial partnership corporation; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on State Government.

SB 4795 by Senators Vognild, Owen, Wojahn, Granlund, McCaslin and Peterson

AN ACT Relating to driving while intoxicated; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.16 RCW; and prescribing penalties.

Referred to Committee on Institutions.

SB 4796 by Senators Bauer, Zimmerman and Granlund

AN ACT Relating to county commissioners; and repealing section 36.32.310, chapter 4, Laws of 1963 and RCW 36.32.310.

Referred to Committee on Local Government.

SB 4797 by Senators Craswell, Owen, McCaslin and Lee

AN ACT Relating to the criminal justice training account; and amending section 3, chapter 212, Laws of 1977 ex. sess. as last amended by section 1, chapter 127, Laws of 1981 and RCW 43.101.210.

Referred to Committee on Judiciary.

by Senators Granlund and McManus

AN ACT Relating to prison overcrowding; and amending section 6, chapter 228, Laws of 1982 (uncodified).

Referred to Committee on Institutions.

SB 4799 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4800 by Senator Bottiger, Fleming and Sellar

AN ACT Relating to the legislature.

Referred to Committee on State Government.

SB 4801 by Senator Granlund

AN ACT Relating to jails.

Referred to Committee on Institutions.

SB 4802 by Senator McDermott

AN ACT Relating to commerce and economic development; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4803 by Senator Thompson

AN ACT Relating to gifted students.

Referred to Committee on Education.

SB 4804 by Senators Bluechel, Fuller and Metcalf

AN ACT Relating to the protection of children.

Referred to Committee on Judiciary.

SB 4805 by Senators Lee, Bluechel and Fuller

AN ACT Relating to the education and protection of children.

Referred to Committee on Education.

SB 4806 by Senators Bluechel, Fuller and Metcalf

AN ACT Relating to the creation of a central state file of sexual assault and child molestation arrests and convictions.

Referred to Committee on Judiciary.

SB 4807 by Senators Bluechel, Fuller and Metcalf

AN ACT Relating to missing children.

Referred to Committee on Judiciary.

SB 4808 by Senators Quigg, Benitz, Hayner and Deccio

AN ACT Relating to the Washington public power supply system bond resolution and ownership agreements.

Referred to Committee on Energy and Utilities.

SB 4809 by Senator Warnke

AN ACT Relating to state employee deferred compensation.

Referred to Committee on State Government.

SB 4810 by Senators Bluechel, Fuller and Metcalf

AN ACT Relating to child molestation, abuse, and pornography.

Referred to Committee on Judiciary.

SB 4811 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4812 by Senator Granlund

AN ACT Relating to juvenile rehabilitation.

Referred to Committee on Institutions.

SB 4813 by Senator Peterson

AN ACT Relating to abandoned, unauthorized, and disabled vehicles.

Referred to Committee on Transportation.

SB 4814 by Senator Granlund

AN ACT Relating to children and family services.

Referred to Committee on Institutions.

SB 4815 by Senator Hughes

AN ACT Relating to ground water.

Referred to Committee on Parks and Ecology.

SB 4816 by Senator Moore

AN ACT Relating to group life.

Referred to Committee on Financial Institutions.

SB 4817 by Senator Granlund

AN ACT Relating to community mental health services.

Referred to Committee on Social and Health Services.

SB 4818 by Senator Thompson

AN ACT Relating to residency requirements for managers of collection agencies.

Referred to Committee on Judiciary.

SB 4819 by Senator Granlund

AN ACT Relating to children and family services.

Referred to Committee on Institutions.

SB 4820 by Senator McDermott

AN ACT Relating to Washington public power supply system attorney fees limitation.

Referred to Committee on Energy and Utilities.

SB 4821 by Senators Vognild and McManus (by Emergency Commission on Economic Development request)

AN ACT Relating to job training approved by the commission of employment security.

Referred to Committee on Commerce and Labor.

SB 4822 by Senators Quigg, Benitz, Deccio and Hayner

AN ACT Relating to joint operating agencies.

Referred to Committee on Energy and Utilities.

SB 4823 by Senators Warnke and McDermott

AN ACT Relating to urban area parks.

Referred to Committee on State Government.

SB 4824 by Senator Gaspard

AN ACT Relating to the financing of community colleges.

Referred to Committee on Education.

SB 4825 by Senator McDonald

AN ACT Relating to school discipline.

Referred to Committee on Education.

SB 4826 by Senator McManus

AN ACT Relating to child support.

Referred to Committee on Social and Health Services.

SB 4827 by Senator Gaspard

AN ACT Relating to educational excellence.

Referred to Committee on Education.

SB 4828 by Senators Conner and Vognild (by Emergency Commission on Economic Development request)

AN ACT Relating to dislocated workers retraining programs.

Referred to Committee on Commerce and Labor.

SB 4829 by Senator Vognild (by Emergency Commission on Economic Development request)

AN ACT Relating to defining dislocated workers.

Referred to Committee on Commerce and Labor.

SB 4830 by Senator Vognild (by Emergency Commission on Economic Development request)

AN ACT Relating to dislocated workers; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4831 by Senators Talmadge, Kiskaddon, Hughes, Bluechel, Rasmussen, Williams, Pullen, Wojahn, Goltz, Bender, Hurley, Hemstad, Fuller and Zimmerman

AN ACT Relating to worker and community right to know.

Referred to Committee on Parks and Ecology.

SB 4832 by Senator Williams

AN ACT Relating to residential property assessment.

Referred to Committee on Ways and Means.

SB 4833 by Senator McManus

AN ACT Relating to the hazardous substances information act.

Referred to Committee on Parks and Ecology.

SB 4834 by Senator Quigg

AN ACT Relating to violence in labor disputes.

Referred to Committee on Commerce and Labor.

SB 4835 by Senator Williams

AN ACT Relating to requiring separate subsidiaries for competitive telecommunications services.

Referred to Committee on Energy and Utilities.

SB 4836 by Senator McDermott

AN ACT Relating to tourism; and making an appropriation.

Referred to Committee on Ways and Means.

SB 4837 by Senator Thompson

AN ACT Relating to local government assessments.

Referred to Committee on Local Government.

SB 4838 by Senator Granlund

AN ACT Relating to the establishment of a local children's community mental health committee.

Referred to Committee on Social and Health Services.

SB 4839 by Senator Thompson

AN ACT Relating to disability retirement recipients.

Referred to Committee on Ways and Means.

SB 4840 by Senators Quigg, Benitz, Deccio and Hayner

AN ACT Relating to the Washington public power supply system.

Referred to Committee on Energy and Utilities.

SB 4841 by Senator Williams

AN ACT Relating to telecommunications.

Referred to Committee on Energy and Utilities.

SB 4842 by Senator Williams

AN ACT Relating to telecommunications.

Referred to Committee on Energy and Utilities.

SB 4843 by Senator Peterson

AN ACT Relating to the Puget Sound ferry and toll bridge system.

Referred to Committee on Transportation.

SB 4844 by Senator Vognild

AN ACT Relating to community assistance teams; and making an appropriation.

Referred to Committee on Commerce and Labor.

SB 4845 by Senator Goltz

AN ACT Relating to hazardous materials.

Referred to Committee on Parks and Ecology.

SB 4846 by Senators Talmadge, Newhouse and Hemstad

AN ACT Relating to coroners.

Referred to Committee on Local Government.

SB 4847 by Senator McManus

AN ACT Relating to annexation simplification.

Referred to Committee on Local Government.

SB 4848 by Senators Hughes and Hurley

AN ACT Relating to railroad right of way safety.

Referred to Committee on Transportation.

SB 4849 by Senator Hughes

AN ACT Relating to international investment.

Referred to Committee on Commerce and Labor.

SB 4850 by Senator McManus

AN ACT Relating to nursing home regulation.

Referred to Committee on Social and Health Services.

SB 4851 by Senator Goltz

AN ACT Relating to hazardous materials.

Referred to Committee on Parks and Ecology.

SB 4852 by Senator Hughes

AN ACT Relating to international investment.

Referred to Committee on Commerce and Labor.

SB 4853 by Senator Hughes

AN ACT Relating to motor vehicle inspections.

Referred to Committee on Parks and Ecology.

SB 4854 by Senator McManus

AN ACT Relating to nursing homes.

Referred to Committee on Social and Health Services.

SB 4855 by Senator McManus

AN ACT Relating to child abuse and neglect.

Referred to Committee on Social and Health Services.

SB 4856 by Senator McManus

AN ACT Relating to regulating hospitals.

Referred to Committee on Social and Health Services.

SB 4857 by Senator Williams

AN ACT Relating to a commission on radioactive waste management.

Referred to Committee on Energy and Utilities.

SB 4858 by Senators Peterson, Patterson and Hansen

AN ACT Relating to the establishment of motor carrier freight rates.

Referred to Committee on Transportation.

SB 4859 by Senators Talmadge, Zimmerman, Woody, Rasmussen, Metcalf and McDermott

AN ACT Relating to firearms and ammunition.

Referred to Committee on Judiciary.

SB 4860 by Senator Goltz

AN ACT Relating to hazardous materials.

Referred to Committee on Parks and Ecology.

SB 4861 by Senator Granlund

AN ACT Relating to jails.

Referred to Committee on Institutions.

SB 4862 by Senators Bottiger and Patterson

AN ACT Relating to sheriffs' qualifications.

Referred to Committee on Local Government.

SB 4863 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4864 by Senator Granlund

AN ACT Relating to adult corrections.

Referred to Committee on Institutions.

SB 4865 by Senator Granlund

AN ACT Relating juvenile rehabilitation.

Referred to Committee on Institutions.

SB 4866 by Senator Bottiger

AN ACT Relating to assessing the impacts on future operating costs in the capital budget process.

Referred to Committee on Ways and Means.

SB 4867 by Senator Talmadge

AN ACT Relating to conflicts of interest of executive employees in state and local government.

Referred to Committee on Judiciary.

SB 4868 by Senator Moore

AN ACT Relating to credit card transactions.

Referred to Committee on Financial Institutions.

SB 4869 by Senator McDermott

AN ACT Relating to making permanent the current excise tax on harvesters of timber.

Referred to Committee on Ways and Means.

SB 4870 by Senator Owen

AN ACT Relating to distribution of revenue from state-owned aquatic lands.

Referred to Committee on Natural Resources.

SB 4871 by Senator McDermott

AN ACT Relating to increasing forest land values.

Referred to Committee on Ways and Means.

SJM 129 by Senators Bottiger, Wojahn, Zimmerman, Thompson, Bauer, Craswell, Deccio, Vognild and Granlund

Requesting federal restrictions on interstate transportation of dangerous fireworks.

Referred to Committee on Commerce and Labor.

SJM 130 by Senators Vognild, Wojahn, Conner, Moore and Granlund

Petitioning Congress to consider the interstate transportation of alcohol, fireworks, and cigarettes.

Referred to Committee on Commerce and Labor.

SJM 131 by Senators Williams and Hurley

Requesting consideration of nuclear waste policy and liability.

Referred to Committee on Energy and Utilities.

SJM 132 by Senator Metcalf

Petitioning Congress to call a constitutional convention to prohibit amendments to federal bills which change the scope and object of the bill.

Referred to Committee on Judiciary.

SJM 133 by Senators Quigg, Benitz, Sellar and Craswell

Commending President Reagan for his economic policies.

Referred to Committee on Commerce and Labor.

SJM 134 by Senators Quigg and Benitz

Expressing support for U.S. foreign policy in the Middle East.

Referred to Committee on State Government.

SJM 135 by Senators Quigg, Benitz and Haley

Expressing support for United States foreign policy in Grenada.

Referred to Committee on State Government.

SJM 136 by Senators McDermott, Goltz, Hughes, Rinehart, Williams, Granlund and Bauer

Requesting the United States to grant safe haven status to refugees from El Salvador and Guatemala.

Referred to Committee on State Government.

SJM 137 by Senators Quigg, Benitz, McDonald, McCaslin, Deccio, Sellar, Hayner and Craswell

Requesting Congress to prevent the elimination of federal income tax indexation.

Referred to Committee on Ways and Means.

SJM 138 by Senators Rinehart, Hughes, McDermott, Goltz, Williams, Granlund and Bauer

Requesting modification of U.S. foreign policy in Central America.

Referred to Committee on State Government.

SJR 134 by Senators Hayner, Clarke, Bluechel, von Reichbauer, Fuller, Metcalf, Craswell, Benitz, Barr, Quigg, Guess, Newhouse, McCaslin, Deccio, McDonald, Haley, Lee and Sellar

Establishing a constitutional limit on expenditures.

Referred to Committee on Ways and Means.

SJR 135 by Senators McDonald, Lee, Hayner, Quigg and Barr

Establishing a budget stabilization account.

Referred to Committee on Ways and Means.

SCR 145 by Senators Gaspard and Rinehart

Requesting school districts to inspect and assess their school buildings for safety in the event of earthquakes.

Referred to Committee on Education.

SCR 146 by Senators Haley, Rasmussen and Granlund

Retaining "Seattle-Tacoma" in the renaming of the Seattle-Tacoma International Airport.

Referred to Committee on Local Government.

SCR 147 by Senators Bauer, Zimmerman, Thompson, McDermott, Fuller, Conner, Goltz, Bottiger, Hughes, Shinpoch, Bender and Vognild

Urging the repeal of the 1983 Oregon income tax changes.

Referred to Committee on Ways and Means.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 255 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, Braddock, Struthers, Rust, Brekke, Vander Stoep, Fiske, Appelwick, Stratton, J. King, Halsan, Jacobsen, Locke, Lux, Haugen and Ristuben)

Modifying provisions on watercraft registration and taxation.

Referred to Committee on Ways and Means.

ESHB 626 by Committee on Judiciary (originally sponsored by Representative Grimm)

Modifying provisions concerning adoption.

Referred to Committee on Judiciary.

SHB 699 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives D. Nelson, Pruitt and Barnes)

Facilitating citizen participation in the political process.

Referred to Committee on Judiciary.

SHB 827 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Lewis, Belcher, Long, Miller, Tilly, Halsan and Silver) (by Secretary of State request)

Prohibiting counterfeit voters' and candidates' pamphlets

Referred to Committee on Judiciary.

SHB 843 by Committee on Ways and Means (originally sponsored by Representatives Monohon, B. Williams, Sommers and Grimm)

Modifying provisions relating to retirement from public services.

Referred to Committee on Ways and Means.

2SHJR 29 by Committee on Education (originally sponsored by Representatives Haugen, Allen, Galloway, Moon, Ellis, Brough, Armstrong, Charnley, Brekke, Taylor, Rust, Powers and Johnson)

Removing forty percent validation requirement for excess levy elections.

Referred to Committee on Education.

MOTION

At 11:48 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, January 18, 1984.

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

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 18, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Clarke.

The Sergeant at Arms Color Guard, consisting of Pages Donald S. McCallum and Aryana Bates, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

January 17, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 1179, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 448 by Committee on Social and Health Services (originally sponsored by Representatives Todd, Addison, Belcher, Lewis, D. Nelson, McDonald, Mitchell, Brekke, Ballard, Johnson, Crane, Lux, Charnley, McMullen, Fisher, Ebersole, Holland, Wang, Patrick, Garrett, Taylor, Jacobsen, Miller, Silver and Brough)

Modifying the disabled parking laws.

Referred to Committee on State Government.

SHB 1179 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Dellwo, Lewis, Stratton, Ballard, Fiske, B. Williams and West)

Providing assessment procedures for the cost analysis of mandated health coverages.

Referred to Committee on Financial Institutions.

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

REPORTS OF STANDING COMMITTEES

January 17, 1984

SSB 3158 Prime Sponsor, Senator Talmadge: Modifying the trade name regulation laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Second Substitute Senate Bill No. 3158 be substituted therefor, and the second substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 16, 1984

SB 3376 Prime Sponsor, Senator Talmadge: Modifying provisions relating to the salary of the administrator for the courts. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4310 Prime Sponsor, Senator Talmadge: Establishing penalties for computer crimes. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4310 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hayner, Hemstad, Newhouse, Williams, Woody.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4312 Prime Sponsor, Senator Talmadge: Restructuring financial disclosure reporting requirements. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 13, 1984

SB 4360 Prime Sponsor, Senator Vognild: Imposing a minimum for food and drink sales by establishments conducting certain gambling activities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4360 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4398 Prime Sponsor, Senator Hansen: Creating a provisional international marketing program for agricultural commodities and trade center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4448 Prime Sponsor, Senator McManus: Authorizing certain minor health care services. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4448 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4514 Prime Sponsor, Senator Conner: Establishing a provisional center for international trade in forest products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MOTIONS

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

Senator Wojahn moved that the following resolution be adopted:

SENATE RESOLUTION 1984-131

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

WHEREAS, The gift of sight may be the most precious of the five senses and once lost, can be restored only under the most exceptional circumstances, and;

WHEREAS, Tragically, over a half million Americans, many of them among the aging and the infirm, are now legally blind due to conditions which, according to the National Society for the Prevention of Blindness, could have been prevented among fifty percent of those so afflicted; and

WHEREAS, Over 35,000 Americans injure their eyes annually while participating in recreational activities alone; and

WHEREAS, The need to make Americans more aware of the importance of sight, to urge them to protect their eyes and seek early medical assistance if disease is suspected, has been adopted as a primary goal of the National Eye Institute and others seeking to prevent blindness by reminding the public to guard their sight, use proper safety measures and seek early medical care; and

WHEREAS, The month of January, 1984, has been declared "National Eye Care Month" by unanimous vote of the United States Senate and Governor John Spellman has declared January, 1984, "Eye Health Care Month" in the State of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate endorses these efforts to remind the public that blindness can be prevented with the use of proper safety measures and early medical care; that our gift of sight is too precious to risk when such simple measures can effectively prevent blindness for thousands of our citizens; and

BE IT FURTHER RESOLVED, That the Washington State Senate shall proclaim its support for the National Society to Prevent Blindness and the Washington Academy of Ophthalmology in their efforts to foster awareness among the public that blindness often is preventable and that educating the public to that end is a laudable and noble cause; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to the National Society to Prevent Blindness, the Washington Academy of Ophthalmology and the Washington Optometric Association.

MOTION

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

On the third line of the seventh paragraph of the resolution of the resolution, after "Ophthalmology" insert "and the Washington Optometric Association"

The President declared the question before the Senate to be adoption of the Senate Resolution 1984-131, as amended.

The motion by Senator Wojahn carried and the resolution, as amended, was adopted.

MOTION

On motion of Senator Wojahn, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-131.

MOTION

On motion of Senator Talmadge the following resolution was adopted:

SENATE RESOLUTION 1984-132

By Senators Talmadge, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley,

Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; Ole Scarpelli, Sergeant at Arms

WHEREAS, An active and beloved member of the West Seattle community, C. Gordon "Pop" Hannaford, was struck by an automobile and killed six days before his seventy-ninth birthday; and

WHEREAS, The quietly exuberant Gordon Hannaford, fondly known as "Pop", was a life-long educator sharing his wisdom and love of life with thousands of students through his forty-two years of service at West Seattle High from his days as an English teacher, boys' advisor, vice principal, and principal; and

WHEREAS, Gordon Hannaford was active in civic affairs serving as president of the Seattle Principal's Association in 1960 and as a past president of the Washington Association of Secondary School Principals, and after his retirement has remained active in the Washington State Retired Teachers' Association and edited the organization's journal, the West Seattle Chamber of Commerce, the Rotary Club where he served as long-time historian and was past president in 1953-54, and the West Seattle Fairmount Church where he was council secretary at the time of his death; and

WHEREAS, Gordon's dedicated life of service to his students, friends, family, and members of his community helped make a difference in the many lives he touched; and

WHEREAS, C. Gordon "Pop" Hannaford, by example, taught that a special sense of humor is essential and helps in recognizing the wonderful inconsistencies that make us human;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Senate, That the members of the Senate offer their condolences to the family of Gordon Hannaford and offer their deepest appreciation for the life-long services provided by Gordon Hannaford to the young people of West Seattle and the people of this state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit a copy of this resolution to Ruth Hannaford.

MOTION

On motion of Senator Talmadge, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-132.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of David Justice as a member of the Board of Trustees for Walla Walla Community College District No. 20 was confirmed.

APPOINTMENT OF DAVID JUSTICE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

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

Absent: Senator Clarke - 1.

MOTION

At 10:25 a.m., on motion of Senator Shipoch, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:24 a.m.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1984

SB 3238 Prime Sponsor, Senator Zimmerman: Changing the planning and community affairs agency to the office of community programs. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3238 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 3287 Prime Sponsor, Senator Bauer: Establishing grace period for certain employees to reestablish pension benefits. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3287 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4306 Prime Sponsor, Senator Warnke: Modifying provisions relating to public health. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4306 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4320 Prime Sponsor, Senator Wojahn: Authorizing persons eighteen years of age and older to service amusement devices on licensed premises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Quigg, Williams.

Passed to Committee on rules for second reading.

January 16, 1984

SB 4332 Prime Sponsor, Senator Moore: Modifying provisions relating to public depositories. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4332 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDonald, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4823 Prime Sponsor, Senator Warnke: Relating to urban area parks. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4823 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 17, 1984

GA 111 PAUL DZIEDZIC, to the position of Director of the Department of Services for the Blind, appointed by the Governor on July 1, 1983, for the term ending at the Governor's pleasure. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules.

January 17, 1984

GA 140 DAVID P. HAWORTH, to the position of member of the Marine Employees' Commission, appointed by the Governor on June 16, 1983, for the term ending June 15, 1988. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules.

January 17, 1984

GA 141 DONALD E. KOKJER, to the position of member of the Marine Employees' Commission, appointed by the Governor on June 16, 1983, for the term ending June 15, 1987. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules.

January 17, 1984

GA 143 BRAD OWEN, to the position of member of the Pacific Marine Fisheries Commission, appointed by the Governor on June 20, 1983, for the term ending June 12, 1987, succeeding John Martinis. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules.

January 17, 1984

GA 145 WALTER E. WHITE, to the position of member of the Personnel Appeals Board, appointed by the Governor on September 9, 1983, for the term ending July 26, 1989. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules.

January 17, 1984

GA 147 MARK C. ENDRESEN, to the position of member of the Public Employment Relations Commission, reappointed by the Governor on September 23, 1983, for the term ending September 8, 1988. Reported by Committee on State Government

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules.

January 17, 1984

GA 156 BERNICE STERN, to the position of member of the State Transportation Commission, appointed by the Governor on July 18, 1983, for the term ending June 30, 1989. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Guess, Haley, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules.

January 17, 1984

GA 157 LEO B. SWEENEY, to the position of member of the State Transportation Commission, appointed by the Governor on July 26, 1983, for the term ending June 30, 1989, succeeding Robert Mikalson. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Guess, Haley, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules.

January 17, 1984

GA 183 LOUIS O. STEWART, to the position of member of the Marine Employees' Commission, appointed by the Governor on June 16, 1983, for the term ending June 15, 1986. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Guess, Haley, Patterson, Sellar, Vognild.

Passed to Committee on Rules.

January 17, 1984

GA 194 KAREN RAHM, to the position of Secretary of the Department of Social and Health Services, appointed by the Governor on November 21, 1983, for the term ending at the Governor's pleasure, succeeding Alan J. Gibbs. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman, Conner, Craswell, Deccio, Granlund.

Passed to Committee on Rules.

MOTION

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

SECOND READING

SENATE BILL NO. 4358, by Senators Warnke, McDermott, Moore, Newhouse, McManus, Deccio and Fuller

Repealing the hotel excise tax for convention and trade facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4358 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senators Clarke, Guess and Hayner were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4358.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4358, and the bill passed the Senate by the following vote: Yeas, 39; nays, 06; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 39.

Voting nay: Senators Bluechel, Goltz, Haley, Kiskaddon, McDonald, Zimmerman - 6.

Absent: Senator Bottiger - 1.

Excused: Senators Clarke, Guess, Hayner - 3.

SENATE BILL NO. 4358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SENATE BILL NO. 3083, by Senators Warnke, Rasmussen and Hayner (by Department of Licensing request)

Modifying certain license fees and procedures.

MOTIONS

On motion of Senator Warnke, the rules were suspended and Senate Bill No. 3083 was returned to second reading.

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

On page 1, beginning on line 8, strike all of section 1 and renumber the remaining section accordingly.

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

On line 1 of the title, after "licensing;" strike all of the material down to and including "43.24.085; and" on line 4

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 3083 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3083.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3083, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Clarke, Guess - 2.

ENGROSSED SENATE BILL NO. 3083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3449, by Senators Woody, Hayner, Bottiger, Gaspard and Hemstad

Restricting statements in the candidate's pamphlet to those about the candidate.

The bill was read the third time and placed on final passage. Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, as I read this proposal, at the present time the Secretary of State shall reject any statements for filing which in his opinion contains any obscene, profane, libelous or profanity matters and so forth. He already has that power under the law. Now, as I read this--'statements for the candidate's pamphlet shall be limited to those about the candidate himself or herself.' That would mean to me to legalize exactly what you just were talking about--that here is a candidate that doesn't smoke coke, beat his wife or kick his horse. It says that that's exactly what you can do, so I think that it's an addition that's superfluous. In fact, the Secretary of State already has all the power to reject statements that the Congress prohibits so I fail to understand your argument."

Senator Bottiger: "Senator, I was trying to illustrate how far--how the abuses have occurred to date. I would hope that people would not continue the abuses even under the language. What the attempt here to do is to restrict it to statements about the candidate and not statements about his opposition. I would hope that the Secretary of State would send that example I used back and say that the inference here is that your opponent does and would you please write it so it's about you, your principles and what you would do if you were elected."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3449.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3449, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 39.

Voting nay: Senators Barr, Craswell, McDonald, Metcalf, Pullen, Quigg, Rasmussen, Zimmerman - 8.

Excused: Senators Clarke, Guess - 2.

ENGROSSED SENATE BILL NO. 3449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:57 a.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Thursday, January 19, 1984.

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

ELEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 19, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Crystal Benitz and Adam Brotman, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 17, 1984

SSB 3205 Prime Sponsor, Senator Hansen: Establishing the noxious weed control fund. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 3231 Prime Sponsor, Senator Bottiger: Providing for model energy conservation standards for new structures. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, Moore.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4338 Prime Sponsor, Senator Peterson: Removing restrictions on motor vehicle renewals. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Owen, Patterson, Sellar, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 12, 1984

SB 4399 Prime Sponsor, Senator Hansen: Limiting the use of certain agricultural fees. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4399 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4410 Prime Sponsor, Senator Gaspard: Providing a state clearinghouse for education information. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hughes, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 18, 1984

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

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

Michiko Fujii appointed January 16, 1984, for a term ending March 1, 1989, succeeding Eleanor Brand as a member of the Board of Tax Appeals.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Ways and Means.

MESSAGE FROM THE HOUSE

January 18, 1984

Mr. President:
The House has passed:
HOUSE BILL NO. 880,
and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HB 880 by Representative Heck

Regulating payment procedures for certain health care providers not participants in a health services contract.

Referred to Committee on Financial Institutions.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of Cherry A. McGee Banks as a member of the Board of Trustees for Shoreline Community College District No. 7 was confirmed.

APPOINTMENT OF CHERRY A. MCGEE BANKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Bluechel, McCaslin - 2.

MOTION

On motion of Senator Shinpoch, the Senate was declared to be at ease.
The President called the Senate to order at 11:03 a.m.

SECOND READING

SENATE BILL NO. 4309, by Senators Talmadge, Vognild, Hughes, Hemstad, Moore, Hayner, Granlund, Woody and Peterson

Prohibiting the sexual exploitation of children.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, Senator von Reichbauer was excused.

On motion of Senator Talmadge the following amendments by Senators Talmadge and Hemstad were considered and adopted simultaneously:

On page 3, line 19, after "(1)" strike "This chapter does not apply to the" and insert "In a prosecution under section 2, 7, or 8 of this act, it is not a defense that the defendant was involved in"

On page 3, line 21, after "offenses" strike "or" and insert ". This chapter does not apply"

Senator Talmadge moved the following amendments by Senators Talmadge and Hemstad be considered and adopted simultaneously:

On page 5, line 9, after "any" strike "board inspector or"

On page 5, line 18, after "A" strike "board inspector or"

On page 5, line 21, after "The" strike "board inspector or"

On page 6, line 29, after "chapter" strike "board or"

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment that comes before these in the bill. Will it be permissible to take it after that?"

REPLY BY THE PRESIDENT

President Cherberg: "These are technical amendments, Senator, and your amendment would be in order."

The President declared the question before the Senate to be adoption of the amendments by Senators Talmadge and Hemstad.

The motion by Senator Talmadge carried and the amendments were adopted.

MOTION

Senator Bluechel moved adoption of the following amendment:

On page 1, line 12, after "of," delete "sixteen" and insert "eighteen".

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, do you know the number of persons age seventeen or eighteen that are involved in sexual exploitation? Do you have any idea of those sixteen to seventeen--those seventeen to eighteen?"

Senator Talmadge: "Senator, we didn't get specific figures on that issue in the committee. Simply, we heard that there was a problem, there is no question about that. I would point out to the members of the Senate that the way we have defined the exploitation of children already in the law, contrary to Senator Lee's statement, the law that we have now on the books relating to child pornography, the age is sixteen. The age of sixteen for consent in the rape context and the age of sixteen in the marital consent context. If, in fact, the people want to see the age go from sixteen to eighteen, what I am saying, and what I have said and what the people from the King County Prosecutor's Office, the police departments, whom we worked with on the bill said, is you're going to have to change the age of consent for marriage, the age at which one can consent in the sense of sexual conduct in context of the rape statute, and so on and so forth.

"What this amendment does is that it deals with the problem--and I believe it is well intentioned--but you have all these other areas in the RCW's that you're going to have to amend also, so they are consistent."

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, we have tried for some time to do something about pornography in general--to try to limit what can be sold--I think I joined with Senator Guess, I can recall, some years ago. We've consistently had the act declared unconstitutional, as an infringement of the press and the first amendment. Recently, the United States Supreme Court has come down with a more liberal or maybe more conservative interpretation of what states can do in the area of kiddie porn and they said that if it's young children, then we're going to allow the states to pass more stringent laws. I'm concerned that if we moved this from

sixteen to eighteen, then somebody else will offer an amendment to twenty-one and we'll be back to an unconstitutional act. Do you share any of that, in view of that recent Supreme Court case?"

Senator Hemstad: "Senator Bottiger, I probably would surely share your concern if there was an amendment that would put the level at an age level above eighteen, because that in this state and nationally is now the age of majority and I think, almost surely, would be in that context unconstitutional to set up a classification like that. Below the age of majority, it seems to me, that this body has the authority to deal with this in a way that it advances public policy interests. I would be surprised, frankly, to see the Supreme Court carve out a further classification of persons, say between the age of sixteen and eighteen, on an issue like this where the legislative body can create a standard, particularly that once the court has said that with regard to minors and a person under eighteen years who would be classified as a minor, the standards of pornography does not apply. Beyond that, I cannot comment I guess with any further specificity."

Further debate ensued.

POINT OF INQUIRY

Senator Hurley: "Senator Talmadge, one of the things that bothers me about the discussion that has been going on is the number of changes in the statutes that you mention. I don't know what the capabilities are now. I don't know whether the increased opportunities in using computers would solve that problem or not, but I am concerned with the seventeen-year old and I wonder how much of a problem that would be?"

Senator Talmadge: "You mean problem in the sense of being able to prepare amendments for consideration or---?"

Senator Hurley: "No, it's changing the age--the age in the statutes that was mentioned in your discussion."

Senator Talmadge: "I guess, Senator, my response is this. I don't purport to offer a constitutional opinion about Senator Bluechel's amendment out here. We consulted with people in the law enforcement area, in the prosecuting area, people from the various women's groups who had an interest in this issue in strengthening the law substantially. We have sixteen now in the law in this area. Those people considered the age of eighteen in this area. I think they want to strengthen the law substantially, also. They had a concern about constitutional questions, enforceability, prosecutability, based on that kind of an amendment, and I trust the judgment of these people who happen to be experts in the area. Now, again, I say that I think the amendments offered are well-intentioned. I certainly hope that they don't become a political football because that's not what was intended, but the question is whether or not you have to amend other portions of the code that relate to such issues as statutory rape, the age of consent in a marital context and a number of other issues where we have the age of eighteen present--the age of sixteen present, I should say, and that's the concern that was raised to me by those people.

"They're the people who know more about this area than do I, and I simply raised the concern out here on the floor. I don't want to see us engaged in the process of offering amendments here on the floor that will result in the ability of some people to conjure up some interesting defenses to the application of this law. We know what we've got here will work, based on the recommendations given to us by the people who are professionals in this area. If we offer a bunch of amendments out here on the floor that have not been heard, that have not been discussed by those professional people, they will become the peg upon which some very classy defense attorneys will hang their hat in challenging this law, and I don't want to see that happen."

Further debate ensued.

Senator Newhouse demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment was adopted by the following vote: Yeas, 25; nays, 22; absent, 00; excused, 02.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Owen, Patterson, Quigg, Sellar, Thompson, Warnke, Woody, Zimmerman - 25.

Voting nay: Senators Bauer, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Williams, Wojahn - 22.

Excused: Senators McCaslin, von Reichbauer - 2.

MOTION

Senator Bluechel moved adoption of the following amendment:

Starting on page 3, line 10, after "guilty" strike everything down to and including "guilty" on page 3, line 14.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, what is the penalty for statutory rape?"

Senator Talmadge: "I don't have it in front of me, Senator, but I believe it is a felony."

Senator Deccio: "Well, it is much more than a five-hundred dollar fine and ninety days in jail, is it not?"

Senator Talmadge: "Senator, the point I would like to make to you in response--"

Senator Deccio: "Senator, would you please answer my question?"

Senator Talmadge: "It is a substantially different penalty, yes, but the purpose for the different penalty here, Senator, again is the effective criminal law provision, effective prosecution by prosecuting attorneys and law enforcement officers. They're the ones that brought this section to us for purposes of consideration, and I think it does create a problem."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bluechel.

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

MOTION

On motion of Senator Bluechel, the following amendment by Senators Bluechel and Lee was adopted:

On page 2, line 22, after "exchanges," delete "or sells" and insert "finances, attempts to finance, or sells"

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Lee:

On page 2, line 25, delete "or sell", and insert "sell, or otherwise use".

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Bluechel, I should have warned you, but I do want it in the record that we are not making a Class C felony of any policeman, prosecutor or anybody else that has this material in their possession by nature of trying to prosecute somebody. Literally reading, he would be guilty of a Class C felony with your amendment. I am sure you don't intend that."

Senator Bluechel: "That is correct. We looked at that, too, and we considered putting in an amendment but we thought it was so obvious that--that is the case--you are correct, Senator Bottiger."

The President declared the question before the Senate to be adoption of the amendment by Senators Bluechel and Lee.

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

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4309 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bluechel, I heard in your remarks that the Republican Caucus had been studying pornography for quite some time, and you are going to correct that. I wonder, Senator Bluechel, if you would share that information that the Republican Caucus has with the Republican members of the Judiciary Committee so that information can be brought up in the committee and discussed as Senator Talmadge has suggested—that when we are on this important legislation that all that material should be presented to the committee so that the appropriate people can consider it. I understand you do have some Republican members on the Judiciary Committee, and evidently you have been withholding information from them because when you present all the amendments out here on the floor that have never been presented in the committee you waste the time of the Senate and I think it's important in this short session that we proceed rapidly."

Senator Bluechel: "As I stated, Senator, the report was just finished. We intend to share it with not only the Republican Caucus, we intend to share it with the Democratic Caucus and the public at large. The only reason this came about is because two years ago I received a hotline from one of my constituents to consider her straight forward phrase. It said, 'My two small children, ages two and three—my two small boys—were raped by their sixteen-year old babysitter, and I went to the prosecutor and I went to the police and they said no laws covered.' They could not do anything. As a result, we passed the hearsay-evidence rule unanimously through this body—through the entire Legislature.

"At that time, one of our staff members requested that she be given permission to follow up on some of these child assault conferences in this state and follow up nationally on what was happening. The report was prepared, the recommendations were made and because of the shortness of the introductions in this session, we were not able to get it literally typed up and disseminated. It is meant to be for all people. It is meant for everybody to take a look at it and see whether it merits passage. I believe it does."

Further debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Talmadge, my question relates to how this bill might correspond with the enforcement of the child-abuse laws that we have put on the books recently, and how it may open the door to unnecessarily interrupt family life by overzealous teachers reporting stories by kids that may or may not be true to social workers and then these social workers are over-quick to act. There are specific examples in Spokane that were brought to my attention that are sad, where the overzealous social worker just jerked the kids right out of a home because he paddled their rear ends for painting on the neighbor's garage, and so I am concerned. There is some pretty broad language in here. Now, does this bill work in that same manner as how it might relate to family life which is number one in our nation in our concern?"

Senator Talmadge: "Senator, in response to your question. This bill does not purport to deal with the process by which sexual abuse or child abuse is reported. The bill makes one major change with respect to parents of each of these kids in the sexual exploitation of children area, and that is, it says that if a parent is the one that exploits the children for sexual purposes—takes the photographs, distributes or sells the photographs of his or her own children, that they are just as guilty of that crime as if it had been somebody other than a parent. So basically, this bill simply sets out the criminal law standards and the penalties for behavior. It doesn't deal with the process of reporting the child abuse or sexual abuse to which you refer."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4309.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4309, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator McCaslin - 1.

ENGROSSED SENATE BILL NO. 4309, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Judiciary was relieved of further consideration of Senate Bills No. 4670, 4671, 4672, 4675 and 4730.

On motion of Senator Shinpoch, Senate Bills No. 4670, 4671, 4672, 4675 and 4730 were referred to the Committee on Social and Health Services.

On motion of Senator Shinpoch, the Committee on Social and Health Services was relieved of further consideration of Senate Bill No. 4685.

On motion of Senator Shinpoch, Senate Bill No. 4685 was referred to the Committee on Judiciary.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Senate Bill No. 4687 and Senate Bill No. 4731.

On motion of Senator Shinpoch, Senate Bill No. 4687 and Senate Bill No. 4731 were referred to the Committee on Ways and Means.

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

REPORTS OF STANDING COMMITTEES

January 18, 1984

SB 4290 Prime Sponsor, Senator Gaspard: Exempting fish farming from excise taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hayner, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4313 Prime Sponsor, Senator Thompson: Authorizing the formation of combined city and county municipal corporations under Article XI, section 16 of the Constitution. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4313 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4339 Prime Sponsor, Senator Peterson: Modifying tuition and fees for institutions of higher education. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4375 Prime Sponsor, Senator Thompson: Authorizing members of the legislative authority of a city to be appointed to certain airport boards and commissions. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4376 Prime Sponsor, Senator Bender: Authorizing distribution of municipal sales and use tax equalization funds to cities and towns incorporated since January 1, 1983. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4384 Prime Sponsor, Senator Thompson: Authorizing the reduction in councilmanic offices in certain code cities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4384 be substituted therefore, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4415 Prime Sponsor, Senator Gaspard: Providing for standardized high school transcripts and high school diplomas. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Goltz, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 4419 Prime Sponsor, Senator Goltz: Updating milk and milk product testing laws. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4419 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4460 Prime Sponsor, Senator Peterson: Confirming the authority of the department of transportation to sell and lease back state ferries for federal tax purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Haley, Patterson, Sellar.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4530 Prime Sponsor, Senator Peterson: Exempting state highways from the state building code. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson, Sellar, Vogtild.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4642 Prime Sponsor, Senator Moore: Modifying provisions relating to mutual insurers. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4787 Prime Sponsor, Senator Goltz: Modifying provisions relating to home health care. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 18, 1984

SJM 131 Prime Sponsor, Senator Williams: Requesting consideration of nuclear waste policy and liability. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, Moore, Quigg.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 18, 1984

GA 112 RICHARD H. WATSON, to the position of Director of the State Energy Office, appointed by the Governor on August 30, 1983, for the term ending at the Governor's pleasure, succeeding Edward Sheets. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, Moore, Quigg.

Passed to Committee on Rules.

January 18, 1984

GA 144 KAI N. LEE, to the position of member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on October 13, 1983, for the term ending January 15, 1986, succeeding Daniel J. Evans. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, Quigg.

Passed to Committee on Rules.

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

MESSAGE FROM THE HOUSE

January 18, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156,

and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

ESHB 1156 by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Adopting the supplemental budget.

Referred to Committee on Ways and Means.

MOTION

At 12:20 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, January 20, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 20, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Goltz, McDermott and Quigg. On motion of Senator Vognild, Senators Bauer, Goltz and McDermott were excused. On motion of Senator Zimmerman, Senator Quigg was excused.

The Sergeant at Arms Color Guard, consisting of Pages Scott Morgan and Candi Adams, presented the Colors. Reverend Lee Forstrom, pastor of Westwood Baptist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 18, 1984

ESB 3044 Prime Sponsor, Senator Gaspard: Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 3488 Prime Sponsor, Senator Rinehart: Removing the extra charge for students registered for more than eighteen credit hours. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Bottiger, Craswell, Deccio, Fleming, Hughes, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Guess, Lee.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4350 Prime Sponsor, Senator McDermott: Deleting the requirement that LBC biennially report about educational clinics. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Hemstad, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4351 Prime Sponsor, Senator Gaspard: Adding members to the high-technology coordinating board. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4367 Prime Sponsor, Senator Owen: Facilitating cooperative fish and wildlife enhancement projects. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4367 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Rasmussen, Shinpoch, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4394 Prime Sponsor, Senator Gaspard: Waiving community college fees for certain unemployed persons. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4396 Prime Sponsor, Senator Gaspard: Providing an operating fee exemption to certain students with graduate service appointments. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4422 Prime Sponsor, Senator Fleming: Authorizing bonds for agricultural water supply facilities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass and be referred to the Committee on Ways and Means. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

Referred to Committee on Ways and Means.

January 19, 1984

SB 4531 Prime Sponsor, Senator Gaspard: Authorizing refunding fees of military personnel participating in actions against hostile elements. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

INTRODUCTION OF SPECIAL GUEST

The President announced the presence in the Senate Chamber of Yasser Seirawan, a graduate of Garfield High School in Seattle and the United States Chess Champion between 1981 and 1983. Mr. Seirawan, a guest of Senator Kent Pullen, is one of the youngest players to ever hold the United States Chess title and is one of the youngest players in the world to ever be awarded the grandmaster title, the highest award given out by the world governing body.

With permission of the Senate, business was suspended to permit Mr. Seirawan to address the Senate.

The President, also, introduced the mother of Mr. Seirawan, Margaret Seirawan, and his stepfather, Glen Nakata.

MESSAGES FROM THE HOUSE

January 19, 1984

Mr. President:

The House has passed:

HOUSE BILL NO. 1129,
 SUBSTITUTE HOUSE BILL NO. 1146,
 HOUSE BILL NO. 1159,
 SUBSTITUTE HOUSE BILL NO. 1210,
 HOUSE BILL NO. 1248,
 HOUSE BILL NO. 1253, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 19, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1129 by Representatives D. Nelson, Niemi, R. King, Hankins, Lux, Isaacson, Rust, Tanner, Haugen, Heck, Belcher, Brough, McMullen, Brekke, Burns, Halsan and Powers

Permitting cities and counties to decide not to include nuclear attack evacuation plans in their emergency service plans.

Referred to Committee on State Government.

SHB 1146 by Committee on Transportation (originally sponsored by Representatives Walk, Wilson, Van Luven and Clayton)

Correcting obsolete references to agencies consolidated in the department of transportation.

Referred to Committee on Transportation.

HB 1159 by Representatives Niemi, Hankins, Sommers, Johnson, Galloway, Sayan, Walk and Miller (by Office of Financial Management request)

Establishing uniform compensation for boards and commissions.

Referred to Committee on State Government.

SHB 1210 by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Betzoff, Mitchell, Wilson, Clayton, Brough and Schoon) (by Department of Transportation request)

Adding twelve civil service exempt positions for ferry management.

Referred to Committee on Transportation.

HB 1248 by Representatives Vekich, Hankins, Niemi and J. Williams

Modifying procedures for discipline of state patrol officers.

Referred to Committee on State Government.

HB 1253 by Representatives Belcher, Allen, Jacobsen, Sayan, Niemi, Sutherland, Galloway, Locke, Heck, Powers, Lux and Ebersole

Creating an employee exchange program.

Referred to Committee on State Government.

MOTION

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

MOTION

On motion of Senator Rinehart the following resolution was adopted:
SENATE RESOLUTION 1984-134

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

WHEREAS, The Governor and the Washington State Legislature have placed a high priority on education as a means to our state's economic recovery and stability; and

WHEREAS, The state's twenty-seven community colleges play an important role in this economic recovery through their vocational and academic programs; and

WHEREAS, The community college students have committed themselves to working with the Washington State Legislature through their lobbying group, the Washington Association of Community College Students, to ensure accessible, affordable, and quality education to all residents of our state without regard to one's race, age, sex, or socio-economic status; and

WHEREAS, Through these programs residents of our state can enhance their job opportunities and become a greater asset to our state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we commend the one hundred fifty-six thousand community college students of our state for their efforts and encourage other residents of our state to participate in educational programs; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded by the Secretary of the Senate to the Washington Association of Community College Students.

MOTION

On motion of Senator Rinehart, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution No. 1984-134.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator McManus, the appointment of Arthur M. Zoloth as a member of the State Pharmacy Board was confirmed.

APPOINTMENT OF ARTHUR M. ZOLOTH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yeas: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Bauer, Goltz, McDermott, Quigg - 4.

MOTION

On motion of Senator Shinpoch, Gubernatorial Appointment No. 20, Paul Mack to the State Lottery Commission, Gubernatorial Appointment No. 80, Mabel E. "Mickey" Roberts to the Board of Trustees of Whatcom Community College District No. 21, and Gubernatorial Appointment No. 107, Daniel J. Evans to the Northwest

Electric Power and Conservation Planning Council, were returned to the Governor's Office at the request of the Governor.

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

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Reengrossed Senate Bill No. 3636, which was placed on third reading January 16, 1984.

THIRD READING

REENGROSSED SENATE BILL NO. 3636, by Senators Vognild, Lee, Rinehart, Hurley, Hughes, Talmadge, Hemstad, Woody, Goltz and Quigg

Making certain fireworks violations gross misdemeanors.

MOTIONS

On motion of Senator Hemstad, the rules were suspended and Reengrossed Senate Bill No. 3636 was returned to second reading.

Senator Haley moved the following amendment by Senators Hurley and Hughes be adopted:

On page 1, line 15, after "the" strike everything through "June" on line 16 and insert "~~(twenty-eighth of June)~~ first of July"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hurley and Hughes.

The motion by Senator Haley carried and the amendment was adopted on a rising vote.

MOTION

Senator Hurley moved the following amendments by Senators Hurley and Rinehart be considered and adopted simultaneously:

On page 1, line 17, after "of" strike "eleven" and insert "ten"

On page 1, line 18, after "and" strike "nine" and insert "ten"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Hurley.

The motion by Senator Hurley failed and the amendments were not adopted on a rising vote.

MOTION

Senator Hurley moved adoption of the following amendment:

On page 1, line 17, after "of" strike "eleven" and insert "nine"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hurley.

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

MOTION

Senator Hurley moved adoption of the following amendment by Senators Hurley, Wojahn, Granlund, Rasmussen, Rinehart, Fuller and Kiskaddon:

On page 1, line 16, after "the" strike "sixth" and insert "~~(sixth)~~ fifth"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hurley, Wojahn, Granlund, Rasmussen, Rinehart, Fuller and Kiskaddon.

The motion by Senator Hurley carried and the amendment was adopted on a rising vote.

MOTION

Senator Hurley moved adoption of the following amendment by Senators Hurley and Rinehart:

On page 1, line 17, after "be" insert "sold or"

POINT OF INQUIRY

Senator Deccio: "Senator Hurley, this is to prevent some firework's enthusiast from stockpiling and buying ahead of time to have a whole bunch of fireworks in their home and shooting them past the deadline even if we do have a law that says they can't shoot them?"

Senator Hurley: "I don't know whether we want to worry, in a bill like this, whether people stockpile or not. I guess that you are always going to have those people that see something coming up where they can't have certain foods, they can't have sugar, they can't have meat--there's going to be a scarcity--but it just doesn't seem as though we should use that for consideration."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hurley and Rinehart.

The motion by Senator Hurley carried and the amendment was adopted on a rising vote.

MOTION

Senator Hemstad moved the following amendments by Senators Hemstad, Hughes and Moore be considered and adopted simultaneously:

On page 1, line 15, after "except" insert "that ground and hand-held sparkling devices may be sold or discharged"

On page 1, beginning on line 16, after "year." strike all material down through "a.m." on line 18.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hemstad, Hughes and Moore.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 23; absent, 04; excused, 02.

Voting yea: Senators Bender, Bluechel, Granlund, Guess, Haley, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McManus, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Warnke, Williams, Wojahn, Woody - 20.

Voting nay: Senators Barr, Benitz, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Hansen, Hayner, Lee, McDonald, Melcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Thompson, Vognild, von Reichbauer, Zimmerman - 23.

Absent: Senators Deccio, Fleming, Pullen, Sellar - 4.

Excused: Senators Bauer, McDermott - 2.

MOTION

Senator Talmadge moved adoption of the following amendment:

On page 1, after line 20 insert:

"NEW SECTION. Sec. 4. It shall be unlawful to transport any class or kind of fireworks in violation of this chapter. The attorney general is authorized to bring suit to enforce this section." Renumber accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator Talmadge, I don't have the statute right in front of me at the moment or I might have been able to answer it otherwise. Would this also affect--in other words prohibit the transportation into the state of fireworks that are used for display purposes by community organizations? For example, a fire department, a club or something of this sort--many of them have displayed for a number of years and they often buy them from--if they've got an airline pilot in their association--bring them direct from Hong Kong--have them flown in directly. I just wonder if we're having a problem with transportation that way?"

Senator Talmadge: "Senator, my response would be 'no.' If the fireworks are here legally, pursuant to authorization from the state to be here for legitimate public purpose, so be it. This amendment is designed to deal with those people who illegally transport fireworks into the state in violation of state law and the permitting process that is laid out in the fireworks statute."

Senator Lee: "I understand that, but you were talking about it being unlawful to transport any class or kind of fireworks in violation of this chapter and I presume that chapter outlines those things that are illegal for the ordinary person to shoot off. It looks to me like that might--someone might interpret that as being a blanket part."

Senator Talmadge: "No, I don't think they would, Senator, because if they have a pyrotechnic license for the community purpose that you are talking about, they would not be transporting illegally."

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, maybe I missed this, but for my own edification--this is transport for sale? We are not talking about the person who buys illegal fireworks and has them in the trunk of their car going home? We are not talking about that kind of transport--for his own use? Is this transporting for sale only or are we talking about nailing an individual for transporting fireworks that he bought illegally?"

Senator Talmadge: "My reaction, Senator Metcalf, is that it would cover both situations. If the transportation of these materials from an outside source were to be illegal, this transportation would be illegal--period. The Attorney General would be authorized to do that, if necessary. The proposal here is to change the law to outlaw possession or transportation of illegal fireworks and that was the intention contained in the principal bill. This simply authorizes the Attorney General to bring enforcement action against those people who violate it."

Further debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, your amendment says the Attorney General is authorized to bring suit to enforce this section. What authority under this will local prosecutors have?"

Senator Talmadge: "I think, Senator, the local prosecutors always have the authority to prosecute under violation of state law."

Further debate ensued.

POINT OF INQUIRY

Senator Clarke: "I have some doubt in my mind as to the exact meaning of this phrase, Senator Talmadge, which says, 'the Attorney General is authorized to bring suit to enforce this section.' What type of suit is contemplated by that wording?"

Senator Talmadge: "Senator, I believe there are both criminal and civil penalties prescribed in the statute for violation of the law relating to the transportation of these materials. You are authorized to bring suit either criminally or civilly to deal with that problem."

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTION

On motion of Senator Shinpoch further consideration of Reengrossed Senate Bill No. 3636, as amended, was deferred.

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

REPORTS OF STANDING COMMITTEES

January 19, 1984

SB 4314

Prime Sponsor, Senator Warnke: Revising various provisions relating to the state militia. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4321 Prime Sponsor, Senator Warnke: Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4321 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4388 Prime Sponsor, Senator Warnke: Changing provisions relating to the cashing of checks, drafts, and warrants by the state treasurer. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4423 Prime Sponsor, Senator Fleming: Establishing the agricultural market development task force. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4423 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Gaspard.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4463 Prime Sponsor, Senator Peterson: Clarifying legislative intent on the taxation of special fuels delivered in the state but used outside the state by persons in interstate commerce. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Haley, Patterson, Sellar.

Passed to Committee on Rules for second reading.

January 18, 1984

SB 4475 Prime Sponsor, Senator Peterson: Requiring a vehicle owner to notify the department of licensing of transfer of ownership. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Haley, Owen, Peterson.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I talked to the chairman of the State Government Committee and he says a hearing is being held today at noon evolved around sports--both for amateur athletics and professional athletics. There is a possibility that Senate Hearing Room 1 will become too small as a result of attendance. I wanted to ask the permission of the body to be able to use the Senate Chambers if there is an overflow and we have to come over here for the hearing.

"In doing so, also, Mr. President, I welcome the members to come over to the State Government Committee meeting, because we know for a fact that on one of the measures, Mr. Curt Warner and Mr. Michael Jackson and the trainer of the Seahawks are supposed to be down. We did have Dave Kreig coming, too, but he wasn't able to come at the last minute. I was hoping on the other bill dealing with boxing--originally we were supposed to have Larry Holmes, "Boom Boom"

Mancini, possibly Muhammad Ali and Marvin Hagler. Unfortunately, Mr. Holmes, I don't think will be here. We don't know about Muhammad Ali; there is a possibility of "Boom Boom" Mancini. Marvin Hagler will not be here until 5 o'clock this afternoon, so we don't know who we'll have on the boxing side other than Sugar Ray Seales, himself. You're welcome to come. I think they are very important bills and we would like to have you there."

REPLY BY THE PRESIDENT

President Cherberg: "With permission of the members of the Senate, and if there is no objection, use of the Chamber is granted for the State Government Committee hearing."

MOTION

At 11:50 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, January 23, 1984.

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

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 23, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Heather Scott and John Adams, presented the Colors. Reverend John Wingfield, minister of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 19, 1984

SB 4291 Prime Sponsor, Senator Shinpoch: Repealing the veterans' loan insurance program. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Vice Chairman; Bluechel, Bottiger, Deccio, Lee, McDonald, Rinehart, Shinpoch, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4293 Prime Sponsor, Senator McDermott: Abolishing the governor's council on criminal justice. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4330 Prime Sponsor, Senator Bottiger: Modifying application procedures for payment of indigent funeral expenses. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4347 Prime Sponsor, Senator Owen: Extending eligibility for reduced utility rates to low income disabled veterans and low income blind or disabled citizens. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4380 Prime Sponsor, Senator Granlund: Adopting the criminal justice information act. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4380 be substituted therefor, and the substitute bill do pass and be referred to the Committee on

Ways and Means. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Referred to Committee on Ways and Means.

January 20, 1984

SB 4439 Prime Sponsor, Senator Talmadge: Amending or repealing statutes superseded by court rule. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4798 Prime Sponsor, Senator Granlund: Extending prison overcrowding reform act. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 20, 1984

GA 116 BRIAN R. DUFF, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 26, 1985. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 117 D. G. "JERRY" HENDRICKS, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 118 KENNETH L. KEACH, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 119 ISABELLE LAMB, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1987. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 120 J. MARVIN LEKSTRUM, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1985. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 121 STANLEY M. LITTLE, JR., to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 122 RICHARD T. SCHROCK, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 123 NANCY WILLIAMS, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 174 RICHARD A. GRANGER, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

January 20, 1984

GA 175 JIM MATSON, to the position of member of the Export Assistance Center Board of Directors, appointed by the Governor on October 26, 1983, for the term ending October 25, 1989. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 20, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 596,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 669,

HOUSE CONCURRENT RESOLUTION NO. 35, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

EHB 596 by Representatives Todd, Isaacson, D. Nelson, Long, Gallagher and Miller

Modifying provisions on the state building code.

Referred to Committee on State Government.

ESHB 669 by Committee on Environmental Affairs (originally sponsored by Representatives Lux, Rust, Charnley, Gallagher and R. King)

Requiring public disclosure for records of handlers of hazardous wastes.

Referred to Committee on Parks and Ecology.

ESHB 1157 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Cantu and Braddock) (by Governor Spellman request)

Adopting the supplemental capital budget.

Referred to Committee on Ways and Means.

HCR 35 by Representatives McMullen, Fisch, R. King, Heck, Egger, Barrett, Ballard, Clayton, Patrick, Kaiser, Van Dyken, Belcher, Hine, J. King, Dellwo, Tanner, Niemi, Haugen, Ebersole, Zellinsky, Barnes, Schoon, Wang, Struthers, Holland, Betrozoff, Fuhrman, Long, Silver, Scott, Hastings, Brough, Lux, Brekke, Powers and Todd

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended, House Concurrent Resolution No. 35, was advanced to second reading and placed on the second reading calendar for tomorrow.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of Fred C. Enlow as a member of the Board of Trustees for Eastern Washington University was confirmed.

APPOINTMENT OF FRED C. ENLOW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Lee, Pullen - 2.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Reengrossed Senate Bill No. 3636, which was placed back on second reading on January 20, 1984.

NOTICE OF RECONSIDERATION

Senator Haley, having voted on the prevailing side, moved to reconsider the vote by which the amendment on page 1, line 15, by Senators Hurley and Hughes was adopted by the Senate.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Haley to reconsider the vote by which the amendment on page 1, line 15, was adopted by the Senate.

The motion for reconsideration by Senator Haley carried on a rising vote.

The Senate resumed consideration of the amendment by Senators Hurley and Hughes on page 1, line 15.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment on page 1, line 15, on reconsideration.

The amendment was not adopted on reconsideration.

MOTION

Senator Moore moved for adoption of the following amendment:

On page 2, line 6, after "It is a" strike "gross misdemeanor" and insert "Class C felony and punishable under chapter 9A.20 RCW"

POINT OF INQUIRY

Senator Goltz: "Senator Moore, there seems to be some confusion on the floor as to who would be affected by this penalty. This does not apply to a boy or girl who is firing off fireworks outside limits of the law. It applies only to the retailers and the wholesalers who sell knowingly to people who are not entitled to have them under law? Is that correct?"

Senator Moore: "Correct. It is my understanding at least."

POINT OF INQUIRY

Senator Quigg: "Senator Moore, would you understand then that in the case of the seller being subject to a potential Class B felony charge, would that just be the Lions Club members in the booth at the time, or the whole club or the international organization--how would you draw the line there?"

Senator Moore: "I think that anybody representing an organization is really representing that organization and it makes the club itself subject to such a fine--such an imprisonment."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Moore.

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

MOTION

On motion of Senator Hurley, the following amendment by Senators Hurley, Hughes, McCaslin, Granlund, Rasmussen, Rinehart, Fuller, McDonald, McDermott, Kiskaddon, Williams and Hansen was adopted:

On page 2, line 26, after "RCW" insert "or limits the power of any local government from adopting more restrictive regulations"

MOTION

Senator Wojahn moved adoption of the following amendment:

On page 1, after line 7, insert:

NEW SECTION. Sec. 1 (1) Any city, town, or county may enact as an ordinance of that city, town, or county sections 2 and 3 of the act, a violation of which results in a civil penalty not exceeding one thousand dollars for each violation. The city, town, or county may not modify the language of section 2 or 3 of this act in enacting those sections except to put the ordinance in proper form.

(2) Those cities, towns, and counties that adopt ordinances under subsection (1) of this section:

(a) May retain all moneys collected from the sale of fireworks use permits for costs related to enforcing fireworks laws; and

(b) Shall not charge more than five dollars for a fireworks use permit; and

(c) Shall obtain blank permits from the state fire marshall.

NEW SECTION. Sec. 2. (1) No person may purchase, use, discharge, or possess any common fireworks without obtaining a fireworks use permit issued by the (insert city, town, or county name).

(2) No fireworks use permit may be issued to any person under sixteen years of age.

(3) No person under sixteen years of age may purchase fireworks use permits.

(4) No common fireworks may be sold, given, or transferred to any person who does not display a valid fireworks use permit.

(5) Fireworks use permits are nontransferable.

NEW SECTION. Sec. 3. (1) The (insert city, town, or county name) may certify persons, firms, or corporations as permit dealers as necessary for the purpose of issuing fireworks use permits.

(2) All persons, firms, or corporations so certified shall provide the (insert city, town, or county name) with sufficient bond in an amount the (name of appropriate body or officer) determines to guarantee complete payment for all permits sold or not remitted by the dealer.

(3) Permit dealers shall remit all unsold permits and moneys collected from the sale of fireworks use permits to the (insert city, town, or county name) by July 15 of each year.

(4) Permit dealers may keep twenty-five cents for each permit issued.

(5) The (insert city, town, or county name) may revoke the certification of any permit dealer for failure to comply with this section.

NEW SECTION. Sec. 4. "Fireworks use permit" means a permit issued by any city, town or county that authorizes persons to use and purchase common fireworks in the manner permitted by this chapter.

Sec. 5. Section 27, chapter 228, Laws of 1961 as amended by section 12, chapter 230, Laws of 1982 and RCW 70.77.250 are each amended to read as follows:

The state fire marshal shall enforce and administer this chapter and shall have the following powers and duties:

(1) ~~((He shall))~~ To appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter:

(2) ~~((He may))~~ To prescribe such rules and regulations relating to fireworks as may be necessary for the protection of life and property, and shall adopt reasonable rules and regulations not inconsistent with the provisions of this chapter, for the granting of licenses for, and the presentation of, public displays of fireworks:

(3) ~~((He))~~ The state fire marshal is vested with the necessary police powers to enforce the criminal provisions of this chapter:

(4) To supply those cities, towns, and counties that adopt ordinances under sections 2 and 3 of this 1984 act with blank fireworks use permits they request.

Sec. 6. Section 85, chapter 228, Laws of 1961 and RCW 70.77.540 are each amended to read as follows:

Unless otherwise provided in this chapter, any person violating any of the provisions of this chapter of any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 7. Sections 1 through 4 of this act are each added to chapter 70.77 RCW."

Renumber and retitle accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Wojahn.

The motion by Senator Wojahn failed and the amendment was not adopted on a rising vote.

MOTION

Senator Hurley moved the following amendments be considered and adopted simultaneously:

On page 1, line 26, delete "one pound" and insert "one half pound"

On page 2, line 1, delete "one pound" and insert "one half pound"

The President declared the question before the Senate to be adoption of the amendments by Senator Hurley.

The motion by Senator Hurley failed and the amendments were not adopted on a rising vote.

MOTION

Senator Bottiger moved the following amendment be adopted:

On page 2, after line 26, add a new section as follows:

"NEW SECTION, Sec. 10. In an action based on fault seeking to recover damages for injury or death to person or harm to property resulting from the sale of fireworks in violation of this chapter, no contributory fault is chargeable to the claimant to diminish an award of compensatory damages for any such injury, death or harm."

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Bottiger, what would be the impact of this on illegal fireworks sold on the reservations? Would that claim be followed through to the tribe or to the people who sold them on the reservation?"

Senator Bottiger: "Senator Quigg, I hope so, but I have to tell you that I'm not sure because the Indian tribes have raised the issue of sovereign immunity and, in some cases, have gotten away with it. At least one of those cases is on appeal. I talked briefly with Senator Hemstad about this problem. I cannot tell you in all cognizance that you can get at the seller on the Indian reservation with this amendment, but I think if the injury was big enough somebody will take it up through the courts and try."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "Under this new language, Senator Bottiger, would a person be able to bring suit against a seller on a reservation of illegal fireworks which were used off the reservation?"

Senator Bottiger: "Senator Goltz, the answer obviously is 'yes.' Anybody can bring a suit. The question is, can they win? The issue that was raised on a prior question about Indian reservations--perhaps I didn't explain. We are not sure now what the liability that an Indian tribe or seller under an Indian authorization can be exposed to in the courts of this state or in the federal courts. We're not sure exactly the extent of the exposure to liability, because the Indian tribes have claimed sovereign immunity and that issue is in the courts--and it occurs on--I think there is one case going up on an Indian policeman--negligently drove his car on a reservation and injured somebody--can you sue the tribe? Now you could, if it was the city of Tacoma, but can you if it is the tribe? We're not sure yet how that's going to come out and so I cannot give you a firm answer that this will work on Indian tribes. I think the changing law, in view of the taxation of cigarettes and a few of the other issues, the courts are moving to hold the Indians libelous as they would any other unit of government."

Further debate ensued.

The President declared the question before the Senate to be the adoption of the amendment by Senator Bottiger.

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

MOTION

Senator Moore moved adoption of the following amendment by Senators Moore and Hemstad:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds and declares that the use of common fireworks jeopardizes the health, safety, and well-being of the people of Washington. Fireworks misuse has resulted in grievous personal injuries and substantial real and personal property loss to the people of this state.

Sec. 2. Section 2, chapter 230, Laws of 1982 and RCW 70.77.131 are each amended to read as follows:

"Special fireworks" (~~includes any fireworks designed primarily for exhibition display which produce visible or audible effects by combustion, deflagration, or detonation~~) means fireworks designed primarily for exhibition display that produce visible or audible effects by combustion, deflagration, or detonation.

Sec. 3. Section 3, chapter 230, Laws of 1982 and RCW 70.77.136 are each amended to read as follows:

"Common fireworks" (~~(includes)~~) means any fireworks which are designed primarily for sale at retail to the public (~~(during prescribed dates and)~~) which produce visible or audible effects through combustion and includes, but is not limited to the following:

(1) Ground and hand-held sparking devices such as dipped sticks, cylindrical fountains, cone fountains, illuminating torches, ground spinners, wheels, and flitter sparklers;

(2) Aerial devices such as sky rockets, missile-type rockets, helicopters, roman candles, mines, and shells;

(3) Audible ground devices such as firecrackers, salutes, chasers, smoke devices, and any combination of such items.

NEW SECTION. Sec. 4. No person may import, possess, sell, or discharge any fireworks or devices classified by this chapter as "common fireworks."

NEW SECTION. Sec. 5. No person may manufacture any fireworks or devices classified by this chapter as "common fireworks" for in-state sale or use, except that this chapter does not prohibit any manufacturer, wholesaler, dealer, or jobber having a license and a permit secured under this chapter from manufacturing or selling any kind of fireworks for direct shipment out of state.

Sec. 6. Section 74, chapter 228, Laws of 1961 and RCW 70.77.485 are each amended to read as follows:

The unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter shall be a gross misdemeanor.

Sec. 7. Section 85, chapter 228, Laws of 1961 and RCW 70.77.540 are each amended to read as follows:

Any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a gross misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than ~~((one))~~ five thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 8. Nothing in this chapter limits the power of state and local law enforcement officers to enforce the provisions of this chapter or of any provision of Title 9 or 9A RCW.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 56, chapter 228, Laws of 1961, section 31, chapter 230, Laws of 1982 and RCW 70.77.395;

(2) Section 80, chapter 228, Laws of 1961, section 41, chapter 230, Laws of 1982 and RCW 70.77.515;

(3) Section 82, chapter 228, Laws of 1961, section 42, chapter 230, Laws of 1982 and RCW 70.77.525; and

(4) Section 13, chapter 230, Laws of 1982 and RCW 70.77.570.

NEW SECTION. Sec. 10. Sections 4, 5, and 8 of this act are each added to chapter 70.77 RCW.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Moore demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Moore and Hemstad.

ROLL CALL

The Secretary called the roll and the motion by Senator Moore failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 30; absent, 01; excused, 02.

Voting yea: Senators Bluechel, Goltz, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McManus, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Warnke, Williams, Wojahn - 16.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bofftger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Woody, Zimmerman - 30.

Absent: Senator McDermott - 1.

Excused: Senators Lee, Pullen - 2.

MOTION

On motion of Senator Vognild, the rules were suspended, Second Reengrossed Senate Bill No. 3636 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hurley: "Mr. President, I would like to ask Senator Vognild to respond to a question. Senator Vognild, it disturbs me that there is such a large amount of explosives that's permitted for one person to possess--one pound--I always relate to a pound of butter. I think that it creates a very dangerous situation, but I'd like to ask you to explain it a little, and then, Mr. President, I would like to make just a few comments on my own tactics."

Senator Vognild: "Thank you Senator. I believe you're referring to the packaging and external packaging in terms of powder. On page 2, line 3 of the bill, it defines external packaging meaning 'any materials that are not an integral part of the operating unit of the fireworks.' That was, in my belief, intended to be merely the cardboard, paper packing--whatever it was packed in for shipping, but any part of it that is actually attached during use would be considered part of the total weight of one pound."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Reengrossed Senate Bill No. 3636.

ROLL CALL

The Secretary called the roll on final passage of Second Reengrossed Senate Bill No. 3636, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Paterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Hurley, McDermott, Moore, Rasmussen, Williams - 5.

Excused: Senators Lee, Pullen - 2.

SECOND REENGROSSED SENATE BILL NO. 3636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

January 20, 1984

SB 4467 Prime Sponsor, Senator McManus: Revising the laws regulating the hospital commission. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

MOTION

At 11:46 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, January 24, 1984.

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

SIXTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 24, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Kiskaddon, McDermott, Moore, Quigg and Zimmerman.

The Sergeant at Arms Color Guard, consisting of Pages Karol Parfitt and A. Zachery Lyson, presented the Colors. Reverend John Wingfield, minister of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1984

ESB 3243 Prime Sponsor, Senator Granlund: Exempting state correctional facilities from the requirements that a percentage of funds be used for public art. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

January 20, 1984

ESB 4110 Prime Sponsor, Senator Vognild: Modifying various provisions regarding cemeteries. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4110 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4326 Prime Sponsor, Senator Vognild: Re-defining the permissible political activities in which employment security department employees may engage. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4326 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4361 Prime Sponsor, Senator Talmadge: Modifying provisions relating to emergency assistance. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4401 Prime Sponsor, Senator Thompson: Permitting port commissions to negotiate the sale of property owned by the port district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4406 Prime Sponsor, Senator Granlund: Providing for community-based volunteer drug and alcohol abuse programs at work-release facilities. Reported by Committee on Institutions

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Referred to Committee on Ways and Means.

January 20, 1984

SB 4426 Prime Sponsor, Senator Talmadge: Eliminating the bond requirement in claims against the state. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4430 Prime Sponsor, Senator Talmadge: Modifying provisions relating to courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4430 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman, Hughes, Vice Chairman; Clarke, Hemstad, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4444 Prime Sponsor, Senator McManus: Authorizing optional supplemental group health insurance coverage for acupuncture. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4444 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4445 Prime Sponsor, Senator Moore: Allowing beer and wine producers to provide product information to consumers on licensed retail premises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4449 Prime Sponsor, Senator McManus: Modifying provisions on psychologist licensing. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4449 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4469 Prime Sponsor, Senator Talmadge: Correcting a clerical error in statutes relating to polling places. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4494 Prime Sponsor, Senator Vognild: Establishing the Washington state advisory council on international trade development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4494 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4496 Prime Sponsor, Senator Bauer: Providing for the control of fireworks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4500 Prime Sponsor, Senator Gaspard: Providing for tax deferred annuities for school employees. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4513 Prime Sponsor, Senator Clarke: Modifying provisions relating to corporations. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 20, 1984

SB 4515 Prime Sponsor, Senator Vognild: Modifying the concept of privity in warranty actions. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4515 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4516 Prime Sponsor, Senator Conner: Authorizing members of affiliated organizations to assist local nonprofit organizations with gambling activities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; McCaslin, McManus, Moore, Newhouse, Quigg.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4594 Prime Sponsor, Senator Moore: Modifying banking provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDonald, Sellar, Warnke.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4619 Prime Sponsor, Senator Thompson: Modifying procedures for filling vacancies in the office of fire commissioner. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4621 Prime Sponsor, Senator Thompson: Modifying provisions relating to powers of fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4650 Prime Sponsor, Senator Thompson: Modifying provisions relating to burning permits issued by fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4711 Prime Sponsor, Senator Thompson: Modifying and reorganizing provisions related to fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4711 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 20, 1984

SJM 124 Prime Sponsor, Senator Talmadge: Petitioning the United States Senate to ratify the Hague Convention regarding abduction of children. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

MOTION

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

SECOND READING

SENATE BILL NO. 3429, by Senators Talmadge and Granlund

Establishing a state advisory commission on criminal justice.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3429 was substituted for Senate Bill No. 3429 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 3429 was deferred.

SECOND READING

SENATE BILL NO. 3001, by Senator Conner

Modifying eligibility provisions for participation in elections concerning major energy project bonds.

The bill was read the second time.

MOTION

On motion of Senator Conner, the rules were suspended, Senate Bill No. 3001 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3001.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3001, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 06; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senator Benitz - 1.

Absent: Senators Bluechel, Kiskaddon, McDermott, Moore, Quigg, Zimmerman - 6.

SENATE BILL NO. 3001, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3415, by Senators Hughes, Hurley, McDermott, Talmadge, Williams, Haley, Bauer and Lee

Modifying guidelines on the use and management of state ground waters.

MOTION

On motion of Senator Hughes, Substitute Senate Bill No. 3415 was substituted for Senate Bill No. 3415 and the substitute bill was placed on second reading and read the second time.

MOTIONS

On motion of Senator Hughes, the following amendment was adopted:
On page 3, line 10, after "this" strike "1983" and insert "1984"

On motion of Senator Clarke, Senator Zimmerman was excused.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute Senate Bill No. 3415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3415.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3415, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Voting nay: Senator Barr - 1.

Absent: Senator Quigg - 1.

Excused: Senator Zimmerman - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3429, which was deferred earlier today.

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

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is established a joint legislative committee on the criminal justice system. The committee shall be composed of the following nineteen persons:

(1) The president of the Washington state association of police chiefs and sheriffs, or his designee;

(2) The chief of the Washington state patrol, or his designee;

(3) The president of the Washington association of prosecuting attorneys, or his designee;

(4) The president of the Washington state bar association, or his designee;

(5) The president of the Washington state magistrates association, or his designee;

(6) The president of the superior court judges association, or his designee;

(7) The president of the Washington state psychological association or his designee;

(8) The president of the Washington association of school administrators or his designee;

(9) The executive director of the Washington state school directors association or his designee;

(10) Four members of the senate, who shall be selected by the president of the senate, two from the majority party and two from the minority party;

(11) Four members of the house of representatives, who shall be selected by the speaker of the house of representatives, two from the majority party and two from the minority party; and

(12) Two members of the public appointed by the governor.

NEW SECTION. Sec. 2. (1) The committee shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, 1985, on which date the committee shall cease to exist.

NEW SECTION. Sec. 3. The committee shall meet and organize pursuant to the call of its chair, who shall be elected by its legislative members. Members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120 out of funds appropriated for the use of the legislature and its members. The legislature shall provide staff support to the committee.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 3429 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3429.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3429, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Zimmerman - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:32 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, January 25, 1984.

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

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 25, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Clarke, Deccio and Wojahn. On motion of Senator Vognild, Senator Wojahn was excused. On motion of Senator Sellar, Senators Clarke and Deccio were excused.

The Sergeant at Arms Color Guard, consisting of Pages Rachel Schwindt and Matthew Wiegman, presented the Colors. Reverend John Wingfield, minister of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1984

SB 4315 Prime Sponsor, Senator Owen: Giving game commission authority to require hunter orange clothing. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4315 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Patterson, Shinpoch, von Reichbauer.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4322 Prime Sponsor, Senator Moore: Revising the credit union laws. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4322 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, McDonald, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4374 Prime Sponsor, Senator Fleming: Modifying provisions on the taxation of public development authorities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, McDonald, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 19, 1984

SB 4543 Prime Sponsor, Senator Granlund: Modifying restrictions on good behavior and earned time credits of convicted persons. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4543 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Fuller, McManus, Metcalf, Peterson.

MINORITY recommendation: Do not pass. Signed by Senators Owen, Vice Chairman; McCaslin.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4651 Prime Sponsor, Senator McManus: Modifying provisions relating to collection of child support assigned to the department of social and health services. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4785 Prime Sponsor, Senator Williams: Authorizing an act to carry out a treaty between the United States and Canada to permit certain public utility districts and cities to enter into agreements with British Columbia regarding recreational opportunities and environmental protection. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4785 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4831 Prime Sponsor, Senator Talmadge: Relating to worker and community right to know. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4831 be substituted therefor, and the substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, McDermott, Rasmussen, Williams.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENT

January 20, 1984

GA 115 J. H. "JACK" BLOSSER, to the position of member of the Export Assistance Center Board of Directors appointed by the Governor on October 26, 1983, for the term ending October 25, 1987. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules.

STATEMENT FOR THE JOURNAL

January 20, 1984

Statement for Senate Journal and Institutions Committee Minority Report

SSB 4543 was not in proper form to pass out of committee. Three changes were added:

1) The earned time credits and good behavior credit was made retroactive. No retroactivity date was established.

2) The date of expiration of the legislation was not in the present bill and is to be added. Said date of expiration is June 30, 1984.

3) An emergency clause was added to put the early releases in immediately.

According to the Department of Corrections' spokesman, the bill as it now stands will affect 1,800 prisoners, 60% of whom are offenders convicted of violent crimes. Their potential releases under this bill would allow up to 1,080 violent criminals to have early releases.

The bill as passed was not the bill as sponsored nor were other alternatives to solving the problem of overcrowding considered.

Bob McCaslin
Senator, Fourth District

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 24, 1984

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

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

Lynda Zimmerman appointed January 12, 1984, for a term ending July 16, 1984, succeeding Beverly A. Freeman as a member of the Hospital Commission.

Sincerely,

JOHN SPELLMAN, Governor

Referred to Committee on Social and Health Services.

MESSAGES FROM THE HOUSE

January 24, 1984

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 38, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 24, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 181, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 24, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1778, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 24, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 85,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 342,
ReENGROSSED SUBSTITUTE HOUSE BILL NO. 480,
SUBSTITUTE HOUSE BILL NO. 1101,
HOUSE BILL NO. 1120,
HOUSE BILL NO. 1121,
HOUSE BILL NO. 1160,
HOUSE BILL NO. 1162,
HOUSE BILL NO. 1166,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187,
ENGROSSED HOUSE BILL NO. 1192,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213,
SUBSTITUTE HOUSE BILL NO. 1247,

ENGROSSED HOUSE JOINT RESOLUTION NO. 44, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

2SHB 85 by Committee on Labor (originally sponsored by Representatives R. King and Patrick)

Expanding number of counties subject to binding arbitration for law enforcement officers.

Referred to Committee on Local Government.

2SHB 181 by Committee on Ways and Means (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

Referred to Committee on Natural Resources.

ESHB 342 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Dellwo and Brekke) (by Department of Social and Health Services request)

Authorizing limited access to state records for research purposes.

Referred to Committee on Social and Health Services.

ReESHB 480 by Committee on Natural Resources (originally sponsored by Representatives Belcher, McClure, B. Williams and Todd)

Modifying the provisions regulating surface mines.

Referred to Committee on Natural Resources.

SHB 1101 by Committee on Constitution, Elections and Ethics, (originally sponsored by Representatives Tilly, Pruitt, Barnes, Brough, Crane, Dellwo, Fisch, J. King, Lewis, McMullen, Mitchell, Sanders, Sutherland, P. King, Hine, Miller, Halsan and L. Smith)

Permitting persons hospitalized on election day to vote by absentee ballot.

Referred to Committee on Judiciary.

HB 1120 by Representatives Armstrong, Padden, Brough, Crane, Fuhrman, Tanner, P. King, Barnes and L. Smith

Requiring release of juvenile records under certain circumstances.

Referred to Committee on Judiciary.

HB 1121 by Representatives Armstrong, Padden, Tanner, P. King and Clayton

Revising penalties for crimes involving explosives.

Referred to Committee on Judiciary.

HB 1160 by Representatives Charnley, Allen, Egger, Isaacson, Ballard, Garrett, Van Luven, Van Dyken, Brough, Smitherman, Todd and Hine

Modifying the powers of local governments.

Referred to Committee on Local Government.

HB 1162 by Representatives Stratton, Mitchell, Halsan and Van Dyken

Correcting double amendments and making other technical corrections in the fisheries code.

Referred to Committee on Natural Resources.

HB 1166 by Representatives Locke, Padden, Armstrong and Crane

Authorizing courts to set conditions on probation and specifying length of term.

Referred to Committee on Judiciary.

ESHB 1187 by Committee on Commerce and Economic Development (originally sponsored by Representatives Tanner, Ebersole, Vekich, Kaiser and Powers)

Regulating the practice of cosmetology.

Referred to Committee on Commerce and Labor.

EHB 1192 by Representatives Walk, Schmidt, Sutherland, Mitchell, Van Dyken and Wilson (by Department of Transportation request)

Requiring notice to the department of transportation of short plats next to high-way right of way.

Referred to Committee on Transportation.

ESHB 1213 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, McMullen, Schmidt and Dellwo)

Reorganizing and revising Washington trust law.

Referred to Committee on Judiciary.

SHB 1247 by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Appelwick, Struthers, Barrett, Brough and Crane)

Revising criminal sentencing.

Referred to Committee on Judiciary.

SHB 1778 by Committee on Energy and Utilities (originally sponsored by Representative Charnley)

Authorizing an act to carry out a treaty between the United States and Canada to permit certain cities to enter into agreements with British Columbia regarding recreational opportunities and environmental protection.

Hold.

EHJR 44 by Representatives Charnley, Isaacson, Egger, Haugen, Allen, Ballard, Garrett, Van Luven, Van Dyken, Smitherman, Todd and Hine

Establishing procedures for the adoption of county home rule charters.

Referred to Committee on Local Government.

HCR 38 by Representatives Heck and G. Nelson

Welcoming Canadian dignitaries to Olympia.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Substitute House Bill No. 1778 was advanced to second reading and placed on the second reading calendar.

On motion of Senator Shinpoch, the rules were suspended and House Concurrent Resolution No. 38 was advanced to second reading and placed on the second reading calendar.

MOTIONS

On motion of Senator Vognild, Senator Wojahn was excused.

On motion of Senator Sellar, Senators Clarke and Deccio were excused.

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

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 38, by Representatives Heck and G. Nelson

Welcoming Canadian dignitaries to Olympia.

The resolution was read the second time.

MOTION

On motion of Senator Shinpoch, the rules were suspended, House Concurrent Resolution No. 38 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be adoption of House Concurrent Resolution No. 38.

HOUSE CONCURRENT RESOLUTION NO. 38, having received the constitutional majority, was declared adopted.

REMARKS BY THE PRESIDENT

President Cherberg: "Honored members of the Senate, the President should like to remind the Senators of the special session tomorrow starting at 11:00 a.m. and, also, that each and everyone of you are invited to attend a reception in the State Reception Room immediately following the adjournment of the special joint session."

MOTION

At 10:20 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:14 a.m.

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

MOTION

Senator Williams moved adoption of the following resolution:

SENATE RESOLUTION 1984-138

By Senators Williams, Guess, Peterson, Woody, Bauer, Gaspard, Rinehart, Hurley, Lee, Hemstad, McDermott, Granlund, Thompson, Hansen, Rasmussen, Conner, Bender, Patterson, McManus, Benitz, Vognild, Talmadge, Wojahn, Goltz, Kiskaddon, Fuller and Warnke

WHEREAS, The Federal Communications Commission has delayed imposition of customer access line charges; and

WHEREAS, The Washington Utilities and Transportation Commission has imposed customer access line charges which are costing Washington ratepayers over three million dollars per month; and

WHEREAS, The promised benefits of the access charge plan in the form of lower long distance rates have not materialized; and

WHEREAS, Washington ratepayers are paying higher telephone rates, with no increase in service, as a result of the Washington Utilities and Transportation Commission's imposition of the access charge; and

WHEREAS, Washington ratepayers deserve consistency and fairness in telephone rates;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the Washington Utilities and Transportation Commission is requested to take immediate action to reverse its customer access line charge and order refunds to ratepayers of all money collected under the access charge tariffs; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate immediately transmit copies of this resolution to the Washington Utilities and Transportation Commission.

MOTION

On motion of Senator Williams, the following amendment to the resolution was adopted:

On page 1, line 15, beginning with "immediately" strike all the language down to and including "tariffs" on line 17 and insert "take immediate action to reverse its customer access line charge and to provide redress for ratepayers who have paid access charges"

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Williams, the way it is written, it says, 'are costing taxpayers three million dollars and that they're paying higher telephone rates.' The implication is that they already have been doing this. You are saying some

have received bills, but at this point has there been three million dollars paid in? I mean—it seems as if you're implying something that hadn't yet taken place."

Senator Williams: "The imposition of this access charge is in place now--as of the first of this year. All telephone companies are charging various access charge amounts and the amount of money referred to is not the amount that's there right now, but that is the cost to Washington ratepayers, if this access charge continues."

Senator Zimmerman: "It would be the cost if they were to pay it and if this were not to take place, but the way it's written, I think, it sounds as if it is already in place. I doubt if anybody could obtain any figures."

Senator Williams: "Well, actually it is in the billings that are out now. In other words, if you have received your telephone bill and, in fact, I have talked with some people who have received telephone bills that now have the access charge on them, so by the end of this month there will be a bill outstanding to the ratepayers of this state of that amount of money for this first month."

Senator Zimmerman: "I was concerned about the survey's pre-implication there, but I appreciate your explaining it."

The President declared the question before the Senate to be adoption of Senate Resolution 1984-138, as amended.

The motion by Senator Williams carried and the resolution, as amended, was adopted.

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

SECOND READING

SENATE BILL NO. 4228, by Senators Fleming and McDermott

Changing the grounds for malicious harassment.

The bill was read the second time.

MOTION

On motion of Senator Fleming, further consideration of Senate Bill No. 4228 was deferred for three bills.

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

THIRD READING

ENGROSSED SENATE BILL NO. 3777, by Senators Thompson, Zimmerman and Woody

Permitting occupancy of related persons in a single residence.

MOTIONS

On motion of Senator Thompson, the rules were suspended and Engrossed Senate Bill No. 3777 was returned to second reading.

On motion of Senator Thompson, the following amendment by Senators Thompson, Zimmerman, McCaslin and Rasmussen was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that:

(1) While there is a great need for low-cost housing for senior citizens and others on fixed incomes, local zoning regulations prohibit families from converting their homes to provide independent accommodations for their relatives;

(2) Prohibitions against such "accessory apartments" result in the separation of families and a greater demand for government housing services;

(3) Separate living quarters within family homes will provide senior citizens with the security, assistance, and companionship of their families without sacrificing independence;

(4) Permitting the conversion of single family residences to include separate, code-approved units within existing space will promote energy efficiency, reduce resource waste, and provide a reasonable housing alternative for those who can least afford rising housing costs.

NEW SECTION, Sec. 2. There is added to chapter 35.63 RCW a new section to read as follows:

Each city and town that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city or town where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate

living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling. These separate living quarters shall be authorized by conditional use permits, subject to reasonable conditions relating to health, safety, and welfare that may be established by ordinance. The conditional use permit may run to the property, or to the owner and occupant of the single family dwelling.

NEW SECTION, Sec. 3. There is added to chapter 35A.63 RCW a new section to read as follows:

Each code city that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the city where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling. These separate living quarters shall be authorized by conditional use permits, subject to reasonable conditions relating to health, safety, and welfare that may be established by ordinance. The conditional use permit may run to the property, or to the owner and occupant of the single family dwelling.

NEW SECTION, Sec. 4. There is added to chapter 36.70 RCW a new section to read as follows:

Each county that has a comprehensive plan, zoning ordinances, building codes, or other land use controls establishing areas within the county where only detached single family dwellings are allowed for residential purposes, shall permit the inclusion of separate living quarters in all detached single family residential dwellings located in such areas to be used by persons who are related by blood, adoption, or marriage to an owner and occupant of the single family dwelling. These separate living quarters shall be authorized by conditional use permits, subject to reasonable conditions relating to health, safety, and welfare that may be established by ordinance. The conditional use permit may run to the property, or to the owner and occupant of the single family dwelling."

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

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "adding a new section to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; and creating a new section."

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Reengrossed Senate Bill No. 3777 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3777.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3777, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Paterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 41.

Voting nay: Senators Fleming, Haley, Moore, Rinehart, Talmadge, Williams - 6.

Excused: Senators Deccio, Wojahn - 2.

REENGROSSED SENATE BILL NO. 3777, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3059, by Senators Lee, Woody and McManus

Providing for pets in nursing homes and public housing for the elderly.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Dr. Haley, could you tell me what percentage of the people have allergies or suffer from allergies?"

Senator Haley: "My guess is that eighty or ninety per cent of people have some kind of allergy, but I don't believe more than half of them suffer from them. Some people suffer very greatly--many people suffer very greatly from those allergies they have."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3059.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3059, and the bill passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Clarke, Conner, Craswell, Goltz, Guess, Haley, Hayner, Hurley, McCaslin, Pullen, Vognild - 13.

Excused: Senators Deccio, Wojahn - 2.

ENGROSSED SENATE BILL NO. 3059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of Gubernatorial Appointment No. 9, Dick Pokornowski to the Gambling Commission and Gubernatorial Appointment No. 10, Lawrence Waldt to the Gambling Commission.

On motion of Senator Shinpoch, the Committee on Energy and Utilities was relieved of further consideration of Gubernatorial Appointment No. 66, William Wall to the WPPSS Executive Board of Directors and Gubernatorial Appointment No. 67, Michael Berry to the WPPSS Executive Board of Directors.

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Gubernatorial Appointment No. 18, Carolyn Patton to the Lottery Commission.

On motion of Senator Shinpoch, Gubernatorial Appointments No. 9, 10, 66, 67 and 18 were returned to the Governor's Office at the request of the Governor.

STATEMENT FOR THE JOURNAL

Regarding Gubernatorial Appointment No. 95, Confirmation of Fred C. Enlow to the Board of Trustees of Eastern Washington University:

The Senate was not aware of the resignation of Fred C. Enlow at the time Mr. Enlow was confirmed as a member of the Board of Trustees of Eastern Washington University on January 23, 1984.

PERSONAL PRIVILEGE

Senator Vognild: "I would like to request permission of the President and the body to use the Senate Chambers for a Commerce and Labor Committee hearing on Thursday, January 26, from 2:30 to 4:30 p.m."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, it is so ordered."

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

REPORTS OF STANDING COMMITTEES

January 24, 1984

SB 4408 Prime Sponsor, Senator McManus: Modifying the operation of and extending the Washington council for the prevention of child abuse and neglect. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4408 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4504 Prime Sponsor, Senator Shinpoch: Requiring a comprehensive state budgeting, accounting, and reporting system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Hayner, Hughes, McDonald, Shinpoch, Talmadge, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4647 Prime Sponsor, Senator McManus: Revising the state advisory committee to the department of social and health services. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4647 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4708 Prime Sponsor, Senator McManus: Modifying methods of determining costs of operating state institutions. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4708 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4667 Prime Sponsor, Senator Goltz: Prohibiting mandatory measured telephone service rates. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4667 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, McManus, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 11:54 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, January 26, 1984.

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

EIGHTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, January 26, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Brian Lindstrom and Margaret Stock, presented the Colors. Reverend John Wingfield, minister of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 25, 1984

SB 4422 Prime Sponsor, Senator Fleming: Authorizing bonds for agricultural water supply facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hayner, Hughes, Rinehart, Talmadge, Warnke, Woody.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4340 Prime Sponsor, Senator Gaspard: Taxing the possession for sale or use of marijuana and controlled substances. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4340 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Thompson, Warnke, Wojahn, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Craswell, Hayner, Lee, McDonald, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4527 Prime Sponsor, Senator Peterson: Directing law enforcement officers to put reflectorized warning devices on disabled cars. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4636 Prime Sponsor, Senator Warnke: Modifying provisions on actions against state. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 23, 1984

SB 4775 Prime Sponsor, Senator Hughes: Establishing the parkland acquisition account. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4775 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4776 Prime Sponsor, Senator Gaspard: Creating the life skills test. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 25, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 38, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 25, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 710,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 879,
HOUSE BILL NO. 1103,
HOUSE BILL NO. 1107,
HOUSE BILL NO. 1108,
HOUSE BILL NO. 1110,
HOUSE BILL NO. 1128,
ENGROSSED HOUSE BILL NO. 1133,
HOUSE BILL NO. 1135,
SUBSTITUTE HOUSE BILL NO. 1136,
SUBSTITUTE HOUSE BILL NO. 1170,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1188,
SUBSTITUTE HOUSE BILL NO. 1200,
HOUSE BILL NO. 1287,
SUBSTITUTE HOUSE BILL NO. 1449, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 25, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 791,
ENGROSSED HOUSE BILL NO. 1218,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1456, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 38.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 710 by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Miller, Braddock and Todd)

Authorizing municipal corporations to develop electrical generation facilities.

Referred to Committee on Energy and Utilities.

- ESHB 791 by Committee on Local Government (originally sponsored by Representatives Charnley, Addison and Sommers)
 Modifying provisions concerning county hospitals.
 Referred to Committee on Local Government.
- ESHB 879 by Committee on Local Government (originally sponsored by Representatives Kaiser, Schoon, Grimm, Jacobsen and Brough)
 Authorizing the establishment of community corporations.
 Referred to Committee on Local Government.
- HB 1103 by Representatives Wang, Lux, Sanders, Ballard, Kreidler, Brough, Lewis, Mitchell, Van Luven, Barrett and Schoon
 Modifying health insurance coverage for newborn infants.
 Referred to Committee on Financial Institutions.
- HB 1107 by Representatives Ebersole, Hankins, Niemi, J. King, Lewis, Tanner, P. King, O'Brien, Todd and Halsan (by Planning and Community Affairs Agency request)
 Extending the bond allocation formula for the housing finance commission.
 Referred to Committee on State Government.
- HB 1108 by Representatives Heck, Sommers and B. Williams (by Legislative Budget Committee request)
 Repealing the veterans' loan insurance program.
 Referred to Committee on State Government.
- HB 1110 by Representatives Heck, Tilly, Sommers, Vander Stoep, B. Williams, Egger and P. King (by Legislative Budget Committee request)
 Abolishing the governor's council on criminal justice.
 Referred to Committee on Judiciary.
- HB 1128 by Representatives Charnley and Brough
 Filling vacancies of special purpose district representatives.
 Referred to Committee on Local Government.
- EHB 1133 by Representatives Sommers, Long, Jacobsen, Fisher, Miller, Barnes, Pruitt, Schoon, Patrick, Wang, Todd and Lux
 Specifying requirements for political advertising.
 Referred to Committee on Judiciary.
- HB 1135 by Representatives Hine, Wang, Sutherland, Armstrong and Crane
 Revising the notice requirements for motor vehicle warranties.
 Referred to Committee on Judiciary.
- SHB 1136 by Committee on Transportation (originally sponsored by Representative Halsan)
 Allowing an abandoned junk motor vehicle to remain at the site for the required notification period.
 Referred to Committee on Transportation.
- SHB 1170 by Committee on Higher Education (originally sponsored by Representatives Sayan and Belcher)
 Establishing a career executive program for higher education personnel.
 Referred to Committee on Education.

ESHB 1188 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Kreidler, Belcher, Garrett and Patrick)

Revising the credit union laws.

Referred to Committee on Financial Institutions.

SHB 1200 by Committee on Transportation (originally sponsored by Representatives Walk, Cantu and Wilson) (by Governor Spellman request)

Adopting the supplemental transportation budget.

Referred to Committee on Transportation.

EHB 1218 by Representatives Todd, Egger, Haugen, Nealey, Ebersole, Smitherman, Clayton and Crane

Altering the regulation of auctioneers.

Referred to Committee on Commerce and Labor.

HB 1287 by Representatives Brekke, Mitchell, Tilly, Kreidler, Patrick, Taylor, Long, Johnson, Cantu, Barnes, Betrozoff, Schoon, Van Dyken, Broback, Ballard, Isaacson, Wilson, West, Silver, Barrett, Charnley, Dellwo, Holland, O'Brien, L. Smith, Struthers, Wang, P. King, Brough, Galloway, B. Williams, Schmidt, Todd and Tanner (by Governor Spellman request)

Modifying the operation of and extending the Washington council for the prevention of child abuse and neglect.

Referred to Committee on Social and Health Services.

SHB 1449 by Committee on Education (originally sponsored by Representatives Galloway, Holland and Powers) (by Superintendent of Public Instruction request)

Revising the remediation assistance program.

Referred to Committee on Education.

ESHB 1456 by Committee on Education (originally sponsored by Representatives Galloway, P. King, Ebersole and Powers) (by Superintendent of Public Instruction request)

Revising requirements for transitional bilingual education.

Referred to Committee on Education.

MOTION

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1778, by Committee on Energy and Utilities (originally sponsored by Representative Charnley)

Authorizing an act to carry out a treaty between the United States and Canada to permit certain cities to enter into agreements with British Columbia regarding recreational opportunities and environmental protection.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended. Substitute House Bill No. 1778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newhouse: "Senator Williams, this seems to be somewhat reminiscent of public versus private power. Here we have public power asking for authority

and this would be a municipal type enterprise. Will we ever have state obligations because of this? Is the court likely to overturn some of this because the people of Seattle haven't voted to give this authority? How is this treaty ratified within city government?"

Senator Williams: "The treaty is between the United States and Canada. The agreement is ratified by the city of Seattle's City Council and the B.C.'s appropriate legislative body."

Senator Newhouse: "The mayor and the city council have executed this without any specific authority from the voters of the city?"

Senator Williams: "I can't answer that. I assume that they're exercising their normal powers related to their election."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1778.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1778, and the bill passed the Senate by the following vote: Yeas, 47; nays, 02; absent, 00; excused, 00.

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

Voting nay: Senators Pullen, Rasmussen - 2.

SUBSTITUTE HOUSE BILL NO. 1778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Substitute House Bill No. 1778 was ordered immediately transmitted to the House.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives McMullen, Fisch, R. King, Heck, Egger, Barrett, Ballard, Clayton, Patrick, Kaiser, Van Dyken, Belcher, Hine, J. King, Dellwo, Tanner, Niemi, Haugen, Ebersole, Zellinsky, Barnes, Schoon, Wang, Struthers, Holland, Betrozoff, Fuhrman, Long, Silver, Scott, Hastings, Brough, Lux, Brekke, Powers and Todd.

Establishing a joint select committee on workers' compensation to review the industrial insurance system.

The resolution was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Concurrent Resolution No. 35 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

MOTION

At 10:47 a.m., on motion of Senator Shinpoch, the Senate retired to the House Chamber for the purpose of a Joint Session.

JOINT SESSION

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

The Speaker instructed the Sergeants at Arms of the Senate and the House to escort Lieutenant Governor John Cherberg, President Pro Tempore H.A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen, Democratic Majority Leader R. Ted Bottiger and Republican Leader Jeannette Hayner to seats on the rostrum.

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

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

The Secretary of the Senate called the roll of the Senate and all members were present.

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

The President of the Senate appointed Senators Hughes, Newhouse, Thompson and Barr and Representatives L. Smith, Ellis, P. King and Cantu to escort the Supreme Court Justices from the State Reception Room to seats at the front of the House Chamber.

The President of the Senate appointed Senators Bender and Benitz and Representatives Kaiser and Johnson to escort the State Elected Officials to seats within the House Chamber.

The President of the Senate appointed Senators Peterson and Sellar and Representatives Hine and Wilson to escort Governor John Spellman to the rostrum.

The President of the Senate appointed Senators Hansen and Guess and Representatives Fiske and Zellinsky to escort Allan E. Gottlieb, Ambassador of Canada to the United States to the rostrum.

The President of the Senate introduced Governor John Spellman.

Governor Spellman: "Lieutenant Governor Cherberg, Speaker Ehlers, Honorable Justices of the Supreme Court, distinguished elected officials, members of the Legislature, our very welcome and distinguished Canadian guests, ladies and gentlemen: It is my honor and pleasure this morning to introduce to you a distinguished scholar, an accomplished attorney, and a diplomat dedicated to peace and prosperity, the Honorable Allan E. Gottlieb, the Canadian Ambassador to the United States.

"Just as the history and the lives of our two great nations have been intertwined, so too has the life of Ambassador Gottlieb been linked closely to the United States. He is a graduate of the University of California. After receiving advanced degrees as a Rhodes Scholar at Oxford University in England, he returned to the United States and received his law degree from Harvard University and was honored with the Addison-Browne Prize from its law school.

"He then began a distinguished career as an educator. He served as a lecturer in law at Oxford and as a professor at Queen's University in Ontario and at Ottawa University. His excellence in education has been widely acknowledged. He has received honorary doctoral degrees from the University of Windsor and from New York University. He is a winner of the Deak Prize of the American Society of International Law. He became an Officer of the Order of Canada in 1982.

"Ambassador Gottlieb joined the Department of External Affairs in 1957 and began a distinguished diplomatic career, highlighted by his work in disarmament and international development. He rose to the position of Assistant Under-Secretary of State and became Canada's alternate delegate to the United Nations. He interrupted his service with the Department of External Affairs in 1968 to become Deputy Minister of the then-new Department of Communications. He went on to become Deputy Minister of Manpower and Immigrations and later Chairman-designate of the Canada Employment and Immigration Commission.

"Mr. Gottlieb has additionally distinguished himself as a leader in international trade promotion, serving as Director of the Export Development Corporation and Governor of the International Development Research Centre of Carleton University. He has obviously worked on many things in which we have great interest. In 1977, Ambassador Gottlieb was appointed Under-Secretary of State for External Affairs. In 1981, he served as the personal representative of the Canadian Prime Minister for the Ottawa Summit Economic Conference. In December 1981, he presented his credentials to President Reagan as Canadian Ambassador to the United States.

"Ambassador Gottlieb was born in Winnipeg, Manitoba. He is married to the former Sondra Kaufman, an award-winning novelist, and is the father of three children. He is charming and eloquent; an extraordinary representative of Canada, and he has a clear and firm grasp of the intimate relationship between our two countries.

"It is now my pleasure to present to you a fellow American, the Canadian Ambassador to the United States: The Honorable Allan E. Gottlieb."

ADDRESS BY ALLAN E. GOTTLIEB, AMBASSADOR OF CANADA

Ambassador Gottlieb: "Governor Spellman, Lieutenant Governor Cherberg, Speaker Ehlers, Honorable Members of the Legislature, ladies and gentlemen: It is an honor and a privilege for me to be here with you today and, in particular, to address this distinguished assemblage of representatives of such a beautiful part of America.

"I now readily appreciate why someone once observed that if the Pilgrims had first landed on the Pacific Coast, everything east of the Rockies would probably still be unsettled. It's a view I understand. I come from a part of Canada just north of North Dakota, and I can assure you that up there we often reflect on our forefathers' choice of geography or their desperation—at least in January.

"There are many important similarities between Canada and the State of Washington. Both economies have been hurt by the recession but are recovering. Agriculture, fishing and natural resource industries such as forestry and mining, remain fundamental to us despite the enormous growth in new high tech and service sector industry. Tourism is a major revenue earner for us both. Our populations tend to be concentrated in relatively small areas—yours around Puget Sound, ours in a fairly narrow strip along the border. Your state government, like our federal government, has played an innovative role in social policy. We also share a mutual interest in the health of our natural environment, be it clean air or the preservation of our forests, lakes, rivers and oceans. This is not only because of economic self-interest. Our populations insist that we be able to pass on our magnificent natural heritage to our children and their children.

"I have been Canada's Ambassador to the United States for a little more than two years now. I've found out that the relationship between our two countries is not usually a glamorous subject, but neither are a lot of other important topics. It has so far proven to be a fascinating experience; and I want to share it with you, particularly the part of my experience most relevant to your own activities. Basically, I would like to speak to you about your own political process. I hope you don't think I'm taking liberties with my status as a foreigner in doing so. It is fundamental and vital to my work as a Canadian Diplomat to understand that although Canadians are foreigners, we are tremendously affected by your political process. This is why my own experience in the United States has been so fascinating.

"There are other reasons, of course. In our world of today surprise has become normal. There are few simple answers to complex and unpredictable world problems. Because you are the world's greatest power, the way in which you do it affects the rest of us. This alone makes for very few dull days in Washington, D.C. No less a factor in the fascination of my assignment, is that there is no other country in the world which is as important to Canada as the U.S.A., and I dare say, vice-versa. We have a relationship with the United States which is quite simply unique. We are each other's largest trading partners, who by now, exchange about one hundred billion dollars worth of goods per year. That's far bigger than U.S. trade with Japan or leading European states and as big as your trade with them put together. Trade between Washington and Canada was in the neighborhood of 5.5 billion Canadian dollars in 1982 including gas. That puts Washington close to Japan—our second biggest trading partner. And our two-way trade is growing. Your fruits and vegetables are found throughout Canada; our national and regional airlines fly your aircraft. We have invested tens and tens of billions of dollars in each other's economies and huge capital flows create jobs. Every year some thirty-five million people cross our border, not to mention every form of cultural and human experience which they can carry with them, or which the airwaves do instead. We share a continent—it's defense is a shared military responsibility as well, we hope, as an environmental one.

"We are in sum unlike any other two countries in the world in terms of interchanges between us and the often easy familiarity with each other's presence. Our political processes are different institutionally, but they are both rooted in our common and complete commitment to democratic values and concepts of human

rights which are vastly more than mere platitudes. Obviously all this sharing necessarily means we are likely to have a lot of problems. They go with the territory, so to speak, but the point is that we almost always find ways to work them out. Take the Skagit Valley controversy. There, it's taken us almost fifty years to work out a treaty which in a simple form provides Seattle with electricity and British Columbia with an unflooded valley, but the important story is that we did work it out, and to our mutual satisfaction.

"It is the factor of your political process which makes my assignment here so especially interesting. In terms of working out the problems we are inevitably going to have, the important point to make is that it is becoming harder and harder to do in the traditional ways because of the dynamics of the American political process and the way in which we as a foreign country inevitably get caught up in it. Your system is quite unique. Of course, ours is as well, but ours is probably a lot simpler for a foreign government to cope with, even if we manage to give the impression that everything in Canada is a matter for Federal-Provincial adjudication, foreign relations are at least exclusively in the federal government's jurisdiction. Many foreign representatives to your country are surprised to learn (although they shouldn't be) that the distribution of power in the United States is very dispersed--institutionally and regionally. I have no doubt that in many respects that is exactly what the drafters of your Constitution had in mind when they set out to translate their political principles into a framework for governing this nation, in separating powers between the executive and the legislative branches, and in placing so much emphasis on the rights of states.

"However, most foreign governments find this separation of political power in your system quite different from their own and quite unusual in the world today. Relations between foreign states are generally conducted via interchanges between their respective governments, but maintaining good relations with the United States is not simply a matter of keeping the administration on side. As your history has shown, the White House and State Department are not always the final or only arbiters of American foreign policy. With respect to Canadian interest, they may not even be the dominant ones. It is this which makes life for us complex and sometimes difficult. I note this is not as a complaint but simply as an observation of fact. It is a fact with enormous implications for us and for you. It is unaffected by whatever particular administration is in power at the time. It is a function of the process. As I say, our own process has its own distinguishing features that can complicate the lives of Americans with interests in Canada. But this problem of access to your process is even greater for a country such as Canada which has such a complex and closely interwoven array of interests here. In fact, our own relationship with the United States is defined on your side not so much as foreign policy, but as an aggregate of a variety of domestic policy decisions and action which may be put into effect by a host of different institutions here at all levels of the governmental system. Congress, for example, has traditionally been vested with considerable powers in the realm of foreign policy formulation, such as the Senate's power to advise and consent to foreign agreements, but the authority of Congress goes into almost all other areas of government policy. What Congress does by way of legislative action has often had a major impact on our interests. Often times there is not specifically anti-Canadian sentiment behind these actions.

"Despite the economic recovery under way here, there remain areas in this country which continue to suffer from the effects of the recession and the process of economic restructuring which is underway, not only here but in Canada as well. The uncertainty and dislocation they entail are debilitating, leading in turn to demands for assistance, intervention or protection. The effect, not unnaturally, is one of regional competition for industries and jobs or the adoption of domestic content or buy-local policies and regulations. The impact is felt in Congress, in state legislatures and in municipal councils. The impact is then felt by your neighbors and then the retaliation starts and there's no way of knowing where it could end.

"In a number of cases, we have had the misfortune of being caught up by legislation which is actually implemented in response to the practices of other countries. In the area of international trade, for example, some of our biggest problems stemmed from American reactions to the practices of Japan or Europe.

We were included in a sort of 'side-swipe' effect. Take domestic content legislation--it is Canada with which you trade the most automobiles. It is a balanced trade, I hasten to emphasize. But we will be included if auto content legislation now before Congress were to pass.

"In other instances, legislation which is inherently domestic in nature, such as the Clean Air Act, can have an appreciable effect on our interests. The air moves! And some of it rains acid! So how Congress or the administration chooses to redefi- ne that legislation will determine what kind of action can be mounted against the devastating effects of acid rain, one of the most profound environmental problems we both face today, a dreadful phenomenon that afflicts not only our rivers and lakes, but our forest industries on both sides of the border. We welcome your recognition here of the seriousness of this problem.

"The kind of road tax system you put into place will affect the nature of truck transportation between our two counties, a key factor in the trade between us. Changes in your maritime shipping law and the deregulation of your air routes affect our established transportation systems as well as the prosperity and efficiency of your airlines and seaports. These may be, ostensibly, domestic policy issues for you, but their impact on us can be potentially enormous.

"Of course, there is a third kind of legislation affecting our interests, that which is aimed at Canada. There are circumstances in which local and regional protectionist impulses can identify Canadian programs or practices as an adversary and lead to action aimed more directly at us. Economic Recovery is proceeding apace in the U.S., but not every state and industry benefits equally. There are tremendous challenges in the U.S. and in Canada to existing industrial structures and it is only human that when local jobs seem threatened, local political pressures emerge to pressure them in any way possible, even at the expense of legislative trading relationships. Those local pressures are very powerful in your political system because they trade off against support of other issues from other sectors and other regions. A little bit of protection for an industry suffering from the effects of the recession or temporary relief from foreign competition can be and is being sought by interests in many countries and this includes my own. But foreign observers sometimes have the impression that it can be obtained in Congress with relative ease, often obliging an administration veto if one is politically available. A bill may be promoted by just a handful, maybe even one or two, members of Congress whose constituencies are directly concerned, but support from others in Congress can often swiftly be won if the interests of their constituencies are not affected. Unlike the administration, Congress is not required to balance the different overall foreign policy interest in the U.S. A number of disputes we have recently had with the U.S. arose in this manner. Trucking is one such area of dispute, uranium was another.

"A foreign country up against such dynamics has a problem on its hands, even a country no doubt as beloved as my own. Any fond sentiments in Congress and state legislatures about your friendly neighbors to the north doesn't seem to stack up in the face of domestic pressure to take action which may be inimical to the interest of that very neighbor. We cannot, of course, vote in Congress or in American elections or provide financial support to contenders for political office in the U.S., and when the political chips are down, we, as foreigners, are simply not players. So your legislative system as an institution is not an easy one with which to deal. It is a complex process in which power and influence are widely dispersed. How often do I hear in Washington that it is unpredictable even to its own membership! There is an increasing awareness on the part of foreign governments that the changes in the Congressional system that have taken hold in the last decade or so have far-reaching implications for their interests. Members tell me that one of the most far-reaching reforms of the 1970's resulted in the demise of the old seniority system with its relatively disciplined management--the rise of many committees and subcommittees which now play so central a role in the Congressional legislative process. These changes have been accompanied, as is well known, by a tremendous growth in the ranks of the Congressional bureaucracy of the attendant political lobbies. Again, it is often explained to me in Washington that all of these changes within Congress have served structurally to decentralize the institution's power, making it less easily responsive to more broadly national issues which are

secondary, that are beyond those fundamental responsibilities at the top of the agenda. As a foreigner, I couldn't say--but this conclusion does support my theory.

"Canada learned the hard way about the pivotal role which Congress is capable of playing. You may recall that a few years ago the President and Prime Minister appointed special negotiators to prepare a treaty concerning all fisheries and boundary issues on both coasts. The resulting Gulf of Maine Treaty was the product of long and arduous negotiations between the two governments. Each of us gave a little here and there in order to arrive at a balanced and fair agreement. It was a good treaty, an important one. It called, for the first time in our joint history, for the joint management of a common resource. In keeping with the American constitutional doctrine calling for the Senate to advise and consent to international agreements, the treaty was submitted to the Senate for ratification. It never emerged. Two Senators, representing very specific and basically local interest, killed it. More recently, we seem to have run into a similar type of situation (although I hope not) with the Pacific Salmon Treaty, important to the entire west coast for reasons you well understand. Signature and ratification of the Treaty did not take place during 1983 because Canada and the United States were unable to resolve difficulties raised by the State of Alaska prior to the commencement of the 1983 salmon season. However, both sides renewed their commitment to the Pacific Salmon Treaty when your Secretary of State, the Honorable George Schultz, met with our Deputy Prime Minister, Allen MacEachen, in Halifax last fall. Full negotiating sessions to develop the 1984 salmon management plans were held in Vancouver, B.C., last November 1983, and both sides are still negotiating in Seattle today. I can assure you Canada will continue to strive to arrive at a reasonable and equitable arrangement that will enable both countries to protect and develop the valuable Pacific salmon stocks.

"It is not only federal legislative institutions which have an impact on our relations. State and municipal government policies and programs also have to be factored into the equation. The application by state government of unitary tax systems on the operations of multinational corporations, whether domestic or foreign, is one such policy which has attracted the highly-focused attention of a number of foreign governments in the industrialized world, including my own. Local content regulation governing the procurement policies of state or municipally funded projects is yet another example of the kind of initiative which can adversely affect our bilateral trade in a number of ways.

"Basically, you are often making foreign policy for your country. It is a fascinating fact for foreigners with so much engaged in the matter as we have. Ominous, in a way, not because we don't trust or respect you--we do, enormously--but because we're not sure of the extent to which you factor that foreign consideration into your calculations and because we don't always have a lot of access to you to try to convince you otherwise. I hope you will keep us in mind. We each have a capacity to do each other harm as countries, acting in what seems to me in determined self-interest. But self-interest is usually broader than it is narrow. I am impressed by how keenly this point is recognized in the Evergreen State. Your commitment to a more liberal world trading environment is well-known and appreciated in my country. One of the best kinds of contact I know is that which can take place between the elected representatives of our two countries at the federal and state level. Elected officials have a vast amount in common because you represent people who have a vast amount in common. What we don't have in common are duplicate political processes. We never will since we have different needs, different systems and different constitutions. So it is vital to talk about how one system affects the other's interests.

"It is in this sense I have taken the liberty of talking to you about your own system. I do hope you will accept that I am certainly not criticizing it. It is obviously an intensely democratic and responsive system which has evolved over time to suit the times as you all in this country see them. But its effects can be calibrated some of the time to spare its most disrupting effects on at least one of your friends. In addition, I urge you to know our own system up there. I've spoken to you about the effects of your system on Canadians, but there's a speech to be made, as well, about the effect of our system on Americans. We are your biggest economic partner and I know that your interests can be hurt by what we do. The essential thing

for both of us is to think a little more about our interrelationship and what we mean to each other, to mix together a little more and to provide opportunities to talk to each other a little more, as you have so graciously enabled me to do today, and for Which I thank you most sincerely. I now understand that there is, indeed, another Washington. Thank you."

Speaker Ehlers presented Ambassador Gottlieb with a book on Mt. St. Helens and Lieutenant Governor Cherberg gave him a certificate making Ambassador Gottlieb an honorary citizen of Washington State.

The President of the Senate instructed the committee to escort Ambassador Gottlieb from the House Chamber.

The President of the Senate instructed the committee to escort the State Elected Officials from the House Chamber.

The President of the Senate instructed the committee to escort the Supreme Court Justices from the House Chambers.

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

MOTION

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

The Speaker instructed the Sergeants at Arms of the Senate and House to escort Lieutenant Governor Cherberg, President Pro Tempore H.A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen, Democratic Majority Leader, R. Ted Bottiger and Republican Leader Jeannette Hayner to the Senate.

SECOND MORNING SESSION

The President called the Senate to order at 11:49 a.m.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1984

SB 4373 Prime Sponsor, Senator McManus: Revising child support laws.
Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4373 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4653 Prime Sponsor, Senator Peterson: Protecting children including revising the laws regulating the Washington council for the prevention of child abuse and neglect. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4653 be substituted therefor, and that the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4778 Prime Sponsor, Senator Metcalf: Requiring actions to examine the federal reserve system. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4778 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Clarke, McDonald, Warnke.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

January 26, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1778, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1778.

MOTION

At 11:53 a.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Friday, January 27, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 27, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, McDermott, McDonald, Pullen, Sellar, Thompson and Wojahn. On motion of Senator Vognild, Senator Bauer was excused. On motion of Senator Bluechel, Senators Pullen and Sellar were excused.

The Sergeant at Arms Color Guard, consisting of Pages James Brown and Karol de Zwager presented the Colors. Reverend John Wingfield, minister of the Unity Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1984

SB 3193 Prime Sponsor, Senator Talmadge: Modifying provisions of the Washington clean air act. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Second Substitute Senate Bill No. 3193 be substituted therefor, and the second substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

January 17, 1984

SB 3208 Prime Sponsor, Senator Talmadge: Increasing judges' salaries. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hayner, Hughes, Lee, McDonald, Rinehart, Talmadge, Thompson, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 3267 Prime Sponsor, Senator McDermott: Modifying provisions on property tax exemptions and deferrals. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3267 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hayner, Hughes, Lee, McDonald, Rinehart, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 3815 Prime Sponsor, Senator Granlund: Establishing financial responsibility for persons in city and county jails. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 3815 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell,

Fleming, Hayner, Hughes, Lee, McDonald, Rinehart, Talmadge, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4428 Prime Sponsor, Senator Owen: Modifying the program to purchase fishing vessels and licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Rasmussen.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4443 Prime Sponsor, Senator Bottiger: Providing procedures for extinguishing claims to mineral interests. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 4443 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Rasmussen, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4476 Prime Sponsor, Senator McDermott: Authorizing pollution control tax credits for certain approved pollution control facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4476 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Fleming, Hayner, Hughes, Lee, Rinehart, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4620 Prime Sponsor, Senator Hughes: Enlarging definition of veterans. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4620 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Williams, the appointment of Richard H. Watson as Director of the State Energy Office was confirmed.

APPOINTMENT OF RICHARD H. WATSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 05; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 41.

Absent: Senators Deccio, McDermott, McDonald, Thompson, Wojahn - 5.

Excused: Senators Bauer, Pullen, Sellar - 3.

MOTIONS

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

On motion of Senator Shinpoch, the Senate resumed consideration of House Concurrent Resolution No. 35, which was placed on third reading January 26, 1984.

THIRD READING

HOUSE CONCURRENT RESOLUTION NO. 35, by Representatives McMullen, Fisch, R. King, Heck, Egger, Barrett, Ballard, Clayton, Patrick, Kaiser, Van Dyken, Belcher, Hine, J. King, Dellwo, Tanner, Niemi, Haugen, Ebersole, Zellinsky, Barnes, Schoon, Wang, Struthers, Holland, Betzoff, Fuhrman, Long, Silver, Scott, Hastings, Brough, Lux, Brekke, Powers and Todd.

Establishing a joint select committee on workers' compensation to review the industrial insurance system.

The resolution was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 35.

ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 35, and the resolution passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 00; excused, 03.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Metcalf, Patterson, Quigg, von Reichbauer - 18.

Excused: Senators Bauer, Pullen, Sellar - 3.

HOUSE CONCURRENT RESOLUTION NO. 35, having received the constitutional majority was declared passed.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 3814, by Committee on Ways and Means (originally sponsored by Senators McDermott, Warnke, Rasmussen, Bauer, Gaspard, Woody, McManus, Bottiger, Moore and Wojahn)

Modifying provisions relating to the state lottery.

MOTIONS

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute Senate Bill No. 3814 was returned to second reading.

Senator McDermott moved the following amendments be considered and adopted simultaneously:

On page 1, line 24, after "terminals" insert "after June 30, 1985"

On page 2, line 10, after "terminals" insert "after June 30, 1985"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDermott.

The motion by Senator McDermott carried and the amendments were adopted.

MOTION

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

On page 3, line 17, after "lottery," insert:

"(5) To assure that any contract entered into with the media for the purpose of lottery advertising shall prohibit the dramatization of lottery winners who have not actually won the amount described in the advertisement."

MOTION

Senator Haley moved adoption of the following amendment:

On page 6, line 18, after "fund" insert "which shall only be used, after appropriation by the legislature, by the superintendent of public instruction for training and education programs for handicapped children"

POINT OF INQUIRY

Senator Shinpoch: "Senator Haley, could you tell me how the amount of money that is currently appropriated for the training and education programs for handicapped children compare with the income of the lottery?"

Senator Haley: "Yes, we spend over 270 million every biennium. What came in from the lottery in 1983--the biennium ending last July was only 66 million. It is projected that we may get as much as 188 million from the lottery during this biennium, but that is still far below what we spend on special ed."

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Haley, is it your intention that these funds also be available for the pre-school and handicapped educational programs?"

Senator Haley: "Yes, that would be included. The SPI is not instructed to limit them to any one group, so the pre-school people would be included also."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, pursuant to Rule 29, I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate until February 9, 1984, except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate. I further move that members be prohibited from yielding time to another member."

The President declared the question before the Senate to be the motion by Senator Bottiger to limit debate.

The motion by Senator Bottiger carried.

Further debate ensued on the Haley amendment to Engrossed Substitute Senate Bill No. 3814.

The President declared the question before the Senate to be adoption of the amendment by Senator Haley.

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

MOTION

Senator Goltz moved adoption of the following amendment:

On page 7, after line 5, insert:

"NEW SECTION. Sec. 8. There is added to chapter 67.70 RCW a new section to read as follows:

Every person, partnership, corporation or franchise which sells tickets or shares through the use of electronic or mechanical devices or video terminals shall file a statement as required by RCW 42.17.240."

Renumber the remaining sections.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Goltz.

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

MOTIONS

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

On page 7, line 12, strike all of section 9 and insert:

"NEW SECTION. Sec. 9. This act shall take effect after June 30, 1985."

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

On page 1, line 10 of the title, strike "and declaring an emergency" and insert "and providing an effective date"

MOTION

On motion of Senator McDermott, the rules were suspended, Reengrossed Substitute Senate Bill No. 3814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute Senate Bill No. 3814.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute Senate Bill No. 3814, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 00; excused, 03.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Haley, Hughes - 2.

Excused: Senators Bauer, Pullen, Sellar - 3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Honorable Marv Harshman, Coach of the University of Washington "Huskies" Basketball Team; Mrs. Dorothy Harshman, his wife; Brian Harshman, his son; Mike Lude, University of Washington Athletic Director; and Mike Wilson, University of Washington Assistant Athletic Director.

The President appointed Senators Rasmussen, Lee, Guess, Wojahn, Zimmerman and Bottiger as a committee of honor to escort the honored guests to the rostrum.

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

MOTION

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

SENATE RESOLUTION 1984-139

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

WHEREAS, Marv Harshman, Coach of the University of Washington "Huskies" Basketball Team, was raised in Washington at Lake Stevens, and attended Washington schools; and

WHEREAS, Marv has been involved in college basketball for thirty-nine years, and yet has had time to assist others through his activities on behalf of the Boy's Club and through the Talking Book Program for the Blind; and

WHEREAS, Marv has been called a "hard-nosed" Coach, who reached his 600th career victory on December 19, 1983; and

WHEREAS, Marv's record as the second winningest coach among active college coaches is tremendous, yet he has instilled in his basketball players the more important qualities of self-respect, defining goals and personal pride in their accomplishments; and

WHEREAS, The 1983-84 Washington Husky Basketball team is off to its best start ever --- defeated only once in PAC-10 Conference play;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate, assembled at Olympia in the 48th Legislature, 1984 Regular Session, honors Coach Marv

Harshman for his personal commitment to excellence on and off the basketball court, his ability to work with young people and teach them the skills necessary to excel in their personal and athletic lives, and for being a good representative of what Washingtonians are and what they can accomplish; and

BE IT FURTHER RESOLVED, That the Honorable Sid Snyder, Secretary of the Senate, forward to Mrs. Dorothy Harshman a copy of this resolution together with a letter commending her for the many sacrifices she has made as a loving wife to a dedicated college basketball coach and mother to three sons; and

BE IT FURTHER RESOLVED, That we commend the 1983-84 Huskies Basketball Team itself for providing the kind of "court" action the Legislature feels comfortable to "judge", and that we encourage their continued excellence which we sincerely desire ends only after their win at the NCAA Collegiate Basketball Tournament to be held this spring in Seattle at the Kingdome.

MOTION

On motion of Senator Guess, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-139.

With permission of the Senate business was suspended to permit Coach Harshman and Mike Lude to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3622, by Committee on State Government (originally sponsored by Senators Shinpoch, Jones, Fleming, Bottiger, Sellar, Hayner and Clarke)

Creating the legislative facilities committee to provide legislative control over legislative buildings.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Substitute Senate Bill No. 3622 was returned to second reading and read the second time.

On motion of Senator Shinpoch, the following amendment was adopted:
On page 6, line 7, after "July 1," strike "1983" and insert "1984"

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Engrossed Substitute Senate Bill No. 3622 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3622.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3622, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 01; excused, 04.

Voting yea: Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, McDonald, Quigg - 3.

Absent: Senator Hayner - 1.

Excused: Senators Bauer, Pullen, Sellar, von Reichbauer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3262, by Senator McDermott (by Department of Revenue request)

Modifying provisions on property taxation.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3262.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3262, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurlley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Bauer, Pullen, Sellar, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 3262, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE JOINT MEMORIAL NO. 112, by Committee on Commerce and Labor (originally sponsored by Senators Quigg, McManus, Bluechel, Barr, Sellar, Fuller, Metcalf, Hemstad, Bottiger and Moore)

Requesting the mutual bilateral elimination of trade barriers with China.

The memorial was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Joint Memorial No. 112.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Joint Memorial No. 112, and the memorial passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 01; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurlley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Guess - 1.

Absent: Senator Deccio - 1.

Excused: Senators Bauer, Pullen, Sellar, von Reichbauer - 4.

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

THIRD READING

SENATE JOINT MEMORIAL NO. 121, by Senator Metcalf

Urging the President and Congress to repeal the Federal Reserve Act.

The memorial was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 121.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 121, and the memorial passed the Senate by the following vote: Yeas, 38; nays, 05; absent, 02; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Guess, Haley, Hansen, Hayner, Hurlley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Bluechel, Gaspard, Goltz, Hemstad, Hughes - 5.

Absent: Senators Granlund, Newhouse - 2.

Excused: Senators Bauer, Pullen, Sellar, von Reichbauer - 4.

SENATE JOINT MEMORIAL NO. 121, having received the constitutional majority, was declared passed.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3133, by Committee on Transportation (originally sponsored by Senators Peterson, Guess and Vognild)

Modifying provisions relating to pilotage and pilot liability.

MOTIONS

On motion of Senator Peterson, the rules were suspended and Substitute Senate Bill No. 3133 was returned to second reading and read the second time.

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

On page 1, line 14, strike "Nothing in this act exempts the owner, operator, or master of a ship" and insert: "When a pilot boards a vessel, that pilot becomes a servant of the vessel and its owner and operator. Nothing in this act exempts the vessel, its owner or operator"

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3133 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3133.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3133, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Bauer, Pullen, Sellar, von Reichbauer - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3133, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

January 25, 1984

SB 3620 Prime Sponsor, Senator Hurley: Establishing a limit for registration fees for air contaminant sources. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 3620 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

January 24, 1984

ESB 3850 Prime Sponsor, Senator Vognild: Establishing the private sector job placement program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3850 be substituted therefor, and the substitute bill do pass, and that the substitute bill be referred to the Committee Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McDonald, McManus, Moore, Quigg.

Referred to Committee on Ways and Means.

January 26, 1984

SB 4319 Prime Sponsor, Senator Owen: Modifying appropriations for impacts on local communities by state correctional facilities. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4395 Prime Sponsor, Senator Gaspard: Providing programs to promote and achieve educational excellence. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4395 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

January 24, 1984

SB 4431 Prime Sponsor, Senator Peterson: Regulating river outfitting and guiding services. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4431 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4512 Prime Sponsor, Senator Gaspard: Providing an eighth grade assessment program and a program for career planning. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4512 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4615 Prime Sponsor, Senator Goltz: Creating the Washington award for vocational excellence program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4668 Prime Sponsor, Senator Vognild: Establishing the Washington State University small business development center. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4773 Prime Sponsor, Senator Vognild: Extending the small business innovators' opportunity program. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Referred to Committee on Ways and Means.

January 26, 1984

SB 4800 Prime Sponsor, Senator Bottiger: Relating to the legislature. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4800 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4859 Prime Sponsor, Senator Talmadge: Relating to firearms and ammunition. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4859 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 12:00 noon, on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Monday, January 30, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 30, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Fuller, Gaspard, Haley, Hughes, Metcalf, von Reichbauer and Zimmerman. On motion of Senator Vognd, Senators Bender, Gaspard and Hughes were excused. On motion of Senator Bluechel, Senators Fuller, Haley, Metcalf, von Reichbauer and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michael Rush and Lorri Detrick, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1984

SB 4299 Prime Sponsor, Senator Granlund: Establishing a study to develop alternatives to total prison confinement. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Peterson.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4308 Prime Sponsor, Senator Talmadge: Revising the public disclosure law. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4308 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hemstad, Thompson, Woody.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4317 Prime Sponsor, Senator Talmadge: Establishing procedures for vacancy elections for federal offices. Reported by Committee on Judiciary

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

MINORITY recommendation: Do not pass. Signed by Senators Hayner, Newhouse.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4319 Prime Sponsor, Senator Owen: Modifying appropriations for impacts on local communities by state correctional facilities. Reported by Committee on Rules

MAJORITY recommendation: Refer to the Committee on Ways and Means. Signed by Lieutenant Governor John A. Cherberg, Chairman; Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Shinpoch, Wojahn, Woody.

Referred to the Committee on Ways and Means.

January 27, 1984

SB 4352 Prime Sponsor, Senator McDermott: Requiring the prosecutor's statement on a convicted criminal to be available upon incarceration. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4357 Prime Sponsor, Senator Moore: Extending period of enforcement of judgment liens of justice courts. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4357 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4402 Prime Sponsor, Senator McDermott: Authorizing teacher excellence programs. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4402 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, McDermott, Warnke.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4437 Prime Sponsor, Senator Talmadge: Eliminating the provision of law school credits for WWII veterans. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4491 Prime Sponsor, Senator Bottiger: Modifying provisions relating to the appointment and compensation of homestead appraisers. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4507 Prime Sponsor, Senator Talmadge: Establishing procedures for retention and disclosure of public records. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4507 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4529 Prime Sponsor, Senator Warnke: Establishing six-year terms of office for the executive directors of the state historical societies. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4529 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4532 Prime Sponsor, Senator Goltz: Creating a state highway from Kendall to Sumas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson, Vognilid.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4543 Prime Sponsor, Senator Granlund: Modifying restrictions on good behavior and earned time credits of convicted persons. Reported by Committee on Rules

MAJORITY recommendation: Refer to the Committee on Institutions. Signed by Lieutenant Governor John A. Cherberg, Chairman; Senators Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Goltz, Guess, Hayner, Hurley, Newhouse, Patterson, Rasmussen, Rinehart, Shinpoch, Wojahn, Woody.

Referred to the Committee on Institutions.

January 26, 1984

SB 4576 Prime Sponsor, Senator Gaspard: Adopting the educational excellence act of 1984. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4576 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4592 Prime Sponsor, Senator Williams: Permitting replacement of inactive members of the state centennial commission and establishing financial procedures for the commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4623 Prime Sponsor, Senator Shinpoch: Altering provisions relating to the human rights board. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4623 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4637 Prime Sponsor, Senator Granlund: Modifying child placement and review hearings. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4683 Prime Sponsor, Senator Talmadge: Modifying the public employment preference status of veterans. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4683 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4781 Prime Sponsor, Senator Bauer: Improving the quality of education.
Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4781 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Fleming, Goltz, Hughes, Lee, McDermott, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 27, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 857,
SUBSTITUTE HOUSE BILL NO. 1105,
SUBSTITUTE HOUSE BILL NO. 1106,
HOUSE BILL NO. 1119,
SUBSTITUTE HOUSE BILL NO. 1127,
HOUSE BILL NO. 1138,
HOUSE BILL NO. 1147,
SUBSTITUTE HOUSE BILL NO. 1181,
SUBSTITUTE HOUSE BILL NO. 1193,
SUBSTITUTE HOUSE BILL NO. 1204,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1207,
HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1268,
HOUSE JOINT MEMORIAL NO. 42, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 27, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1194, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 857 by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Isaacson, Gallagher, Todd and West)

Defining responsibility for protection of underground utility facilities during excavation.

Referred to Committee on Energy and Utilities.

SHB 1105 by Committee on Social and Health Services (originally sponsored by Representatives Ebersole, Kreidler, Dellwo, Miller, Braddock, Stratton, Crane and Fisch)

Requiring the reporting of sentinel birth defects and the surveillance of environmental hazards.

Referred to Committee on Social and Health Services.

SHB 1106 by Committee on Judiciary (originally sponsored by Representatives Halsan, Appelwick, Tilly, P. King, Crane, Schmidt, Wang, Cantu, Locke, West, Betzoff, Broback, Brough, Charnley, Ebersole, Padden, Patrick, Sanders, Silver, Tanner, Walk, Stratton, Barrett, Ballard, Hine, Schoon, Clayton, Todd, Miller, L. Smith and Powers)

Creating the crime of computer trespass.

Referred to Committee on Judiciary.

HB 1119 by Representatives Walk, Sayan and Todd

Clarifying provisions of emergency purchases by state agencies.

Referred to Committee on State Government.

SHB 1127 by Committee on Local Government (originally sponsored by Representatives Hine, Brough, Ballard and Clayton)

Providing a means to transfer sewer or water system operations from a county to a sewer or water district.

Referred to Committee on Local Government.

HB 1138 by Representatives Ebersole, Rust, Allen, Brekke, Burns, Brough, Charnley, Crane, Fisher, Galloway, Wang, Kaiser, Lux, Nealey, Todd and Miller

Requiring comprehensive plans to provide for protection of ground water.

Referred to Committee on Parks and Ecology.

HB 1147 by Representatives Haugen, McMullen, McClure, Fisch, Smitherman, Jacobsen, Zellinsky, Schmidt, Fiske, Wilson, Powers, Fisher, Tanner, J. Williams and P. King

Authorizing bed and breakfast facilities to serve beer or wine.

Referred to Committee on Commerce and Labor.

SHB 1181 by Committee on Higher Education (originally sponsored by Representatives Tanner and Addison)

Authorizing the selection of ten students to attend a compact-authorized program in osteopathic medicine.

Referred to Committee on Education.

SHB 1193 by Committee on Commerce and Economic Development (originally sponsored by Representatives Haugen, Barrett, Powers, Silver, Ellis, Jacobsen, Moon, Brough, Van Luven, Schoon, Braddock, Fisch, Johnson, J. King, Mitchell, Sanders, Sutherland, Van Dyken, Wang, B. Williams, J. Williams, Wilson, P. King, Hine, Stratton, Clayton, Todd, Miller and Tanner)

Creating the state advisory council on international trade development.

Referred to Committee on Commerce and Labor.

EHB 1194 by Representatives Braddock and Cantu (by Office of Financial Management request)

Authorizing the issuance of bonds for the department of social and health services.

Referred to Committee on Ways and Means.

SHB 1204 by Committee on Commerce and Economic Development (originally sponsored by Representatives Jacobsen, Powers, Tanner, Niemi, Schoon, Braddock, Vander Stoep, Brough, J. King, McMullen, Sayan, Van Dyken, Wang, P. King, Hine and O'Brien)

Authorizing port district sponsored export projects.

Referred to Committee on Commerce and Labor.

SHB 1205 by Committee on Commerce and Economic Development (originally sponsored by Representatives Appelwick, Barrett, Powers, Silver, Ellis, Brough, McClure, Sommers, Brekke, Sayan, Braddock, Smitherman, Ebersole, Fisher, Johnson, Tanner, Van Dyken,

B. Williams, J. Williams, Wilson, Van Luven, Hine, Kaiser, Niemi, Schoon, Stratton, Todd, Miller and Halsan)

Establishing a provisional center for international trade in forest products.

Referred to Committee on Commerce and Labor.

SHB 1207 by Committee on Commerce and Economic Development (originally sponsored by Representatives Ellis, Silver, Braddock, Barrett, Dellwo, J. King, Brough, Haugen, Johnson, R. King, Sayan, Tilly, Van Dyken, West, B. Williams, J. Williams, Wilson, Ballard, Hine, Kaiser, Stratton, Clayton, Todd, Miller and Powers)

Establishing a provisional international marketing program for agricultural commodities and trade.

Referred to Committee on Commerce and Labor.

HB 1254 by Representatives Monohon, Barnes, Ebersole, Powers, Todd and Sayan

Defining earnable compensation for part-time teachers' retirement.

Referred to Committee on Ways and Means.

SHB 1268 by Committee on Ways and Means (originally sponsored by Representatives Hine, Holland, Tanner, Schoon, Barnes, Sayan, Johnson, Wang, Miller, Galloway and Todd) (by Governor Spellman request) (by Superintendent of Public Instruction request)

Authorizing the issuance of bonds for common school plant facilities.

Referred to Committee on Ways and Means.

HJM 42 by Representatives R. King and Wang

Requesting the establishment of a National Academy of Peace and Conflict Resolution.

Referred to Committee on State Government.

MOTION

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

SECOND READING

SENATE BILL NO. 4289, by Senators Granlund, Thompson and Vognild

Clarifying provisions on two-way left turn lanes.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the following amendment by Senator Peterson and Granlund was adopted:

On page 2, line 9, after "from" strike all material through "not" on line 10 and insert "((both directions)) either direction, no vehicles ((shall)) may"

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4289 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4289.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4289, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 00; excused, 08.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson,

Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 41.

Excused: Senators Bender, Fuller, Gaspard, Haley, Hughes, Metcalf, von Reichbauer, Zimmerman - 8.

ENGROSSED SENATE BILL NO. 4289, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

THIRD READING

SUBSTITUTE SENATE BILL NO. 3758, by Committee on Transportation (originally sponsored by Senators Lee, Owen, Granlund and Patterson)

Regulating excursion service companies.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3758.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3758, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yeas: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 42.

Excused: Senators Bender, Fuller, Gaspard, Haley, Hughes, von Reichbauer, Zimmerman - 7.

SUBSTITUTE SENATE BILL NO. 3758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 4228, by Senators Fleming and McDermott

Changing the grounds for malicious harassment.

The bill was read the second time.

MOTION

Senator Pullen moved adoption of the following amendment:

On page 1, line 13, after "person" and before the semicolon insert "PROVIDED, HOWEVER, That it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or deprecatory way so long as his or her words or actions do not constitute a threat of harm to the body or property of another person"

REMARKS BY SENATOR PULLEN

Senator Pullen: "Thank you, Mr. President and members of the Senate. This amendment clarifies a dialogue that Senator Fleming and I had on the floor last time when this very good and really important bill was before us. This amendment simply clarifies the fact that it shouldn't be illegal to criticize or insult someone. The key is you cannot threaten or intimidate them and that's simply all this amendment says. The reason I am offering it is because after we passed the last bill, it did appear that there was some confusion in the minds of the news media and some law enforcement officials. I've discussed this amendment with Senator Fleming and with Senator Talmadge and as I understand, neither one has any objection to it."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Thank you, Mr. President and members of the Senate. I do concur in the remarks of Senator Pullen. There was a question and answer on the floor last session with respect to this bill, that essentially dealt with this issue area--

the clear implication of a malicious harassment lawsuit is the implication of violence or the threat of doing violence to someone--not mere insulting words which are a part of our lives--I guess, unfortunately. The key issue here is the implication of threat or indication of willingness to do damage either bodily or physically to someone and this amendment properly deals with the problem and I urge your support."

The President declared the question before the Senate to be adoption of the amendment by Senator Pullen.

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

MOTION

Senator Quigg moved adoption of the following amendment:

On page 1, line 9, after "handicap" insert: ", or because that person is involved with or affected by a labor dispute"

POINT OF ORDER

Senator Fleming: "Mr. President, I raise the question of scope and object on this amendment and would like to speak thereto. Mr. President, and members of the body, Senator Quigg and Senator Talmadge and others have already explained the nature of this measure. The nature of what we had done in the past on the measure--that putting you off remedies criminal sanctions from malicious acts and those that relate to race, color, illegitimate ancestry and--basically we felt as though we had nothing in the law that dealt with sensory handicapped that constituted these grounds, but basically what we were doing was adding that to this law.

"What Senator Quigg is doing here, as a matter of fact, if this is not ruled out of the scope and object, I would advocate to those who support the legislation as it was drawn up that this amendment is a joke--and it's a joke messing with something that is very important. I would hope that the people that would support this law--this amendment that we have to the law--would indicate to those who would play games like this, because what you're doing here, you're saying that if you have an assembly, if there is a ride, if there is a gathering, if there is a picnic--"

POINT OF ORDER

President Cherberg: "For what purpose does Senator Quigg rise?"

Senator Quigg: "Mr. President, a point of order."

President Cherberg: "The Senator will please state his point of order."

Senator Quigg: "Mr. President, I believe that Senator Fleming was going to be challenging the scope and object of this amendment. Instead he is arguing on the merits of the amendment. I think he ought to keep his points germane to the question of the expansion."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I am not arguing to the merits. I'm explaining the difference and what this amendment does."

REPLY BY THE PRESIDENT

President Cherberg: "Please confine your remarks."

FURTHER REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, in closing, this amendment is saying that any group of people that gather together that might not have anything in common other than belonging to a group--belonging to a union--that if they gathered together and there is a mishap or there is a misunderstanding and there might be some violence or whatever it is, that they would come under this law. I would suggest that that is not the intent and purpose of this law as it is on the books, or the amendment that we are trying to amend that law. So, I hope that the Lieutenant Governor would rule in favor."

Further debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Fleming, the President finds that Senate Bill No. 4228 is a measure which prohibits malicious harassment on the basis of a person's physical, mental or sensory handicap—conditions over which an individual has little or no control.

"The amendment proposed by Senator Quigg prohibits malicious harassment because a person is involved with or affected by a labor dispute.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4228 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4228.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4228, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 42.

Excused: Senators Bender, Fuller, Gaspard, Haley, Hughes, von Reichbauer, Zimmerman - 7.

ENGROSSED SENATE BILL NO. 4228, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3064, by Senator Moore

Regulating taxicab companies.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3064 was substituted for Senate Bill No. 3064 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 3064 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Moore, we always talk about Seattle, but there are lots of small towns throughout the state who have one or two taxicabs. Does this apply to them?"

Senator Moore: "The UTC will have jurisdiction, if this legislation passes, over all taxicab companies in the state. However, if you notice in the legislation, it provides that population areas will be taken into consideration in moves made by the UTC to regulate. So, I would surmise from that that rural areas will not be treated in the identical way that large metropolitan areas are."

Senator Barr: "I notice that everyone says 'taxicab companies,' and I believe the bill says that and you used those words 'taxicab companies.' I might assume from that that an individual person in a taxicab business might not be covered."

Senator Moore: "I am not any great attorney, as you well know, but I would think that people operating a public conveyance would be subject whether they

are a company or not--to the law--to the UTC requirements, whatever they might be. It would have to be licensed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3064.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3064, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 20; absent, 02; excused, 04.

Voting yea: Senators Bauer, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hurley, McDermott, McManus, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 23.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Patterson, Quigg, Rasmussen, Sellar, von Reichbauer - 20.

Absent: Senators Newhouse, Pullen - 2.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SUBSTITUTE SENATE BILL NO. 3064, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Moore served notice that he would, on the next working day, move to reconsider the vote by which Substitute Senate Bill No. 3064 failed to pass the Senate.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 143, by Senators Hansen, Barr, Goltz, Benitz and Gaspard

Recognizing Future Farmers of America Week.

The resolution was read the second time.

MOTIONS

On motion of Senator Hansen, the rules were suspended, Senate Concurrent Resolution No. 143 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

On motion of Senator Hansen, all members and the Lieutenant Governor will be added as additional sponsors of Senate Concurrent Resolution No. 143.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, I'm all for encouraging the Future Farmers of America and certainly you and your cohorts have done a wonderful job. I'm wondering if the Future Farmers of America can look forward to producing far more milk than they can sell, cheese and butter that they have to give away, wheat that they give back to the farmers after they've raised it, and then faced with a specter of all the other nations and all the scientists saying that we are going to run out of food--and yet we have millions and millions of people starving. What is the future of the Future Farmers of America? Are they going to have more government regulation or are they going to be free to pursue what they do best, which is raising food and putting it out on the open market so everybody may share in the bounties of this great country?"

Senator Hansen: "Thank you, Senator Rasmussen. I've been wanting to tell you this story for quite a while. You know, the population of this earth is doubling and tripling, and so population-wise, we have to save our resources. We have to expand our programs to reach that and when the federal government quits using food as a leverage on our foreign countries--and transportation of this food that we can process here to get to those other countries--high proteins and things like that, I think we will be meeting that demand and the stakes of Future Farmers of America in order to achieve those goals that are going to be very dear to us down the line.

"As far as a surplus goes, we wouldn't have a surplus if it wasn't for the distribution system that we have, and the ability to refrigerate and get it down to the people that can use it."

Further debate ensued.

The President declared the question before the Senate to be adoption of Senate Concurrent Resolution No. 143 and the resolution, having received the constitutional majority was declared adopted.

SECOND READING

SENATE BILL NO. 4404, by Senators McDermott, Thompson, Patterson, Hughes, Woody, Zimmerman, Sellar, Gaspard, Peterson, Conner, Bauer, Barr and Fleming

Providing loans for certain public works.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4404 was substituted for Senate Bill No. 4404 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 27, after "fund" insert "following legislative appropriation"

On page 2, line 1, after "Disbursements" strike "from the fund"

On page 2, line 4, after "RCW" strike ", but no appropriation is required for disbursements"

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

On page 2, beginning on line 15, strike ", with specific attention given to bonding capacity"

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4404 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4404.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4404, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senators Craswell, Metcalf, Pullen - 3.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4404, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4316, by Senators Talmadge, Hemstad and Moore

Revising the mobile home landlord tenant laws.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4316.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4316, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 43.

Voting nay: Senator Pullen - 1.

Absent: Senator Quigg - 1.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SENATE BILL NO. 4316, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4327, by Senators Peterson, Hansen, Patterson, Sellar and von Reichbauer (by Department of Transportation request)

Requiring review and revisions of the state transportation plan every six years.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4327 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4327.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4327, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SENATE BILL NO. 4327, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3092, by Senators Hemstad and Talmadge

Modifying provisions relating to the law revision commission.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3092 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3092.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3092, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SENATE BILL NO. 3092, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 10:52 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:30 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:39 a.m.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3158, by Committee on Judiciary (originally sponsored by Senators Talmadge, Clarke and Woody) (by Department of Licensing request)

Modifying the trade name regulation laws.

MOTIONS

On motion of Senator Talmadge, Second Substitute Senate Bill No. 3158 was substituted for Senate Bill No. 3158 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Second Substitute Senate Bill No. 3158 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3158.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3158, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Absent: Senator McDermott - 1.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SECOND SUBSTITUTE SENATE BILL NO. 3158, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3376, by Senators Talmadge, Clarke and Warnke

Modifying provisions relating to the salary of the administrator for the courts.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 3376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Metcalf: "Senator Talmadge, does the administrator for the court have any position of regulating or recommending censure or oversight or some criticism--or what group is it that we passed to give the citizens or someone the possibility to complain about certain judges?"

Senator Talmadge: "Senator, the court administrator does not perform that function. It is done by the Judicial Qualifications Commission."

Senator Metcalf: "Then the Judicial Qualifications Commission is not under the court administrator?"

Senator Talmadge: "No."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3376.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3376, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Bender, Haley, Hughes, Zimmerman - 4.

SENATE BILL NO. 3376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shipoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 4823.

On motion of Senator Shipoch, Senate Bill No. 4823 was referred to the Committee on Ways and Means.

On motion of Senator Shipoch, Engrossed Substitute Senate Bill No. 3524, which was on the third reading calendar, was referred to the Committee on Rules.

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

REPORTS OF STANDING COMMITTEES

January 27, 1984

SB 3263 Prime Sponsor, Senator Thompson: Authorizing county legislative authorities to set certain license fees. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 3263 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Woody.

Passed to Committee on Rules for second reading.

January 27, 1984

ESSB 4015 Prime Sponsor, Senator Thompson: Changing provisions relating to park and recreation service area levies. Reported by Committee on Local Government

MAJORITY recommendation: That Second Substitute Senate Bill No. 4015 be substituted therefor, and the second substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4220 Prime Sponsor, Senator Wojahn: Ensuring the payment of wages in theatrical enterprises. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4220 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Shipoch, Williams.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4334 Prime Sponsor, Senator Owen: Authorizing counties to provide liability insurance and workers' compensation to adult offenders performing community service. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4334 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4341 Prime Sponsor, Senator Thompson: Permitting special district employee group insurance for groups of less than ten employees. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Barr, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4362 Prime Sponsor, Senator Hemstad: Prescribing penalties for attempt to evade open alcohol container restrictions. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4362 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Newhouse, Williams.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4436 Prime Sponsor, Senator Bauer: Extending civil service protections to discharged sheriffs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4489 Prime Sponsor, Senator Bottiger: Requiring notification of the mortgagee and other lienholders in property tax foreclosures. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4489 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hayner, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4495 Prime Sponsor, Senator Vognild: Authorizing port district sponsored export projects. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4495 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4502 Prime Sponsor, Senator Thompson: Modifying certain county bidding procedures. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4502 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4503 Prime Sponsor, Senator Hansen: Providing for a bonded wine warehouse license. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4503 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4510 Prime Sponsor, Senator Thompson: Authorizing the use of credit cards for official business by employees of municipal corporations and political subdivisions. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4510 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4519 Prime Sponsor, Senator Williams: Providing criteria for the detariffing of the provision of certain telephone services. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Quigg.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4522 Prime Sponsor, Senator Goltz: Increasing contract period for official county newspapers. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4522 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 2, 1984

SB 4646 Prime Sponsor, Senator Zimmerman: Establishing certain formal bid requirements for fire protection districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4646 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4694 Prime Sponsor, Senator Bottiger: Modifying provisions relating to fire protection district service charges. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4762 Prime Sponsor, Senator Guess: Modifying provisions relating to passenger charter carriers. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4762 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 26, 1984

SB 4794 Prime Sponsor, Senator Williams: Establishing the centennial partnership project. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4794 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 11:56 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, January 31, 1984.

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

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 31, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Hughes, Warnke and Zimmerman. On motion of Senator Guess, Senator Zimmerman was excused. On motion of Senator Vognild, Senators Hughes and Warnke were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tony Swope and Eric Vikingstad, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 26, 1984

SSB 3982 Prime Sponsor, Senator McManus: Establishing the small business improvement council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Second Substitute Senate Bill No. 3982 be substituted therefor, and the second substitute bill do pass. Signed by Senators Vognild, Chairman; McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 25, 1984

SB 4335 Prime Sponsor, Senator Owen: Providing civil immunity for physicians reporting disabilities of persons licensed to operate aircraft. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Vice Chairman; Hughes, Vice Chairman; Fleming, Hayner, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 28, 1984

SB 4462 Prime Sponsor, Senator Moore: Authorizing energy retrofittings as an allowable cost in nursing home cost reimbursement. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4462 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4580 Prime Sponsor, Senator Williams: Creating an energy account. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4639 Prime Sponsor, Senator McManus: Establishing the joint select legislative committee on child protective services. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 28, 1984

SB 4660 Prime Sponsor, Senator McManus: Revising the laws regulating nursing home administrators. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4660 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 28, 1984

SB 4715 Prime Sponsor, Senator McManus: Modifying nursing home auditing procedures. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

January 26, 1984

SB 4723 Prime Sponsor, Senator Hansen: Modifying provisions pertaining to the sale of irrigation district property. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

January 28, 1984

SB 4743 Prime Sponsor, Senator Peterson: Providing for in-home and out-of-home respite services. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

January 28, 1984

SB 4757 Prime Sponsor, Senator McManus: Granting functions to naturopathic physicians. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4757 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4829 Prime Sponsor, Senator Vognild: Relating to defining dislocated workers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4829 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 9, 1984

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

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

Pat Williams appointed January 12, 1984, for a term ending June 30, 1989, succeeding Harold Walsh as a member of the Gambling Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Commerce and Labor.

MESSAGES FROM THE HOUSE

January 30, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 105,

ENGROSSED HOUSE BILL NO. 1149,

SUBSTITUTE HOUSE BILL NO. 1164,

ENGROSSED HOUSE BILL NO. 1190,

HOUSE BILL NO. 1195,

ENGROSSED HOUSE BILL NO. 1304,

HOUSE BILL NO. 1413, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 30, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 307,

SUBSTITUTE HOUSE BILL NO. 1139,

SUBSTITUTE HOUSE BILL NO. 1197,

ENGROSSED HOUSE BILL NO. 1348,

HOUSE BILL NO. 1423,

ENGROSSED HOUSE BILL NO. 1427,

HOUSE BILL NO. 1530,

SUBSTITUTE HOUSE BILL NO. 1613,

ENGROSSED HOUSE JOINT MEMORIAL NO. 33, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 105 by Committee on Natural Resources (originally sponsored by Representatives Martinis, B. Williams and Stratton) (by Department of Game request)

Eliminating counties' option to collect in-lieu property taxes on game department lands.

Referred to Committee on Natural Resources.

2SHB 307 by Committee on Judiciary (originally sponsored by Representatives Moon, Powers, Tanner, Taylor, Appelwick, Zellinsky, Lewis, Sayan, Mitchell, Miller, Haugen, Smitherman, Ebersole, Isaacson, Fisher, Jacobsen, Todd, Ristuben, Long, Lux, Locke, Braddock and P. King)

Requiring the department of corrections to give notice to certain people of the disposition of inmates convicted of violent offenses.

Referred to Committee on Judiciary.

SHB 1139 by Committee on Agriculture (originally sponsored by Representatives Kaiser, Prince, Betzoff, Charnley, Galloway, Haugen, Ballard, Braddock, Holland, Todd and Ebersole)

Clarifying provisions relating to ground water rights.

Referred to Committee on Agriculture.

EHB 1149 by Representatives Monohon, Barrett, Fisch, Lewis, McClure, Vekich, Sayan, Strulhers, Brough, R. King, McMullen, Padden, Tanner, Holland, Todd and Powers

Authorizing certain members of affiliated organizations and their auxiliaries to assist other chapters or units with gambling activities.

Referred to Committee on Commerce and Labor.

SHB 1164 by Committee on Environmental Affairs (originally sponsored by Representatives Heck, Sutherland, Allen, Rust, Dellwo, J. King, Tanner and D. Nelson)

Revising solid waste management procedures.

Referred to Committee on Parks and Ecology.

EHB 1190 by Representatives Grimm and Cantu (by Office of Financial Management request)

Authorizing the issuance of general obligation bonds for the department of corrections.

Referred to Committee on Ways and Means.

HB 1195 by Representatives Braddock, Cantu, Betzoff, Galloway, Johnson, Lewis, Tanner, West, Wilson, Van Luven, Hine, Clayton, Schoon and Miller; by Financial Management request

Authorizing the issuance of bonds for the community college system.

Referred to Committee on Ways and Means.

SHB 1197 by Committee on Higher Education (originally sponsored by Representatives Sommers, Burns, Vander Stoep, Prince, Crane, Dellwo, Grimm and Miller) (by Office of Financial Management request)

Providing mechanisms for cooperation among postsecondary institutions.

Referred to Committee on Education.

EHB 1304 by Representatives Smitherman, Heck and Barnes

Defining teachers eligible under the teachers' retirement system.

Referred to Committee on Ways and Means.

EHB 1348 by Representatives Jacobsen, Burns, Prince, Charnley, Locke, D. Nelson and Appelwick

Providing exemptions from payment of operating fees to certain students with graduate service appointments.

Referred to Committee on Education.

HB 1413 by Representatives Walk and Egger

Revising regulation of railroads.

Referred to Committee on Transportation.

HB 1423 by Representatives Sanders, Lux, Zellinsky, Kreidler, Hankins, West, Wang, Ballard, Crane, Galloway, Monohon, Johnson, Dickie, P. King, Garrett, Broback, Van Luven and Long

Prohibiting requirement for over-insuring property.

Referred to Committee on Financial Institutions.

EHB 1427 by Representatives Sutherland, Patrick, West, Wang, Gallagher, R. King, Fisher, Walk and Hankins

Requiring identification placards on vehicles using alternative fuel sources.

Referred to Committee on Transportation.

HB 1530 by Representatives Garrett, Egger and Walk

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

SHB 1613 by Committee on Higher Education (originally sponsored by Representatives Powers, Sutherland, Burns, Jacobsen, McMullen, Fisch, D. Nelson, Kreidler, Smitherman, Ebersole, Taylor, Wang, Tanner, Miller, Todd and Allen)

Creating the Washington award for vocational excellence program.

Referred to Committee on Education.

EHJM 33 by Representatives Vekich, Sayan, Fisch, McClure, Monohon, Betrozoff, Sanders and J. Williams

Memorializing Congress to proceed with the Grays Harbor navigation improvement project.

Referred to Committee on Natural Resources.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Peterson, the appointment of Louis O. Stewart as a member of the Marine Employees' Commission was confirmed.

APPOINTMENT OF LOUIS O. STEWART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 44.

Absent: Senators Deccio, Quigg - 2.

Excused: Senators Hughes, Warnke, Zimmerman - 3.

MOTION

On motion of Senator McManus, the appointment of Karen Rahm as Secretary of the Department of Social and Health Services was confirmed.

APPOINTMENT OF KAREN RAHM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 44.

Voting nay: Senator Moore - 1.

Absent: Senator Quigg - 1.

Excused: Senators Hughes, Warnke, Zimmerman - 3.

PERSONAL PRIVILEGE

Senator Sellar: "May I speak on a point of personal privilege? I would just like to announce that the apples that are on your desks today are the courtesy of the

Washington State Horticultural Association. That is a statewide organization of tree fruit growers and so the apples could be from Oroville, Wenatchee, Yakima or Toppenish. We hope you all enjoy them."

MOTION

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

THIRD READING

ENGROSSED SENATE BILL NO. 3521, by Senators Jones, Warnke, Owen, Bluechel and Zimmerman

Requiring liquor given to a minor by his parents to be consumed in the presence or on the premises of the parents.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3521.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3521, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 42.

Voting nay: Senators Granlund, Hurley, Metcalf, Rasmussen - 4.

Excused: Senators Hughes, Warnke, Zimmerman - 3.

ENGROSSED SENATE BILL NO. 3521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE BILL NO. 3834, by Senators Bottiger, Haley, Moore, Bender and Wojahn
Equalizing the authority of municipalities to impose local sales taxes.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hurley: "Senator Rasmussen, I enjoyed the remarks that you made about the extra sales tax. Of course, I am going to vote against it, too, but you seem to indicate that you know who asked for this extra sales tax. Who was responsible for that, please?"

Senator Rasmussen: "Thank you, Senator Hurley. Yes, I'm very glad to answer that question. It was indicated here on the floor that the people had asked for the additional sales tax. It was the Pierce County Transit—that already are too expensive for our school system. They asked for the sales tax and it was their ten thousand dollar lobbyist that came into my office and asked me to vote for it and I said 'no.' I voted against it last time and I'm going to vote against it this time. This was not a demand by the people. This was a demand by the Pierce County Transit that wanted more of the people's money to throw around."

Further debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Rasmussen, where can you find a ten thousand dollar lobbyist? The Medical Association would like to know."

Senator Rasmussen: "Senator Haley, you have to look for them. Ten thousand is high. Jim Salantino, a former representative, is working for twelve hundred for the Port Commission. I agree with you, some of them are asking for sixteen thousand to twenty thousand just for a sixty-day session. They are expensive, but it's the product that they produce that pays for it anyway."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3834.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3834, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Voting nay: Senators Barr, Bauer, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Hurley, Kiskaddon, Lee, McCaslin, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Woody - 23.

Excused: Senator Zimmerman - 1.

SENATE BILL NO. 3834, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3194, by Committee on Transportation (originally sponsored by Senators Peterson, Guess and Hansen) (by Department of Licensing request)

Authorizes department to destroy vehicle license renewal applications upon entering the information contained on them into the computer system.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3194.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3194, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 46.

Absent: Senators Guess, Williams - 2.

Excused: Senator Zimmerman - 1.

SUBSTITUTE SENATE BILL NO. 3194, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 134, by Senators McDermott and Shinpoch

Establishing a joint interim committee on public retirement.

The resolution was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 134.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 134, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Voting nay: Senator Quigg - 1.

Absent: Senator McManus - 1.

Excused: Senator Zimmerman - 1.

SENATE CONCURRENT RESOLUTION NO. 134, having received the constitutional majority, was declared passed.

THIRD READING

ENGROSSED SENATE BILL NO. 3507, by Senators Hurley, Talmadge, Warnke and Hughes

Modifying provisions relating to gubernatorial appointments.

MOTIONS

On motion of Senator Hurley, the rules were suspended and Engrossed Senate Bill No. 3507 was returned to second reading.

Senator Hurley moved the following amendment be adopted:

On page 1, line 7, after "shall" strike everything down through "session." on line 12 and insert "((continue to serve unless rejected by a vote of the senate. An appointee who is rejected by a vote of)) not continue to serve beyond the adjournment of the next regular legislative session unless confirmed by the senate."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Hurley.

The motion by Senator Hurley failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator Hurley, the rules were suspended, Engrossed Senate Bill No. 3507 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Hurley, I notice in the bill summary on pages 3 and 4, it speaks to House amendments. One of those House amendments stipulates that any confirmation not required in the Constitution to be made by the Senate shall be the duty of the House to make. Now, are these provisions folded into the bill now?"

Senator Hurley: "These are not. Those amendments that were adopted by the House last year are not a part of the bill this year. The bill that we have before us is the way it was amended by the Senate and went back to the Rules Committee."

Senator Bottiger, Shinpoeh and Peterson demanded the previous question and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3507.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3507, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Quigg, Sellar - 20.

Excused: Senator Zimmerman - 1.

ENGROSSED SENATE BILL NO. 3507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3617, by Committee on Social and Health Services (originally sponsored by Senators McManus, Metcalf, Rinehart, Bender, Owen and Goltz)

Providing for an alcohol awareness program.

MOTION

On motion of Senator McManus, Second Substitute Senate Bill No. 3617 was substituted for Substitute Senate Bill No. 3617 and the second substitute bill was placed on the second reading calendar and read the second time.

On motion of Senator McManus, the rules were suspended, Second Substitute Senate Bill No. 3617 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator McManus, you're mandating a program here for VTI's and for community colleges and for four year colleges. When a student goes to many of these colleges, he takes the courses that he chooses or she chooses and pays for them accordingly. How can you mandate a course at this level?"

Senator McManus: "Thank you, Senator Bluechel. I can try to respond to that. We are not requiring community colleges and voc-tech institutes or four year universities to offer these courses. What we're trying to do here is to set up curriculum that can tie into these organizations' course work, either in the interims or after hours or over lunch periods or as an elective thing that is not paid for by the student, nor paid for by the community college or voc-tech institute. It is paid out of these funds that are contracted out throughout all the treatment programs.

"The advantage here is that the program is being delivered by, in most cases, a recovered alcoholic and it has been my experience that when you have a recovered alcoholic implementing education to a potential alcoholic, you're going to have a lot more cost effectiveness and rapport established."

Senator Bluechel: "Senator McManus, it would be my considered opinion that very few students would prevail themselves of this opportunity. In going to school and making the choices by themselves as to what they're going to take, to add another course that neither gives them credit or is in the general line of instruction they're looking to develop, doesn't make sense. I'm not sure whether this is a well-advised program and I have serious doubts as to whether it will work."

Senator McManus: "I would like to respond to that. When we say 'course,' we're not talking, Senator Bluechel, about a ten-week course or a fifteen-week course or a semester. We're talking about curriculum. This might be a seminar; it might be a one-day or one-night situation. It will be varied depending upon the scheduling needs of these institutions. What we're trying to do is just simply promote awareness in education to these young drivers before they get in trouble. The mechanics will have to be worked out, Senator Bluechel, there's no question about it. The program is not now in inception. We're going to be creating it and I am sure there will be these things to have to be worked out."

Debate ensued.

POINT OF INQUIRY

Senator Lee: "Senator McManus, in your remarks on the bill you mentioned that these would have to be performance-based contracts. I think that troubles me a bit. Do the students have to sign a pledge that they will be non-drinkers? Are they only paid for the number of students they can attract on an open enrollment basis? What are you talking about when you're talking about performance based?"

Senator McManus: "No, I'm not talking, Senator Lee, about the students taking the pledge, although that would be very nice if they did. What I'm talking about--performance--is in the dealings with the private nonprofit organizations and with the Department of Social and Health Services. DSHS will 'spec' out what kind of outcome they would like to achieve from the expenditure of this money. If these outcomes are not met, there will be penalties and/or there will revocation of the contract. This is what I mean by performance contract."

Senator Lee: "I'm asking for an example of what some of those outcomes might be. I can see an outcome of a math program--if you learn a certain amount of knowledge and the tests prove, in fact, that you have achieved that knowledge--or in some other program that you can actually apply what you have learned. All we're doing here in this here is to say you've got to pass a test to be sure you were there every day. I don't know if that is really performance based."

Senator McManus: "Well, let me give you an example, Senator Lee. An example of performance base would be for the department to set a number of desired people that this program should reach. It will be the obligation of the contractor to make sure that enough publicity is done and outreach and coordination with the schools to make sure that these young people are reached, and that will have to be documented. That's the kind of burden we want to put onto the private organizations, to make them reach out and in that sense we're talking about performance--that's an example."

Senator Lee: "In other words, they'd be paid by the number of students that actually enrolled?"

Senator McManus: "It could very well happen that way, that's right."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3617.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3617, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer - 20.

Excused: Senator Zimmerman - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:30 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

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

REPORTS OF STANDING COMMITTEES

January 30, 1984

SB 3169 Prime Sponsor, Senator Goltz: Making various housekeeping changes in the game laws. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3169 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4366 Prime Sponsor, Senator Woody: Providing additional remedies against drawers of bad checks. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4366 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDonald, Sellar, Warnke.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4381 Prime Sponsor, Senator Fleming: Revising and recodifying election laws. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4381 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4433 Prime Sponsor, Senator Goltz: Modifying procedures for name changes for water and sewer districts. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4433 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4435 Prime Sponsor, Senator Talmadge: Enacting provisions relating to racketeering. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4435 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4508 Prime Sponsor, Senator Vognild: Strengthening the automotive repair law. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4508 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

MINORITY recommendation: Do not pass. Signed by Senator McCaslin.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4559 Prime Sponsor, Senator Talmadge: Revising qualifying procedures for indigent candidates. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4559 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4579 Prime Sponsor, Senator Talmadge: Limiting tort liability of state militia for acts done on federal duty. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4579 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4589 Prime Sponsor, Senator Moore: Modifying the regulation of temperature settings on water heaters. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4589 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4605 Prime Sponsor, Senator Williams: Requiring the state energy office to compile information on energy conservation programs. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4605 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4607 Prime Sponsor, Senator Hughes: Authorizing procedures to dispose of hazardous wastes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4640 Prime Sponsor, Senator Owen: Providing for protection of hunters during legally established seasons. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Vognilid.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4661 Prime Sponsor, Senator Craswell: Protecting disabled persons assisted by service dogs. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4685 Prime Sponsor, Senator Talmadge: Ensuring that minors in need of mental health care and treatment receive appropriate care and treatment. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4685 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Hayner, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4731 Prime Sponsor, Senator Bottiger: Providing membership in the retirement system to otherwise eligible persons enrolled in volunteer firemens' relief and pensions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hayner, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1984

SCR 147 Prime Sponsor, Senator Bauer: Urging the repeal of the 1983 Oregon income tax changes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio,

Fleming, Hayner, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody.

Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Senate Concurrent Resolution No. 147 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

SENATE BILL NO. 4274, by Senators Woody and Bender

Relating to pawn brokers.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4274 was substituted for Senate Bill No. 4274 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4274 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Vognild, if this is supposed to be a pawn brokers'-related bill, I wonder why the necessity to exempt motor vehicle dealers out of it, if it's a pawn brokers' bill. The reason I'm asking this question is if it is necessary to exempt motor vehicles, what other field does that open up--you know, equipment dealers--what's the difference?"

Senator Vognild: "The reason for that particular exemption was that in the investigation of the bill, we determined that secondhand dealers were an easy way to move stolen goods, so we have put secondhand dealers into the bill with pawn brokers. Then we felt that the automobiles and the used equipment were not a problem, because they are title goods. That is, there is a title on record. It was brought to our attention that certain junk vehicles and hulks are not titled and therefore had to be exempt so that they wouldn't inadvertently tie them up."

Senator Barr: "Will this bill possibly cover used farm equipment?"

Senator Vognild: "No, it will not."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4274.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4274, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senators Clarke, Woody - 2.

Excused: Senator Zimmerman - 1.

SUBSTITUTE SENATE BILL NO. 4274, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4286, by Senators Vognild, Quigg and Wojahn (by Gambling Commission request)

Repealing provisions related to special taxes on coin-operated devices.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4286 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4286.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4286, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 42.

Voting nay: Senators Craswell, Metcalf, Pullen - 3.

Absent: Senators Clarke, Granlund, Woody - 3.

Excused: Senator Zimmerman - 1.

SENATE BILL NO. 4286, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 4339 and Senate Bill No. 4530 held their place on the second reading calendar for consideration later.

SECOND READING

SENATE BILL NO. 4345, by Senators Vognild, Newhouse, Wojahn and Talmadge (by Employment Security Department request)

Providing for eligibility for unemployment compensation for persons receiving crime victims compensation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4345 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4345.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4345, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senators Guess, Woody - 2.

Excused: Senator Zimmerman - 1.

SENATE BILL NO. 4345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4290, by Senators Gaspard, Hansen, Goltz, Barr and Benitz

Exempting fish farming from excise taxation.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4290 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4290.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4290, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Woody - 1.

Excused: Senator Zimmerman - 1.

SENATE BILL NO. 4290, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4460, by Senators Peterson and Patterson

Confirming the authority of the department of transportation to sell and lease back state ferries for federal tax purposes.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4460 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Fleming, Senator Vognild was excused.

POINT OF INQUIRY

Senator Quigg: "Senator Peterson, are we lending the state's credit here?"

Senator Peterson: "No."

Senator Quigg: "You mean the state gets the money and doesn't have to pay anything for it?"

Senator Peterson: "Right. They sell the ferry and lease it back and the state gets the depreciation that the leasing company obtains through the federal statutes. We're not selling the state's credit."

Senator Quigg: "In other words, if the Brooklyn Bridge was in the state of Washington, we might have a few suckers around?"

Senator Peterson: "I don't think it would be quite the same, but could be."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4460.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4460, and the bill passed the Senate by the following vote: Yeas, 27; nays, 20; absent, 00; excused, 02.

Voting yea: Senators Benitz, Bluechel, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott,

Newhouse, Patterson, Peterson, Sellar, Shinpoch, von Reichbauer, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bauer, Bender, Bottiger, Craswell, Fleming, Granlund, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Pullen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, Warnke - 20.

Excused: Senators Vognild, Zimmerman - 2.

SENATE BILL NO. 4460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3827, by Senators Hansen, Barr, Benitz, Goltz and Deccio

Requiring that one member of Washington's delegation to the Pacific Northwest Electric Power and Conservation Planning Council be from eastern Washington.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 3827 was substituted for Senate Bill No. 3827 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended. Substitute Senate Bill No. 3827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, inasmuch as the sovereign Indian nations are entitled to half of the water, would you object to a little amendment providing there should be an Indian on there?"

Senator Hansen: "Yes, plain and simple. I don't believe that the sovereign Indian nation has the right to half the water."

Senator Rasmussen: "You'd better wear a skull cap; your skull is very attractive."

Senator Hansen: "I think they already got to me, Senator."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3827.

ROLL CALL

The Secretary called the roll on final passage of Substitute Bill No. 3827, and the bill passed the Senate by the following vote: Yeas, 38; nays, 09; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Wojahn, Woody - 38.

Voting nay: Senators Bluechel, Clarke, Craswell, Fuller, Haley, Hemstad, Kiskaddon, Quigg, Williams - 9.

Excused: Senators Vognild, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 3827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Fleming: "I think it's a point of personal privilege and I think it's a point of information. I don't want to say I resent, because that's too strong a word, but I would like for the members' information--if they would check my voting record over the years in the Legislature, they'll find out that I voted more for agriculture in eastern Washington bills than I voted against and that they would also find out that I voted for more of theirs than they voted for mine. So, it's not a new found interest."

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 140, by Senators Wojahn, Talmadge, McDermott, Woody and Fleming

Establishing the legislative comparable worth negotiating team.

MOTIONS

On motion of Senator McDermott, Substitute Senate Concurrent Resolution Bill No. 140 was substituted for Senate Concurrent Resolution No. 140 and the substitute resolution was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Concurrent Resolution No. 140 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, I'm reading the effects of the proposed substitute and the statement that 'the discussions of the special legislative team are to remain confidential.' Now the question that I have is how would this particular group of legislators differ from discussions that we would be having in a committee meeting, where the public is there and all of our discussions are not confidential and open to the public's purview?"

Senator Talmadge: "Senator, as I understand it, the confidentiality provision in there would exempt the committee from the open-meeting requirements of the rules of the House and the rules of the Senate. The consequence--the committee would meet behind closed doors, would consider the information presented to them by the Attorney General's Office and they would be doing this in confidence. It would not be something that was subject to the open-meeting requirement of the law. The committee, also, would not be one that would impact the ability of the Attorney General to proceed with the appeal.

"I think Senator Deccio said that this would preclude the Attorney General from proceeding with the appeal. There is nothing in here that says that. It's simply designed to provide some legislative oversight and that legislative oversight is to be done in a confidential way without public involvement so as to not prejudice the state's position in the lawsuit."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Concurrent Resolution No. 140.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Concurrent Resolution No. 140, and the resolution passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody - 33.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Haley, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Quigg, Vognilid - 15.

Excused: Senator Zimmerman - 1.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 140, having received the constitutional majority, was declared passed.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 147, by Senators Bauer, Zimmerman, Thompson, McDermott, Fuller, Conner, Goltz, Bottiger, Hughes, Shinpoch, Bender and Vognilid

Urging the repeal of the 1983 Oregon income tax changes.

The resolution was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 26, after "and" insert "BE IT FURTHER RESOLVED, That the Attorney General is hereby authorized to commence an action on behalf of the State of Washington or the taxpayers thereof to challenge the income tax imposed by the State of Oregon on residents of the State of Washington; and"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Bauer, Thompson and Hayner was adopted:

On page 1, after line 11 insert the following:

"WHEREAS, The fiscal interests of Washington State and the prosperity of the citizens and businesses of Washington State are adversely affected by the recent changes in the Oregon income tax law; and"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Concurrent Resolution No. 147 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 147.

POINT OF ORDER

Senator Pullen: "I don't think this requires a roll call."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "You're correct, Senator, it does not require a roll call."

Senator Bauer demanded a roll call and the demand was sustained.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 147, and the resolution passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Voting nay: Senator Quigg - 1.

Absent: Senators Granlund, Rinehart - 2.

Excused: Senator Zimmerman - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 147, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4288, by Senators Barr, Thompson, Zimmerman, Patterson, Hansen and Peterson

Restricting a limitation on rural arterial funds.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4288 was substituted for Senate Bill No. 4288 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4288 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4288.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4288, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody - 44.

Voting nay: Senators Craswell, Deccio, McDonald, Warnke - 4.

Excused: Senator Zimmerman - 1.

SUBSTITUTE SENATE BILL NO. 4288, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Moore moved that the Senate reconsider the vote by which Substitute Senate Bill No. 3064 failed to pass the Senate yesterday.

The motion by Senator Moore carried and the Senate resumed consideration of Substitute Senate Bill No. 3064.

MOTION

On motion of Senator Moore, further consideration of Substitute Senate Bill No. 3064, on reconsideration, was deferred.

MOTION

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

SECOND READING

SENATE BILL NO. 4287, by Senators Barr, Thompson, Zimmerman and Peterson

Permitting seventh-class counties to have a part-time road engineer

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4287 was substituted for Senate Bill No. 4287 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4287 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4287.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4287, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Owen - 1.

Excused: Senator Zimmerman - 1.

SUBSTITUTE SENATE BILL NO. 4287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

January 30, 1984

SB 3654 Prime Sponsor, Senator Talmadge: Modifying procedures relating to criminally insane persons. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3654 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4380 Prime Sponsor, Senator Granlund: Adopting the criminal justice information act. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4380 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hayner, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4542 Prime Sponsor, Senator Owen: Modifying provisions relating to child visitation rights. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4542 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4730 Prime Sponsor, Senator Woody: Requiring the extension of health insurance coverage in child support orders under certain circumstances. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4730 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SSB 4831 Prime Sponsor, Senator Talmadge: Relating to worker and community right to know. Reported by Committee on Ways and Means

MAJORITY recommendation: That Second Substitute Senate Bill No. 4831 be substituted therefor, and the second substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4868 Prime Sponsor, Senator Moore: Relating to credit card transactions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4868 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDonald, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4560 Prime Sponsor, Senator Williams: Requiring disclosure of information to telephone buyers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4560 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4569 Prime Sponsor, Senator McManus: Modifying priorities for mental health services. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4569 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 3:22 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, February 1, 1984.

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

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 1, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Rachele LaCross and Cregan Newhouse presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

President Cherberg announced the presence in the Senate Chamber of the Chinook Pass Royalty, the Honorable Miss Chinook Pass, Tina Ellis, and the Honorable First Princess, Stephanie Cobb. The President appointed Senators Hansen, Deccio, Wojahn and Hayner to escort the honored guests to the rostrum.

With permission of the Senate, business was suspended to permit Queen Tina and Princess Stephanie to address the Senate.

The Committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

REPORTS OF STANDING COMMITTEES

January 31, 1984

SSB 3455 Prime Sponsor, Senator Gaspard: Revising the persons on the state board of education who may vote. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Craswell, Fleming, Guess, Hemstad, Hughes, McDermott, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Bender, Goltz, Lee.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 3703 Prime Sponsor, Senator Moore: Relating to financial institutions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 3703 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDonald, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 3884 Prime Sponsor, Senator Gaspard: Relating to education. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 3884 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Fleming, Goltz, Guess, Hemstad, Lee, Patterson.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4405 Prime Sponsor, Senator Thompson: Providing procedures for filling vacancies by county legislative authorities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4432 Prime Sponsor, Senator Fleming: Establishing a mathematics, engineering, and science achievement program for underrepresented groups. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

January 27, 1984

SB 4434 Prime Sponsor, Senator Wojahn: Modifying provisions relating to legend drugs and controlled substances. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Craswell, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4490 Prime Sponsor, Senator McDermott: Restricting termination of utility service for residential space heating. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That Substitute Senate Bill No. 4490 be substituted therefor, and the substitute bill do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Goltz, McManus, Moore.

MINORITY recommendation: Do not pass. Signed by Senators Benitz, Fuller, Hemstad.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4505 Prime Sponsor, Senator Goltz: Revising the minimum school hours and day requirements for private schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Kiskaddon, Lee, Patterson.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4558 Prime Sponsor, Senator Williams: Establishing procedures to convene the legislature to consider high-level nuclear waste storage siting decisions. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, McManus, Moore.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4582 Prime Sponsor, Senator Bottiger: Providing for suspension of driver's license for persons under age of seventeen. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4582 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Owen, Patterson.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4606 Prime Sponsor, Senator Goltz: Authorizing local voters' pamphlets. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4606 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4627 Prime Sponsor, Senator Thompson: Establishing a maximum rate for license fees and taxes imposed by cities and towns on steam energy businesses. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4627 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4628 Prime Sponsor, Senator Vognild: Authorizing vacancies in sheriffs' offices to be filled by laid-off employees. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4628 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4645 Prime Sponsor, Senator Gaspard: Revising the authority to establish before-and-after-school and nursery school programs. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4689 Prime Sponsor, Senator Peterson: Requiring third party inspections for out-of-state low-level radioactive waste generators, packagers, and brokers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman, Goltz, McManus, Moore.

MINORITY recommendation: Do not pass as amended. Signed by Senators Benitz, Fuller.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4698 Prime Sponsor, Senator Moore: Modifying industrial loan provisions. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4698 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; McDonald, Sellar, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4713 Prime Sponsor, Senator Gaspard: Requiring the superintendent of public instruction to conduct a comprehensive research program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Hemstad, Kiskaddon, Lee.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4766 Prime Sponsor, Senator Thompson: Providing vehicle parking for organizations transporting disabled persons. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Conner, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 31, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 713,

SUBSTITUTE HOUSE BILL NO. 1124,

ENGROSSED HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1178,

ENGROSSED HOUSE BILL NO. 1328,

SUBSTITUTE HOUSE BILL NO. 1390,

SUBSTITUTE HOUSE BILL NO. 1698, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

January 31, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1123, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 148 by Senators Metcalf, Owen, Vognild, Haley, Peterson, Rasmussen and Quigg

Creating an emergency task force on salmon and steelhead trout.

Referred to Committee on Natural Resources.

FIRST READING OF HOUSE BILLS

2SHB 713 by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Brough, Wang and Kreidler)

Providing procedures for contributions by cities and towns to county or city-county health departments.

Referred to Committee on Local Government.

SHB 1123 by Committee on Ways and Means (originally sponsored by Representatives Monohon, Grimm, J. King, Wang and Halsan)

Permitting the state employees' insurance board to expand its methods for providing insurance coverage.

Referred to Committee on Ways and Means.

SHB 1124 by Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Brough, Isaacson, D. Nelson and Miller)

Simplifying government borrowing.

Referred to Committee on Local Government.

EHB 1142 by Representatives Dellwo, R. King, Belcher, Sayan, Fisher, Fisch, Brekke, McMullen and Lux

Modifying procedures for filing claims for occupational disease.

Referred to Committee on Commerce and Labor.

SHB 1178 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Wang and B. Williams)

Regulating health and health-related professions and businesses.

Referred to Committee on Social and Health Services.

EHB 1328 by Representatives Kreidler, Barrett, L. Smith, Wang, Egger, Stratton and Mitchell

Revising provisions relating to the abuse of elderly and dependent adults.

Referred to Committee on Social and Health Services.

SHB 1390 by Committee on Transportation (originally sponsored by Representatives Van Luven, O'Brien, Wang, Lewis, Walk, Todd, Sanders, Kreidler, Allen, G. Nelson, Barrett, Ebersole, L. Smith, Long, Mitchell, Crane, Ballard and Miller)

Granting disabled persons from other states having special license plates the same parking privileges as disabled persons in this state.

Referred to Committee on Transportation.

SHB 1698 by Committee on Transportation (originally sponsored by Representatives Zellinsky, Walk, J. Williams, Garrett and Egger)

Delaying the requirement of replacing five-year old license plates.

Referred to Committee on Transportation.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator McManus, the appointment of Vincent L. Stevens as Chairman of the State Health Coordinating Council was confirmed.

APPOINTMENT OF VINCENT L. STEVENS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Bauer, Deccio, Hansen, Woody - 4.

Excused: Senator Zimmerman - 1.

MOTION

On motion of Senator McManus, the appointment of Lars Hennem as a member of the State Board of Pharmacy was confirmed.

APPOINTMENT OF LARS HENNUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Absent: Senators Bauer, McDermott - 2.

Excused: Senator Zimmerman - 1.

MOTION

On motion of Senator Warnke, the appointment of Paul Dzedzic as Director of the Department of Services for the Blind was confirmed.

APPOINTMENT OF PAUL DZIEDZIC

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn - 46.

Absent: Senators Pullen, Woody - 2.

Excused: Senator Zimmerman - 1.

SECOND READING

SENATE BILL NO. 4069, by Senator Moore

Relating to registered securities broker dealers.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4069 was substituted for Senate Bill No. 4069 and the substitute bill was placed on second reading and read the second time.

Senator McDermott moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 82.04 RCW a new section to read as follows:

Upon every person engaging within the state as a securities broker-dealer; as to such persons, the amount of the tax with respect to such business shall be equal to the gross income of the business, multiplied by the rate of one and one-half percent.

The measure of the tax on securities commissions earned by the securities broker-dealer shall be the gross commission earned by the particular securities broker-dealer including that portion of the commission paid to salespersons on a particular transaction. If a securities commission is divided between an originating broker-dealer and a cooperating broker-dealer on a particular transaction, each broker-dealer shall pay the tax only upon their respective shares of the commission. If the broker-dealer has paid the tax as provided in this section, salespersons or cooperating brokers within the same broker-dealer office shall not be required to pay a similar tax upon the same transaction.

Sec. 2. Section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.290 are each amended to read as follows:

Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, ~~((and))~~ 82.04.280, and section 1 of this 1984 act; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 1.50 percent ~~((PROVIDED: That this tax shall be imposed only if all of the amendments contained in sections 1, 3, and 4 of this 1983 act become law))~~. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The value of advertising, demonstration, and promotional supplies and materials furnished to an agent by his principal or supplier to be used for informational, educational and promotional purposes shall not be considered a part of the agent's remuneration or commission and shall not be subject to taxation under this section.

Sec. 3. Section 82.04.300, chapter 15, Laws of 1961 as last amended by section 213, chapter 3, Laws of 1983 and RCW 82.04.300 are each amended to read as follows:

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.280 (~~and~~), 82.04.290, and section 1 of this 1984 act, other than those whose value of products, gross proceeds of sales, or gross income of the business is less than one thousand dollars per month: PROVIDED, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed one thousand dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: PROVIDED, FURTHER, That the department of revenue may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Sec. 4. Section 82.04.440, chapter 15, Laws of 1961 as last amended by section 5, chapter 172, Laws of 1981 and RCW 82.04.440 are each amended to read as follows:

Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, and section 1 of this 1984 act, shall be taxable under each paragraph applicable to the activities engaged in: PROVIDED, That persons taxable under RCW 82.04.250 or 82.04.270 shall not be taxable under RCW 82.04.230, 82.04.240 or subsection (2), (3), (4), (5), or (7) of RCW 82.04.260 with respect to extracting or manufacturing of the products so sold, and that persons taxable under RCW 82.04.240 or RCW 82.04.260 subsection (4) shall not be taxable under RCW 82.04.230 with respect to extracting the ingredients of the products so manufactured.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1984."

POINT OF INQUIRY

Senator Lee: "Senator McDermott, you had an amendment out here before on this measure yesterday. I understand that this is one that has been revised, that staff has looked at it and found a change in section 3. Is that correct?"

Senator McDermott: "Yes, if you'll notice on the top of this amendment, it's the second draft and we were trying to make sure that it fits exactly with the present tax code."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

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

MOTIONS

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

On page 1, line 1 of the title, after "broker dealers;" strike the remainder of the title and insert "amending section 82.04.290, chapter 15, Laws of 1961 as last amended by section 2, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.290; amending section 82.04.300, chapter 15, Laws of 1961 as last amended by section 213, chapter 3, Laws of 1983 and RCW 82.04.300; amending section 82.04.440, chapter 15, Laws of 1961 as last amended by section 5, chapter 172, Laws of 1981 and RCW 82.04.440; adding a new section to chapter 82.04 RCW; and providing an effective date."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4069 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Moore, I notice that under new section 1, the B & O tax is set at one and half percent. Is this the rate that is in effect now?"

Senator Moore: "I believe that it has been at one percent."

Senator Bluechel: "So, by this bill, we are raising the B & O tax a half of a percent?"

Senator Moore: "That is my understanding. The original bill read one percent and we've raised it to one and a half percent."

Senator Bluechel: "Yes, what was the reason for this raise?"

Senator Moore: "I think probably to compensate for the potential loss in revenue. You see in most situations the broker-dealer obviously shares with the broker part of the commission and the broker-dealer, because he has all the overhead and owns the business may keep forty percent--fifty percent--sixty percent--and the broker will get the rest, so there would be some loss of revenue if we didn't have this at one and half percent."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4069.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4069, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

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

Voting nay: Senator Guess - 1.

Excused: Senator Zimmerman - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4069, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REMARKS BY SENATOR MOORE

Senator Moore: "Mr. President, I made an error on the last bill in answering Senator Bluechel's question about whether the tax on brokers was one or one and a half percent. It has been one percent for as long as I can remember, I guess, and I assumed from reading last year's bill, from which we were working, that it was still one percent--forgetting that we raised it last year to one and a half percent, and I apologize to the group. You do realize that's the first error I've made in five years."

SECOND READING

SENATE BILL NO. 3849, by Senators Warnke, Guess, Peterson, Bender and Metcalf

Regulating conduct on buses.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 3849 was substituted for Senate Bill No. 3849 and the substitute bill was placed on second reading and read the second time.

Senator Pullen moved the following amendment by Senators Pullen, Rasmussen, McCaslin, Thompson and Owen be adopted:

On page 1, line 21, after "lighter" insert "or carrying a firearm or ammunition in a way that is not otherwise prohibited by law"

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, with the adoption of this amendment, I take it then that you could wear your gun in your holster on your hip on the bus?"

Senator Pullen: "As you can right now, as long as it is being done in a lawful way."

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen, Rasmussen, McCaslin, Thompson and Owen.

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

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 3849 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3849.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3849, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Voting nay: Senator Bottiger - 1.

Absent: Senator Conner - 1.

Excused: Senator Zimmerman - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4320, by Senators Wojahn and Sellar

Authorizing persons eighteen years of age and older to service amusement devices on licensed premises.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4320 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4320.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4320, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Voting nay: Senator Metcalf - 1.

Absent: Senator Clarke - 1.

Excused: Senator Zimmerman - 1.

SENATE BILL NO. 4320, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4367, by Senators Owen, Peterson, McManus, Metcalf, Quigg and Fuller

Facilitating cooperative fish and wildlife enhancement projects.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4367 was substituted for Senate Bill No. 4367 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Owen, the rules were suspended, Substitute Senate Bill No. 4367 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Clarke was excused.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4367.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4367, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Absent: Senator Guess - 1.

Excused: Senators Clarke, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 4367, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4398, by Senators Hansen, Patterson, Hughes, Bauer, Goltz, Fleming, Vognild, Newhouse and Gaspard

Creating a provisional international marketing program for agricultural commodities and trade center.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4398 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4398.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4398, and the bill passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 39.

Voting nay: Senators Craswell, McDonald, Metcalf, Pullen, Quigg - 5.

Absent: Senators Bender, Deccio, McDermott - 3.

Excused: Senators Clarke, Zimmerman - 2.

SENATE BILL NO. 4398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4514, by Senators Conner, Goltz, Vognild and Rinehart (by Emergency Commission on Economic Development request)

Establishing a provisional center for international trade in forest products.

The bill was read the second time.

MOTION

Senator McDermott moved the following amendments be consideration and adopted simultaneously:

On page 1, line 14, after "expand" strike "forest based international trade" and insert "the export of manufactured forest products"

On page 2, beginning on line 35, strike "international trade in forest products" and insert "export of manufactured forest products from Washington State"

Debate ensued.

Senator Quigg demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments were not adopted by the following vote: Yeas, 18; nays, 30; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Gaspard, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Patterson, Rasmussen, Rinehart, Shipoch, Talmadge, Vognild, Williams, Wojahn - 18.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Peterson, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Warnke, Woody - 30.

Excused: Senator Zimmerman - 1.

MOTIONS

On motion of Senator Shipoch, further consideration of Senate Bill No. 4514 was deferred.

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

On motion of Senator Shipoch, the Committee on Judiciary was relieved of further consideration of Senate Bill No. 4080.

On motion of Senator Shipoch, Senate Bill No. 4080 was referred to the Committee on Commerce and Labor.

MOTION

At 11:31 a.m., on motion of Senator Shipoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 1, 1984

ESB 4145 Prime Sponsor, Senator Owen: Defining financial interest with respect to alcoholic beverage manufacturers, importers, and wholesalers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4466 Prime Sponsor, Senator Thompson: Modifying refunding bond procedures for certain governmental entities. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4466 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4477 Prime Sponsor, Senator McDermott: Authorizing employer payment of employee contributions under public retirement systems. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4477 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Hughes, Lee, McDonald, Rinehart, Shipoch, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4479 Prime Sponsor, Senator Lee: Declaring freedom from age discrimination to be a civil right. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4479 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4506 Prime Sponsor, Senator Thompson: Modifying membership in the judicial retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Chairman; Bluechel, Hughes, Lee, McDonald, Rinehart, Shimpoch, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4591 Prime Sponsor, Senator Talmadge: Modifying provisions on the foreclosure of deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4591 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4598 Prime Sponsor, Senator Moore: Requiring regulation of cheap stock, as defined. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, McDonald, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4611 Prime Sponsor, Senator McManus: Creating the public assistance employment training and demonstration project. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4614 Prime Sponsor, Senator Thompson: Modifying the penalties for misdemeanors. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 30, 1984

SB 4643 Prime Sponsor, Senator McDermott: Licensing acupuncturists. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Granlund, Moore.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4648 Prime Sponsor, Senator Talmadge: Authorizing the superintendent of public instruction to contract with the office of administrative hearings. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4764 Prime Sponsor, Senator Peterson: Regulating the impoundment, towing, redemption, and disposal of abandoned, unauthorized, and disabled vehicles. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4764 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Shinpoch, Senate Bill No. 4494 which was on the second reading calendar, was referred to the Committee on Ways and Means.

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

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 4514, which was deferred earlier today.

Senator Quigg moved adoption of the following amendment:

On page 4, line 6

"NEW SECTION 9. No unitary tax on national or international trade shall be imposed without a two-thirds vote of the members of the House and Senate and a majority of the votes cast in the succeeding general election."

Renumber remaining sections accordingly.

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment proposed by Senator Quigg is beyond the scope and object of the act. This bill relates to promotion of timber industry products and international trade has absolutely nothing to do about taxes. Senator Quigg seeks to introduce the subject of unitary tax which may very well be a thing that he fears a great deal, but it has nothing to do with this act. It is neither within the scope of the title or the object of the bill."

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 4514 was deferred.

SECOND READING

SENATE BILL NO. 4419, by Senators Goltz, Hansen and Benitz

Updating milk and milk product testing laws.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 4419 was substituted for Senate Bill No. 4419 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Goltz, the rules were suspended, Substitute Senate Bill No. 4419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator McDermott was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4419.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4419, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 43.

Absent: Senators Benitz, Conner, Granlund, Woody - 4.

Excused: Senators McDermott, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 4419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Senate resumed consideration of Senate Bill No. 4514 and the pending amendment by Senator Quigg on page 4, line 6, proposed earlier today.

On motion of Senator Quigg and there being no objection, the amendment was withdrawn.

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4514 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Peterson and Shinpoch demanded the previous question, but the demand was not sustained on a rising vote.

Further debate ensued.

MOTION

On motion of Senator Vognild, Senator Thompson was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4514.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4514, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Barr, Craswell, Deccio, Haley, McCaslin, McDonald, Metcalf, Pullen, Quigg - 9.

Absent: Senator Benitz - 1.

Excused: Senators Thompson, Zimmerman - 2.

SENATE BILL NO. 4514, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4449, by Senators McManus, Talmadge, Kiskaddon, Deccio and Granlund

Modifying provisions on psychologist licensing.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4449 was substituted for Senate Bill No. 4449 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 4449 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4449.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4449, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, McDermott - 2.

Excused: Senators Thompson, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 4449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4787, by Senators Goltz, Sellar, Moore and Deccio

Modifying provisions relating to home health care.

The bill was read the second time.

MOTION

On motion of Senator Goltz, the rules were suspended. Senate Bill No. 4787 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Moore, am I correct in my understanding that this bill is essentially neutral in its treatment of all of the different sorts of agencies, firms and organizations who are authorized to provide this sort of care? In other words, anyone who meets the certification standards and who is otherwise properly licensed to deliver these kinds of care will have an equal opportunity to qualify and, thus, participate under the provisions of this act?"

Senator Moore: "Senator Goltz, that is right. This bill merely provides a few technical or cosmetic changes in the language which the legislature passed into law last session. There is no intent here to raise any barriers that do not already exist or to exclude anyone who would otherwise be allowed to render these services at a lower cost in a more humane type of care."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4787.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4787, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Absent: Senators Benitz, Hansen, Owen - 3.

Excused: Senators Thompson, Zimmerman - 2.

SENATE BILL NO. 4787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGGROSSED SENATE BILL NO. 3044, by Senators Gaspard, Metcalf and Goltz

Exempting military personnel and their spouses and dependent children from nonresident tuition and fee differentials.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, after line 22, strike all material through "program." on line 24

On motion of Senator Gaspard, the rules were suspended, Reengrossed Senate Bill No. 3044 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3044.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3044, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody - 38.

Voting nay: Senators Bluechel, Clarke, Haley, Hayner, McCaslin, Quigg - 6.

Absent: Senators Benitz, Lee, Warnke - 3.

Excused: Senators Thompson, Zimmerman - 2.

REENGROSSED SENATE BILL NO. 3044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4642, by Senators Moore, Clarke, Bender and Bluechel

Modifying provisions relating to mutual insurers.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, Senator Benitz was excused.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4642 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Clarke, Senator Bluechel was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4642.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4642, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senator Woody - 1.

Excused: Senators Benitz, Bluechel, Thompson, Zimmerman - 4.

SENATE BILL NO. 4642, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4448, by Senators McManus and Deccio

Authorizing certain minor health care services.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4448 was substituted for Senate Bill No. 4448 and the substitute bill was placed on second reading and read the second time.

Senator McManus moved that the following amendments by Senators McManus, Deccio and Moore be considered and adopted simultaneously:

On page 2, after line 5, insert the following:

"(6) "Delegation" means direct authorization granted by a licensed health care practitioner to an unlicensed individual to perform the functions authorized in section 1 of this act which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee."

On page 2, line 26, after "assistant" insert "including types and limitations of drugs or diagnostic agents which may be administered by injection by a health care assistant"

On page 2, line 30 after "Sec. 5" insert "(1)"

On page 3, line 6, after "appropriate," insert "The health care facility or health care practitioner shall provide the licensing authority with a certified roster of health care assistants who are certified."

On page 3, after line 6, insert the following:

"(2) Certification of a health care assistant shall be effective for a period of two years. Recertification is required at the end of this period. Requirements for recertification shall be established by rule."

On page 3, line 9, after "act" insert "only"

On page 3, line 10, after "health care practitioner" insert "acting within the scope of his or her license. In the case of subcutaneous intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures"

On page 3, after line 10, strike all material down through "practitioner." on line 13

Debate ensued.

POINT OF INQUIRY

Senator Vognild: "Senator McManus, there was some concern within the last couple of months that fire department medical activities, particularly in the paramedic area, may in fact be in violation of law. Will the passage of this bill correct that gray area and be sure that those people can perform those services that they are trained for?"

Senator McManus: "That is absolutely correct, Senator Vognild. That was the purpose of this bill to make sure that these people are covered and that the professional liability insurance is in tact."

POINT OF INQUIRY

Senator Wojahn: "Senator McManus, is it true that this has been going on for some time, that medical doctors have been violating this and permitting this to happen without legislation?"

Senator McManus: "Yes, Senator Wojahn. What's happened here is that we have a group of unlicensed health care professionals which includes medical assistants, medical lab technicians, respiratory therapists, phlebotomists and others that have been suggested by Senator Vognild--for many years, these professionals or para-professionals, as the case may be, have been puncturing the skin which is called veni puncture and drawing the blood. This includes people doing blood bank activity work as well.

"Last session, we had a real go-around on whether or not this was legal or illegal, so as the Chairman of the Social and Health Services Committee, I did the only logical thing to do. I put a request into the Attorney General's Office and asked for a ruling on both activities. Well, the ruling that came back indicated in both cases that unless these functions were performed by a licensed health care professional in Washington state, in fact, they were illegal. This meant that we had to convene meetings during the interim, which we did, worked almost every week with all the groups involved, under the direction of the Nurses Association, the Medical Association and the Hospital Association and many other groups to make sure we came up with a bill that permitted these other professionals to puncture the skin and draw blood under proper supervision and with proper certification by the

institution involved, i.e. hospitals, nursing homes, etc. This bill and these amendments are the result of a year's worth of work. I hope I have answered your question."

Senator Wojahn: "I want to know--you said a year's work to get the legislation, but how long is a person that is going to puncture our skin and go into our veins going to be trained? What is the training period and who is going to train them?"

Senator McManus: "Well, these people all have had education and training and they actually have all been under supervision in the past, but what this bill does is tighten up the supervision and permit hospitals and nursing homes to certify these people as eligible to perform these functions. That means they have examined their training and education so that professional liability insurance will cover this act. We're not expanding practice here. This is not an expansion of practice act. All it does is target to make these functions legal to satisfy the Attorney General's concern by tightening up the supervisory restrictions and establishing the certification requirements."

Further debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 4448 was deferred.

SECOND READING

SENATE BILL NO. 4339, by Senators Peterson, Patterson, Goltz, Rinehart, Gaspard and Woody

Modifying tuition and fees for institutions of higher education.

The bill was read the second time.

MOTION

Senator McDonald moved that the following amendments be considered and adopted simultaneously:

On page 4, after line 9, insert the following:

"(8) All moneys charged and collected as operating fees by each institution of higher education under this section shall be retained by the institution in accordance with RCW 28B-15.031 (section 4 of this 1984 act)."

On page 6, after line 10, insert the following:

"(6) All moneys charged and collected as operating fees by each institution of higher education under this section shall be retained by the institution in accordance with RCW 28B-15.031 (section 4 of this 1984 act)."

On page 7, after line 26, insert the following:

"(5) All moneys charged and collected as operating fees by each institution of higher education under this section shall be retained by the institution in accordance with RCW 28B-15.031 (section 4 of this 1984 act)."

On page 7, after line 26, insert the following:

"Sec. 4. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. Pursuant to the terms of sections 1 through 3 of this 1984 act, all moneys received as operating fees at any institution of higher education shall be ((transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED: That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.020)) retained by the institution."

On page 7, line 27, after "1985" and before the period insert ", provided that the appropriations act for the 1985-87 biennium includes sufficient higher education funding so that all

qualified applicants, as estimated in the enrollment projections developed by the council on postsecondary education, can be enrolled"

POINT OF ORDER

Senator Rinehart: "I rise to a point of order to challenge all of the amendments on the basis of scope and object. The proposed amendments are outside the object of the bill. The object of the bill is to freeze tuition rates and the proposed amendments deal with the subject of the placement of fees. Further, the amendments are substantially similar to a bill introduced into this legislature last session."

Debate ensued.

At 3:27 p.m., there being no objection, the President declared the Senate to be at ease.

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

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Senate Bill No. 4339 is a measure which deals with the amount of tuition and fees charged to resident students at institutions of higher education by freezing the amount at the 1983-85 level until certain conditions are met.

"The amendments proposed by Senator McDonald deal with the disposition of a portion of the tuition and fees charged to students by providing for the retention of operating fees by the institution.

"The President, therefore, finds that the proposed amendments do expand the scope and object of the bill and that the point of order is well taken."

The amendments were ruled out of order.

MOTION

Senator McDonald moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 279, Laws of 1971 ex. sess. as last amended by section 12, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.031 are each amended to read as follows:

The term "operating fees" as used in this chapter shall include the fees, other than general tuition fees, charged all students registering at the state's colleges and universities but shall not include fees for short courses, self-supporting degree credit programs and courses, marine station work, experimental station work, correspondence or extension courses, and individual instruction and student deposits or rentals, disciplinary and library fines, which colleges and universities shall have the right to impose, laboratory, gymnasium, health, and student activity fees, or fees, charges, rentals, and other income derived from any or all revenue producing lands, buildings and facilities of the colleges or universities heretofore or hereafter acquired, constructed or installed, including but not limited to income from rooms, dormitories, dining rooms, hospitals, infirmaries, housing or student activity buildings, vehicular parking facilities, land, or the appurtenances thereon, or such other special fees as may be established by any college or university board of trustees or regents from time to time. All moneys received as operating fees at any institution of higher education shall be ~~((transmitted to the state treasurer within thirty-five days of receipt to be deposited in the state general fund: PROVIDED, That two and one-half percent of moneys received as operating fees be exempt from such deposit and be retained by the institutions for the purposes of RCW 28B.15.020))~~ retained by the institution. However, thirteen and two-tenths of one percent of the operating fees shall be transmitted to the state educational grant account in the state general fund to be used exclusively by the council for postsecondary education for student financial aid purposes."

POINT OF ORDER

Senator Rinehart: Mr. President, I rise to the point of order to challenge the amendment on the basis of scope and object of the bill. Once again, an examination of the amendment suggests that it is in the same vein of those that we just ruled out of the scope and object of the bill, because it does deal with the placement of the fees and not with the level of tuition."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rinehart, the President finds that Senate Bill No. 4339 is a measure which deals with the amount of tuition and fees charged to resident students at institutions of higher

education by freezing the amount at the 1983-85 level until certain conditions are met.

"The amendment proposed by Senator McDonald deals, essentially the same as the other amendments, and therefore the disposition of a portion of the tuition and fees charged to students by providing for the retention of operating fees by the institution.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Lee moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that access to higher education for qualified students must be a state priority. The increasing costs of higher education may restrict access to higher education. The legislature finds that a freeze or lowering of tuition and fees is a less desirable answer to the problem than providing sufficient financial aid to students in need.

NEW SECTION, Sec. 2. The council for postsecondary education shall conduct a study of tuition and fee levels as financial barriers affecting access to higher education for qualified students in order to develop an equity in education plan. The study shall include, but not be limited to:

- (1) A review of the current levels of tuition and fees charged to resident students;
- (2) The relationship between tuition and fee levels and access to higher education for students in need;
- (3) The gap between the amount of money offered for student financial aid and the actual needs of otherwise qualified students;
- (4) The needs standards used to grant financial aid; and
- (5) Alternative sources of funds that could be made available to needy students in the form of direct grants, waivers, loans, or work/study programs.

The council shall report to the legislature by December 1, 1984, with a recommended plan the objective of which is the generation of sufficient funds to assure that no qualified applicants are denied admission on the basis of financial resources. If such a plan to increase student aid amounts and availability is not adopted by the 1985 legislature, then sections 3 through 5 of this act shall take effect.

Sec. 3. Section 6, chapter 257, Laws of 1981 as amended by section 18, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.202 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the University of Washington and at Washington State University for other than summer quarters or semesters shall be as follows: (~~PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:~~)

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the (~~(1981-82 academic year shall be nine hundred and twenty-one dollars, and for the 1982-83 academic year shall be one thousand and thirty-eight dollars, and thereafter such fees shall be one-third)~~) 1985-86 and 1986-87 academic years shall be one thousand one hundred fifty-eight dollars and shall remain so for each academic year in each biennium thereafter until twenty-five percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070 exceed such amount in which case the fees shall be increased accordingly; PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(2) For full time resident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the (~~(1981-82 academic year shall be one thousand one hundred and one dollars, and for the 1982-83 academic year shall be one thousand five hundred and sixty-three dollars, and thereafter such fees shall be twenty-three percent)~~) 1985-86 and 1986-87 academic years shall be one thousand seven hundred forty dollars and shall remain so for each academic year in each biennium thereafter until fourteen percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070 exceed such amount in which case the fees shall be increased accordingly; PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty dollars.

(3) For full time resident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees for the (~~(1981-82 academic year shall be one thousand seven hundred and ninety-one dollars, and for the 1982-83 academic year shall be two thousand six hundred and seven dollars, and thereafter such fees shall be one hundred sixty-seven percent of such)~~)

1985-86 and 1986-87 academic years shall be two thousand nine hundred four dollars and shall remain so for each academic year in each biennium thereafter until one hundred thirty percent of the fees charged in subsection (2) above exceed such amount in which case the fees shall be increased accordingly; PROVIDED, That the general tuition fee for each academic year shall be three hundred and forty-two dollars.

(4) For full time nonresident undergraduate students and such other full time nonresident students not in graduate study programs or enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, or doctor of veterinary medicine, the total of general tuition and operating fees (~~for the 1981-82 academic year shall be two thousand nine hundred and ten dollars, and for the 1982-83 academic year shall be three thousand one hundred and seventeen dollars, and thereafter such fees~~) shall be one hundred percent of the per student undergraduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070; PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(5) For full time nonresident graduate students not enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees (~~for the 1981-82 academic year shall be three thousand four hundred and fifty-two dollars, and for the 1982-83 academic year shall be four thousand and seventy-four dollars, and thereafter such fees~~) shall be sixty percent of the per student graduate educational costs at the state universities computed as provided in RCW 28B.15.067 and 28B.15.070; PROVIDED, That the general tuition fee for each academic year shall be three hundred and fifty-four dollars.

(6) For full time nonresident students enrolled in programs leading to the degrees of doctor of medicine, doctor of dental surgery, and doctor of veterinary medicine, the total of general tuition and operating fees (~~for the 1981-82 academic year shall be five thousand five hundred and ninety-two dollars, and for the 1982-83 academic year shall be six thousand eight hundred and four dollars, and thereafter such fees~~) shall be one hundred sixty-seven percent of such fees charged in subsection (5) above; PROVIDED, That the general tuition fee for each academic year shall be five hundred and fifty-five dollars.

(7) The boards of regents of each of the state universities shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (6) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred and thirty-eight dollars. In subsequent biennia the board of regents may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above; PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 4. Section 7, chapter 257, Laws of 1981 as amended by section 19, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.402 are each amended to read as follows:

General tuition fees, operating fees, and services and activities fees at the regional universities and The Evergreen State College for other than summer quarters or semesters shall be as follows: (~~PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:~~)

(1) For full time resident undergraduate students and all other full time resident students not in graduate study programs, the total of general tuition and operating fees for the (~~1981-82 academic year shall be six hundred eighty-two dollars and fifty cents, and for the 1982-83 academic year shall be seven hundred fifty-seven dollars and fifty cents, and thereafter such fees shall be one-fourth~~) 1985-86 and 1986-87 academic years shall be eight hundred twenty-three dollars and fifty cents and shall remain so for each academic year in each biennium thereafter until twenty percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070 exceed such amount in which case the fees shall be increased accordingly; PROVIDED, That the general tuition fee for each academic year shall be seventy-six dollars and fifty cents.

(2) For full time resident graduate students, the total of general tuition and operating fees for the (~~1981-82 academic year shall be eight hundred eleven dollars and fifty cents, and for the 1982-83 academic year shall be one thousand one hundred thirty-five dollars and fifty cents, and thereafter such fees shall be twenty-three percent~~) 1985-86 and 1986-87 academic years shall be one thousand two hundred thirty-four dollars and fifty cents and shall remain so for each academic year in each biennium thereafter until fourteen percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070 exceed such amount in which case the fees shall be increased accordingly; PROVIDED, That the general tuition fee for each academic year thereafter shall be seventy-six dollars and fifty cents.

(3) For full time nonresident undergraduate students and all other full time nonresident students not in graduate study programs, the total of general tuition and operating fees (~~for the 1981-82 academic year shall be two thousand seven hundred twenty-five dollars and fifty~~

~~cents, and for the 1982-83 academic year shall be three thousand twenty-five dollars and fifty cents, and thereafter such fees)) shall be one hundred percent of the per student undergraduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.~~

(4) For full time nonresident graduate students, the total of general tuition and operating fees ~~((for the 1981-82 academic year shall be three thousand two hundred fifty dollars and fifty cents, and for the 1982-83 academic year shall be three thousand six hundred ninety-seven dollars and fifty cents, and thereafter such fees))~~ shall be seventy-five percent of the per student graduate educational costs at the regional universities computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be two hundred and ninety-five dollars and fifty cents.

(5) The boards of trustees of each of the regional universities and The Evergreen State College shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) through (4) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed one hundred eighty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

Sec. 5, Section 8, chapter 257, Laws of 1981 as amended by section 10, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.502 are each amended to read as follows:

General tuition fees, operating fees and services and activities fees at each community college other than at summer quarters shall be as follows: ~~((PROVIDED, That increases in tuition and fee rates for the 1982 summer session shall reflect the increases set forth below for the 1982-83 academic year:))~~

(1) For full time resident students, the total of general tuition and operating fees for the ~~((1981-82 academic year shall be four hundred six dollars and fifty cents, and for the 1982-83 academic year shall be four hundred fifty-four dollars and fifty cents, and thereafter such fees shall be twenty-three))~~ 1985-86 and 1986-87 academic years shall be five hundred eight dollars and fifty cents and shall remain so for each academic year in each biennium thereafter until eighteen percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070 exceed such amount in which case the fees shall be increased accordingly: PROVIDED, That the general tuition fee for each academic year shall be one hundred and twenty-seven dollars and fifty cents.

(2) For full time nonresident students, the total of general tuition and operating fees ~~((for the 1981-82 academic year shall be one thousand seven hundred sixty-five dollars and fifty cents, and for the 1982-83 academic year shall be one thousand nine hundred seventy-two dollars and fifty cents, and thereafter such fees))~~ shall be one hundred percent of the per student educational costs at the community colleges computed as provided in RCW 28B.15.067 and 28B.15.070: PROVIDED, That the general tuition fee for each academic year shall be four hundred and three dollars and fifty cents.

(3) The boards of trustees of each of the state community colleges shall charge and collect equally from each of the students registering at the particular institution and included in subsections (1) and (2) hereof a services and activities fee which for each year of the 1981-83 biennium shall not exceed sixty-four dollars and fifty cents. In subsequent biennia the board of trustees may increase the existing fee, consistent with budgeting procedures set forth in RCW 28B.15.045, by a percentage not to exceed the percentage increase in tuition and operating fees authorized in subsection (1) above: PROVIDED, That such percentage increase shall not apply to that portion of the services and activities fee previously committed to the repayment of bonded debt. The services and activities fee committee provided for in RCW 28B.15.045 may initiate a request to the governing board for a fee increase.

(4) General tuition, operating fees and services and activities fees consistent with the above schedule will be fixed by the state board for community colleges for summer school students.

The board of trustees shall charge such fees for ungraded courses, noncredit courses, community services courses, and self-supporting short courses as it, in its discretion, may determine, not inconsistent with the rules and regulations of the state board for community college education."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Lee, are you referring to this chart that you were making reference to?"

Senator Lee: "Yes, I was referring to the chart that has Senator McDonald's scribbling on it at the top."

Senator Goltz: "I would like for you to examine that chart and see if I'm correct. This shows that Senate Bill No. 4339 would, in fact, bring the tuition level down in this state to the 1982 level and extend that forward. It seems to me, if I read this correctly--and I'd like to be corrected if I'm wrong--that the chart gives a false impression because I thought 4339 extended the tuition from the 1984 level onward."

Senator Lee: "It actually brings it down to the 1981 level if I'm not mistaken. In other words, the level that we had prior to the time that we made the increase, so it's even more of a discrepancy than this chart indicates."

Further debate ensued.

MOTION

On motion of Senator Clarke, Senator Hayner was excused.

POINT OF INQUIRY

Senator Guess: "Senator Gaspard, you're looking at only one side of the equation, it seems to me. What about those parents who have children that can afford to send them and yet we're going to limit the access to the schools? Are they going to be severely impacted if one of those youngsters has to lay out--cannot get entrance into the colleges and then take the other one when the other one graduates--then the one that didn't get to go to school can get in? In other words, what's going to happen--where are we going to get the money to provide the colleges with the make-up of the forty-seven million dollars?"

Senator Gaspard: "Senator Guess, I don't disagree with you at all that we should have more financial aid. I think the side of the equation that you're not looking at is, we ought to think that the basic tuition ought to be lower than what it can be in the future, but freeze it at the current level now. I'll be happy to join you in looking for more financial aid for students once we are able to decide the issue of what is the proper level of tuition, and that's what we are deciding here--the proper level of tuition.

"I may also point out that we still have the escalator clause in here. Once we get down to the percentage level that we had in the 1970's, the escalator clause will continue to work, so we're not freezing the amount for a time uncertain, we're doing it just until we get down to the percentage level."

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; absent, 00; excused, 03.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Quigg, Sellar, von Reichbauer - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Excused: Senators Benitz, Hayner, Zimmerman - 3.

MOTIONS

On motion of Senator Bluechel, Senator Pullen was excused.

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4339 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Conner and Peterson demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4339.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4339, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Quigg, Sellar, von Reichbauer - 17.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Haryner, Pullen, Zimmerman - 4.

SENATE BILL NO. 4339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McDonald: "As a point of personal privilege, I did pass out to 48 of my colleagues here on the floor the candy that was found on your desks. Only Senator Rinehart was excluded. She had the audacity to raise a point of scope and object and rained all over my parade, but thank you."

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Commerce and Labor was relieved of further consideration of Senate Bill No. 3980 and Senate Bill No. 4852.

On motion of Senator Shinpoch, Senate Bill No. 3980 and Senate Bill No. 4852 were referred to the Committee on Rules.

On motion of Senator Shinpoch, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 4773.

On motion of Senator Shinpoch, Senate Bill No. 4773 was referred to the Committee on Rules.

On motion of Senator Shinpoch, the Committee on Rules was relieved of further consideration of Senate Bill No. 4569.

On motion of Senator Shinpoch, Senate Bill No. 4569 was referred to the Committee on Ways and Means.

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

MESSAGE FROM THE HOUSE

February 1, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 35, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 35.

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

REPORTS OF STANDING COMMITTEES

January 31, 1984

SB 3240 Prime Sponsor, Senator Lee: Conforming lobbyist employer reporting requirements with lobbyist reporting requirements. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 3561 Prime Sponsor, Senator Vognild: Relating to unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 3561 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4329 Prime Sponsor, Senator McDermott: Providing for the management of the Milwaukee Road corridor. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4329 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4365 Prime Sponsor, Senator Talmadge: Prohibiting discrimination on the basis of sex or marital status in the business of insurance. Reported by Committee on Financial Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4365 be substituted therefor, and the substitute bill do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, McDonald, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4459 Prime Sponsor, Senator Fleming: Establishing requirements for protection of boxers. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4459 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4577 Prime Sponsor, Senator Shinpoch: Revising procedures on economic and revenue forecasting. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4577 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4709 Prime Sponsor, Senator Wojahn: Providing for plant closures and employee layoffs. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4709 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4710 Prime Sponsor, Senator Williams: Revising procedures for the disposition of archaeological materials from cairns or graves. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4710 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1984

SJM 130 Prime Sponsor, Senator Vognild: Petitioning Congress to consider the interstate transportation of alcohol, fireworks, and cigarettes. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Joint Memorial No. 130 be substituted therefor, and the substitute memorial do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MOTION

At 3:43 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, February 2, 1984.

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

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 2, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Haley, Rasmussen and Zimmerman. On motion of Senator Vognild, Senators Bauer and Rasmussen were excused. On motion of Senator Bluechel, Senators Haley and Zimmerman were excused.

The Sergeant at Arms Color Guard, consisting of Pages Mark McAtee and Emily Jones, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

January 31, 1984

SB 3769 Prime Sponsor, Senator Owen: Amending various provisions concerning state purchasing. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 3769 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 3778 Prime Sponsor, Senator Bauer: Revising the eligibility period for education for handicapped children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4106 Prime Sponsor, Senator McManus: Authorizing state contracts with independent colleges and universities for instructional services. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4106 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Benitz, Craswell, Guess, Hemstad, Hughes, Lee, McDermott, Warnke.

MINORITY recommendation: Do not pass. Signed by Senators Rinehart, Vice Chairman; Goltz, Patterson.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4390 Prime Sponsor, Senator Talmadge: Regulating waste water effluent discharge in inland marine waterways. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4390 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4484 Prime Sponsor, Senator Fleming: Creating the athletic health care and training council. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4484 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4537 Prime Sponsor, Senator McManus: Licensing mental health counselors. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4537 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman, Conner, Deccio, Moore.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4626 Prime Sponsor, Senator Goltz: Modifying the prohibition against ex parte communications in quasi-judicial land use proceedings. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4626 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4635 Prime Sponsor, Senator McCaslin: Modifying provisions relating to appraisals used by county assessors. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4635 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4649 Prime Sponsor, Senator Gaspard: Revising the laws regulating the organization of school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Lee, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senator Craswell.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4696 Prime Sponsor, Senator Lee: Establishing an equalized calculation formula for levies by certain school districts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4722 Prime Sponsor, Senator Thompson: Modifying the qualifications for the office of county sheriff. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4722 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4758 Prime Sponsor, Senator Woody: Authorizing small amounts of alcohol flavoring in candy. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4758 be substituted therefor, and the substitute bill do pass. Signed by Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4849 Prime Sponsor, Senator Hughes: Relating to international investment. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4849 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Shinpoch.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 1, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Hugh R. McGough reappointed January 23, 1984, for a term ending December 31, 1988, as a member of the Public Disclosure Commission.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Judiciary.

February 1, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Joe E. Thomas appointed January 12, 1984, for a term ending June 30, 1987, succeeding Dr. Meredith Ward as a member of the High-Technology Coordinating Board.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

February 1, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

Michael Kim Herman, GA 126, has resigned his appointment as a member of the Housing Finance Commission. I, therefore, withdraw my nomination and request for senate confirmation of his appointment.

Sincerely,
JOHN SPELLMAN, Governor

MOTIONS

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of Gubernatorial Appointment No. 126.

On motion of Senator Shinpoch, Gubernatorial Appointment No. 126, Michael Kim Herman, as a member of the Housing Finance Commission, was returned to the Governor.

MESSAGES FROM THE HOUSE

February 1, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083,
 SUBSTITUTE HOUSE BILL NO. 1163,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1169,
 SUBSTITUTE HOUSE BILL NO. 1177,
 SUBSTITUTE HOUSE BILL NO. 1270,
 SUBSTITUTE HOUSE BILL NO. 1279,
 SUBSTITUTE HOUSE BILL NO. 1334,
 ENGROSSED HOUSE BILL NO. 1369,
 SUBSTITUTE HOUSE BILL NO. 1418,
 SUBSTITUTE HOUSE BILL NO. 1439,
 HOUSE BILL NO. 1526,
 SUBSTITUTE HOUSE BILL NO. 1564, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 1, 1984

Mr. President:

The House has adopted:

HOUSE CONCURRENT RESOLUTION NO. 39, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

ESHB 1083 by Committee on Ways and Means (originally sponsored by Representative Grimm)

Establishing the state economic and revenue forecasting council

Referred to Committee on Ways and Means.

SHB 1163 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Pruitt, D. Nelson, Burns and Todd)

Prohibiting consumer credit charges on new transactions before the next billing cycle.

Referred to Committee on Financial Institutions.

ESHB 1169 by Committee on Commerce and Economic Development (originally sponsored by Representatives Appelwick, Halsan, Niemi, Armstrong, Brough, Burns and Powers)

Modifying requirements pertaining to contests of chance.

Referred to Committee on Commerce and Labor.

SHB 1177 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Dellwo, Lewis, Braddock, Fiske, McClure, Niemi and B. Williams)

Authorizing preferred provider arrangements for health insurance.

Referred to Committee on Social and Health Services.

SHB 1270 by Committee on Judiciary (originally sponsored by Representatives Todd, Crane, Schoon, Dellwo, Brough, Hine, Armstrong, Ebersole, Ellis, Heck, Garrett, Walk, R. King, Sayan, Appelwick, Charnley, Powers, Tanner, Belcher, Galloway, Haugen, McMullen, Barnes, Patrick, Locke, D. Nelson and Grimm)

Revising mobile home landlord-tenant act.

Referred to Committee on Judiciary.

SHB 1279 by Committee on State Government (originally sponsored by Representatives Niemi, Betrozoff, Belcher, Hankins, Silver, Braddock, Sanders, Holland, O'Brien and G. Nelson)

Exempting the state convention and trade center from civil service.

Referred to Committee on State Government.

SHB 1334 by Committee on Higher Education (originally sponsored by Representatives Powers, Fisher, Smitherman, Broback, Sayan, Johnson, Fisch, Schoon, Crane, Allen, Walk, Ebersole, Vekich, Burns, Gallagher, Wang, Kaiser, Todd, Zellinsky, Silver, Dellwo and Grimm)

Waiving community college fees for certain unemployed persons.

Referred to Committee on Education.

EHB 1369 by Representatives O'Brien, R. King, Sayan, Vekich, Silver, Schmidt, Prince, Niemi, Hankins, D. Nelson, Gallagher and Tanner

Creating a state medal of merit.

Referred to Committee on State Government.

SHB 1418 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Dickie, P. King and Long)

Prohibiting discriminatory practices by health maintenance organizations.

Referred to Committee on Financial Institutions.

SHB 1439 by Committee on Labor, (originally sponsored by Representatives Fisch, R. King, Barnes, Patrick, Dellwo, Fisher, Sayan and Long)

Modifying provisions relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

HB 1526 by Representatives Scott, Lewis, Kreidler, Wang and Isaacson (by Department of Social and Health Services request)

Modifying child placement and review hearings.

Referred to Committee on Social and Health Services.

SHB 1564 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kreidler, Wang, Garrett and Powers)

Regulating a continuation and conversion of insurance coverage.

Referred to Committee on Financial Institutions.

HCR 39 by Representatives Van Dyken, Moon, Hine, Brough, Haugen, Allen, Ebersole, Ballard, Todd, Van Luven, Charnley, Chandler, Smitherman, Broback, Garrett, Egger and Grimm

Establishing a joint select committee to review laws and policies related to community growth and development.

Referred to Committee on Local Government.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Brad Owen as a member of the Pacific Marine Fisheries Commission was confirmed.

APPOINTMENT OF BRAD OWEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Excused: Senators Bauer, Haley, Rasmussen, Zimmerman - 4.

MOTION

At 10:29 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:09 a.m.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Peterson, the appointment of Donald E. Kokjer as a member of the Marine Employees' Commission was confirmed.

APPOINTMENT OF DONALD E. KOKJER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Rasmussen - 1.

STATEMENT FOR THE JOURNAL

February 2, 1984

Because I became ill on January 28, and did not get back until February 2, I missed floor action and votes on many measures.

The particular illness was the combination of cold and flu which has reached epidemic proportions in Clark County.

Hal Zimmerman

SECOND READING

SENATE BILL NO. 4781, by Senators Bauer, Benitz, Gaspard, McDermott, Haley, Bottiger, Bluechel, Rasmussen, Shinpoch, Lee, Zimmerman, Fleming, Vognild, Goltz, Kiskaddon and Hemstad

Improving the quality of education.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4781 was substituted for Senate Bill No. 4781 and the substitute bill was placed on second reading and read the second time.

Senator Gaspard moved the following amendment be adopted:

On page 2, line 2, after "requirements" insert "or equivalencies"

Senator Pullen moved the following amendment to the Gaspard amendment:

Amend the Gaspard amendment to page 2, line 2, as follows: After "or" insert "semester or tri-semester"

Debate ensued.

MOTION

On motion of Senator Pullen, further consideration of the Pullen amendment to the Gaspard amendment was deferred.

MOTION

Senator Lee moved adoption of the following amendment:

On page 3, after line 24 insert the following:

"Sec. 4. Section 1, chapter 114, Laws of 1975-'76 2nd ex. sess. and RCW 28A.67.072 are each amended to read as follows:

Notwithstanding the provisions of RCW 28A.67.070 as now or hereafter amended, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first (~~year~~) two years of employment by such district:

PROVIDED, That after completion of two years provisional employment, if the employee leaves one school district in the state and commences employment with another district, the employee shall be deemed to be a provisional employee for one year. Employees as defined in this section shall hereinafter be referred to as "provisional employees."

In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.67.065, as now or hereafter amended.

Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after June 25, 1976. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.67.070, and chapter 28A.88 RCW, as now or hereafter amended."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

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

The Senate resumed consideration of the pending Pullen amendment to the Gaspard amendment.

There being no objection, Senator Pullen withdrew his amendment to the Gaspard amendment.

The President declared the question before the Senate to be adoption of the Gaspard amendment.

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

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell, Guess, Hemstad and Kiskaddon:

On page 2, beginning with line 1, strike all material through line 10 on page 3 and insert the following language:

(1) The state board of education shall establish high school graduation requirements for students intending to graduate during the 1988-89 school year and thereafter.

(2) In recognition of the authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall continuously reevaluate the graduation requirements and shall report such finding to the legislature in a timely manner as determined by the legislature or the state board.*

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell, Guess, Hemstad and Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 32; absent, 00; excused, 01.

Voting yea: Senators Barr, Clarke, Craswell, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, Metcalf, Owen, Pullen, Rinehart, Sellar, Williams, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Quigg, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 32.

Excused: Senator Rasmussen - 1.

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 1, 1984

SB 3432 Prime Sponsor, Senator Thompson: Modifying provisions relating to log patrols. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3432 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Quigg, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 3787 Prime Sponsor, Senator Owen: Relating to public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Bill No. 3787 be substituted therefor, and the substitute bill do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4108 Prime Sponsor, Senator Conner: Affecting provisions relating to the purchase, lease and sale of public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do Pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Shinpoch, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 1, 1984

- SB 4342 Prime Sponsor, Senator Vognild: Making an appropriation to the employment security department to implement its automation plan. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Deccio, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

February 1, 1984

- SB 4391 Prime Sponsor, Senator Peterson: Establishing public utility and transportation corridors. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4391 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Patterson.

Passed to Committee on Rules for second reading.

January 31, 1984

- SB 4407 Prime Sponsor, Senator Hurley: Modifying provisions relating to the compensation of school district administrators. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

- SB 4488 Prime Sponsor, Senator McManus: Establishing standards for operation of residential facilities for developmentally disadvantaged persons. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4488 be substituted therefor, without recommendation, and be referred to the Committee on Ways and Means. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon.

Referred to the Committee on Ways and Means.

February 1, 1984

- SB 4525 Prime Sponsor, Senator McDermott: Modifying provisions relating to business and occupation tax deductions for artistic or cultural organizations. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4525 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Deccio, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

- SB 4546 Prime Sponsor, Senator Warnke: Revising state regulations on the escrow business. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4546 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1984

- SB 4565 Prime Sponsor, Senator Bluechel: Providing for a study of acid rain. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4578 Prime Sponsor, Senator Rinehart: Revising certain boating safety provisions. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4578 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4678 Prime Sponsor, Senator Rinehart: Redefining site at which retail sale occurs. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Deccio, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4752 Prime Sponsor, Senators Bottiger: Modifying requirements for approval of plats. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Bill No. 4752 be substituted therefor, and the substitute bill do pass. Signed by Senators Thompson, Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4474 Prime Sponsor, Senator Hansen: Authorizing a study of ground water management. Reported by Committee on Agriculture

MAJORITY recommendation: That Substitute Senate Bill No. 4474 be substituted therefor, and the substitute bill do pass. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Newhouse.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4788 Prime Sponsor, Senator Woody: Authorizing the creation of habitat buffer zone to protect endangered and threatened species. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4788 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 1, 1984

SCR 146 Prime Sponsor, Senator Haley: Retaining "Seattle-Tacoma" in the renaming of the Seattle-Tacoma International Airport. Reported by Committee on Local Government

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 146 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 4350, by Senators McDermott, Zimmerman, Gaspard and Shinpoch (by Legislative Budget Committee request)

Deleting the requirement that LBC biennially report about educational clinics.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, at the beginning of line 6, strike all material through "repealed," on line 8, and insert "Sec. 1. Section 3, chapter 174, laws of 1979 ex. sess., section 8, chapter 87, laws of 1980 and RCW 28A.97.100 are each amended to read as follows: The legislative budget committee shall prepare a report to the legislature before each regular session during an odd numbered year, ~~((detailing the fiscal))~~ analyzing the effectiveness and cost impact of the several certified educational clinics receiving reimbursements from the state pursuant to the provisions of this chapter. The legislative budget committee shall require such clinics to furnish such information as it deems necessary to meet the requirement of this section. Included within the information to be reported by the legislative budget committee on each clinic shall be the following:

~~((1) The dollar amount of reimbursement received by the clinics from the state for each month available of the then current and past biennium.~~

~~((2) An analysis of))~~ the cost per student, student backgrounds, the progress ~~((they))~~ students have achieved, and comparisons with ~~((other))~~ educational and ~~((institutional))~~ other alternatives ~~((and))~~ encountered by dropouts.

~~((3) A statement which identifies the owners of the clinic, in the case of profit or nonprofit corporations the officers, directors, and shareholders of record as of the close of the corporation's fiscal year shall be furnished:))"~~

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

On page 1, line 3 of the title, after "and", strike "repealing", and insert "amending"

MOTIONS

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4350 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion Senator Zimmerman, Senator Clarke was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4350.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4350, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Clarke, Rasmussen - 2.

ENGROSSED SENATE BILL NO. 4350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4371, by Senators Talmadge, Newhouse, Hemstad and Hughes

Deleting the requirement that executory contracts for the sale of real property be recorded.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4371 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4371.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4371, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 03; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senators Quigg, Rinehart, Woody - 3.

Excused: Senators Clarke, Rasmussen - 2.

SENATE BILL NO. 4371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being on objection, the Senate resumed consideration of Substitute Senate Bill No. 4781, which was considered earlier today.

MOTION

Senator Craswell moved adoption of the following amendment by Senators Craswell and Hemstad:

On page 2, line 1, after "establish", insert: "public"

POINT OF INQUIRY

Senator Gaspard: "Senator Craswell, I need to understand your intention. Are you intending to set up two different types of graduation requirements, one for the public schools and a different one for the approved private schools?"

Senator Craswell: "What I'm attempting to do is to say that the statutory high school graduation requirements that will now be in law are intended for the public high schools. In the past, the state board has allowed flexibility in the required courses for the approved private schools and I think that the state board would still have the flexibility of establishing graduation requirements for the approved private schools."

Senator Gaspard: "It's my understanding that the state board now requires the sufficient units to meet the state board of education's graduation requirement. You don't think that would be changed with your amendment?"

Senator Craswell: "I don't know. It would still leave that up to the state board. That is not my intent to say that the state board can't insist on it."

POINT OF INQUIRY

Senator Bauer: "Mr. President, pursuing that questioning, Senator Craswell, you would have the state board set the graduation requirements for the public schools and the board of education set them for the private schools?"

Senator Craswell: "No, not exactly, we've already turned down the amendment that would allow the state board to set graduation requirements in public schools so that's already been established, if this bill passes--that the graduation requirements in public schools will be in the statutes, but what I'm trying to clarify is that for approved private schools, that will still be controlled by the state board of education, as it is now."

Debate ensued.

Senator Hemstad demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell and Hemstad.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted, the President voting "nay", by the following vote: Yeas, 23; nays, 23; absent, 01; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 23.

Absent: Senator Quigg - 1.

Excused: Senators Clarke, Rasmussen - 2.

MOTION

Senator Craswell moved adoption of the following amendment:

On page 3, line 30 after "establish" strike all material down to and including "procedure," on page 4, line 17 and insert "and publish minimum admissions requirement."

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Bauer, in your discussions with the universities on the requirement of two years of foreign language, did they say that they now require that or that it would be preferable to have that for admissions in the law? The question that I have is that I can't recall whether all of the four-year institutions do now have a required two years of foreign language, which is in a sense, is in conflict with the requirements for graduation out of high school, because there you have an elective situation requiring only one year of foreign language. I just don't want us to get our students in a position in high school of not taking the courses that would prepare them for admission into the four-year university."

Senator Bauer: "Thank you, Senator Patterson. Mr. President and members of the Senate, this recommendation is just exactly designed to do what you have indicated. We've got to give to our students a clear indication of what's expected of them at the various institutions--at whatever course of their life as they progress through high school and make it a change decision from one institution to the other. Now, just up until recently the University of Washington was the only one that required two years of foreign language. Within this last year, Eastern and Western both have put on a two-year requirement--just like that.

"Now, I'm not too sure that the Legislature should not be involved in setting some standards or some floors. If we don't, students progressing through the high school system could decide to go to the university and there's one requirement there and in their last year of high school, change their mind for whatever reason--counseling or whatever or finances and then decide to go to another institution that has altogether different requirements. They cannot get into that institution as a full-fledged freshman and they have to take bonehead remediation courses which are costly to everybody and to that student.

"All we're doing again is putting a floor as a legislative policy, a state policy, on admittance requirements and in every incidence here where we have floor entrance requirements that are consistent, at least, with the graduation requirements for a student pursuing a course leading to entrance in the college. Now, if you take a minimum of requirements in the high school for graduation, you don't have to take the two years of foreign language, but when I was counseling my eighth and ninth graders into high school programs, I brought the book out and I said, 'when you go to the University you've got to have two years of foreign language--when you go to Central, you don't.' The kids said, 'Well, I don't know where I want to go yet, what do you think I ought to do?' Well, I don't know what you ought to do. I don't understand why that if two years years of foreign language is an acceptable practice for expectation of a college graduate, why there can't be a floor to that and I don't know why we should have some universities in this state without those requirements. I do not want every university in this state to be alike and I want them to vary--and I also trust them. I really trust them, but I want the legislature to define some minimums--some floors, as legislative policy."

Senator Patterson: "I'm not disagreeing with what you are saying. I wanted to make sure that the young adult graduating from high school that in his elective process, it does give him an opportunity to elect. The final part of my question is have all of the four-year institutions agreed that they would want to have a minimum for admission of two years of foreign language? That is what it says."

Senator Bauer: "We are going to mandate that they have a basic two-year requirement for admission."

Senator Patterson: "And they agreed to that?"

Senator Bauer: "Well, at least the ones that have adopted have."

Further debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 29; absent, 02; excused, 02.

Voting yea: Senators Barr, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, McCaslin, Metcalf, Newhouse, Pullen, Sellar, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 29.

Absent: Senators Quigg, Williams - 2.

Excused: Senators Clarke, Rasmussen - 2.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 2, line 1, strike all of the material down to line 10, page 3 and insert: "There shall be four diplomas for high school graduation as follows: (1) This student is certified to enter any institution of higher education; (2) This student has completed our prescribed course of education; (3) This student has completed our vocational course in (blank); (4) This student has attended this high school for four years;"

Debate ensued.

There being no objection, Senator Metcalf withdrew the amendment.

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4781 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4781.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4781, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 33.

Voting nay: Senators Barr, Craswell, Guess, Haley, Kiskaddon, McCaslin, Metcalf, Owen, Pullen, Quigg, Rinehart, Zimmerman - 12.

Absent: Senators Deccio, Williams - 2.

Excused: Senators Clarke, Rasmussen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4395, by Senators Gaspard, Bauer, Lee, Rinehart, McDermott, McManus, Kiskaddon, Hurley, Peterson, Bender, Woody, Shinpoch, Conner, Wojahn and Bottiger

Providing programs to promote and achieve educational excellence.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4395 was substituted for Senate Bill No. 4395 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Kiskaddon, the following amendment by Senators Kiskaddon, Gaspard and Fleming was adopted on a rising vote:

On page 1, following line 12, insert a new section to read as follows:

"NEW SECTION. Sec. 1. The legislature finds that excellence in education can be defined as allowing every student the opportunity to pursue learning to his or her maximum potential. Such an opportunity should always be the goal of any educational institution. A key to obtaining excellence is a relationship of mutual respect between teacher and student. The legislature believes the educational system of this state should provide an opportunity for all children to participate in educational programs designed to motivate and encourage all children to pursue excellence throughout their course of education from preschool through college and through vocational preparation."

Renumber the remaining sections accordingly.

MOTION

Senator Kiskaddon moved that the following amendments be considered and adopted simultaneously:

On page 1, line 27, after "school" strike "shall" and insert "is encouraged to"

On page 2, line 3, after "accreditation." strike all material through "shall" on line 2 and insert "Schools are encouraged in conducting the self-study process to"

On page 2, line 18, after "self-study." strike "The self-study process shall be required" and insert "Schools are encouraged to conduct the self-study process"

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon failed and the amendments were not adopted by the following vote: Yeas, 20; nays, 26; absent, 01; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Craswell, Fuller, Guess, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Deccio - 1.

Excused: Senators Clarke, Rasmussen - 2.

MOTION

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch and Lee were considered and adopted simultaneously:

On page 4, line 24, after "excellence" insert "and the waiver is limited to those individual teachers approved in the local plan for educational excellence"

On page 7, line 16, after "excellence" insert "and the waiver is limited to those individual teachers approved in the local plan for educational excellence"

On page 8, line 3, after "excellence" insert "and the waiver is limited to those individual teachers approved in the local plan for educational excellence"

MOTION

On motion of Senator Kiskaddon, the following amendment by Senators Kiskaddon, Shinpoch and Lee was adopted:

On page 12, line 6, after "teachers," strike "in light of" and insert "for both current preparation standards and"

MOTIONS

Senator Shinpoch moved adoption of the following amendment by Senators Shinpoch and Woody:

On page 12, line 11, after "conditions." insert "The study shall compare teachers to public and private occupations on an hourly wage basis."

On motion of Senator Gaspard, the following amendment to the Shinpoch and Woody amendment was adopted:

Amend the amendment to page 23, line 11, as follows: After "occupations" strike the remainder of the sentence and insert "on both an hourly wage basis and on an annual salary basis."

The President declared the question before the Senate to be adoption of the Shinpoch and Woody amendment, as amended.

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

MOTION

Senator Craswell moved adoption of the following amendment:

On page 8, line 33, strike all of New Section 5 through line 3 on page 9 and renumber the remaining sections accordingly

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

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

MOTION

Senator Craswell moved adoption of the following amendment:

On page 9, line 4, strike all of New Section 6 through line 4 on page 10 and renumber the remaining sections accordingly

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Clarke, Rasmussen - 2.

MOTION

Senator Craswell moved adoption of the following amendment:

On page 12, beginning on line 5, strike all of New Section 11 and renumber the remaining sections accordingly

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Thank you, Mr. President. I guess I should ask Marc or one of the people on Ways and Means. The only question I have about the bill, and I believe I'm going to vote for it, is 'the implementation of section 2 through 9 of this act are each subject to funds being appropriated or available for such purpose or purposes' and I'm wondering what the fiscal note is on the bill--when will we face the realities of what we do from the standpoint of the dollars that will be made available?"

Senator Gaspard: "Senator Patterson, I worked very closely with the chairman of the Ways and Means Committee and we have identified what the fiscal impact will be and for the total package of what we have on the education excellence quality package--if you wish to call it that--would be about 2.4 million dollars, excluding the gifted education, which is right in the range of what the Governor had also recommended--within the range of what the House brought over and we certainly don't intend to bring bills out here and not fund them and when we have the supplemental budget we will be funding the packages that we have recommended.

"I would just also like to say 'thank you to the 3609 committee, thank you for the special commission that the WEA sponsored and their recommendation, thank you to the Governor, thank you to the SPI'--all these people made these suggestions to us and if you want to call all of those studies all a bunch of fluff, then call them fluff, because they're implemented in these packages."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4395.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4395, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Craswell, Deccio, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Owen, Pullen, Quigg - 11.

Absent: Senator Bluechel - 1.

Excused: Senators Clarke, Rasmussen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Social and Health Services was relieved of further consideration of House Bill No. 1526.

On motion of Senator Shinpoch, House Bill No. 1526 was referred to the Committee on Institutions.

On motion of Senator Shinpoch, Senate Bill No. 3813, which was on the second reading calendar, was referred to the Committee on Rules.

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

REPORTS OF STANDING COMMITTEES

February 2, 1984

SB 3223 Prime Sponsor, Senator Talmadge: Establishing the Antitrust/Consumer Protection Improvements Act. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 3223 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4275 Prime Sponsor, Senator Shinpoch: Changing provisions concerning the teachers' retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Bauer, Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4379 Prime Sponsor, Senator McManus: Adopting the dietetics practice act. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4379 be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4446 Prime Sponsor, Senator Shinpoch: Limiting liability on bulk transfers. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4446 be substituted therefor, and the substitute bill do pass and refer to Committee on Ways and Means. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Referred to Committee on Ways and Means.

January 31, 1984

SB 4461 Prime Sponsor, Senator Granlund: Prohibiting rebates for the referral of patients for the dispensing of hearing aids. Reported by Committee on Social and Health Services

MAJORITY recommendation: That Substitute Senate Bill No. 4461, be substituted therefor, and the substitute bill do pass. Signed by Senators McManus, Chairman; Conner, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4494 Prime Sponsor, Senator Vognild: Establishing the Washington state advisory council on international trade development. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4494 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hayner, Hughes, Lee, McDonald, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Hold.

February 2, 1984

SB 4498 Prime Sponsor, Senator Talmadge: Modifying provisions relating to public officials and agencies. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4498 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4541 Prime Sponsor, Senator Talmadge: Establishing provisions for relief from domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4541 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Hold.

February 2, 1984

SB 4612 Prime Sponsor, Senator Talmadge: Providing for legal defense of public officials. Reported by Committee on Judiciary

MAJORITY recommendation: That Substitute Senate Bill No. 4612 be substituted therefor, and the substitute bill do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4666 Prime Sponsor, Senator Rinehart: Providing for management of state park lands and restricting timber sales. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That Substitute Senate Bill No. 4666 be substituted therefor, and the substitute bill do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4738 Prime Sponsor, Senator Rasmussen: Authorizing election of additional precinct committeemen in large precincts. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4793 Prime Sponsor, Senator Haley: Returning the general speed limit on state highways to 60 mph. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4793 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Haley, Patterson, Vognild.

MINORITY recommendation: Do not pass. Signed by Senators Bender, Granlund, Guess.

Passed to Committee on Rules for second reading.

February 1, 1984

SB 4823 Prime Sponsor, Senator Warnke: Relating to urban area parks. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4823 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senators Lee, McDonald, Woody.

Passed to Committee on Rules for second reading.

February 1, 1984

SJM 129 Prime Sponsor, Senator Bottiger: Requesting federal restrictions on interstate transportation of dangerous fireworks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bill No. 4494 and Senate Bill No. 4541 were advanced to second reading and placed on the second reading calendar for tomorrow.

MOTION

At 3:24 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, February 3, 1984.

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

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 3, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Haley, Hemstad, Hughes, McDermott and Pullen.

The Sergeant at Arms Color Guard, consisting of Pages Bret Chatalas and Paul Chatalas, presented the Colors. Doctor Steve Hayner, Associate Pastor of University Presbyterian Church of Seattle, a guest of Senator Dan McDonald and the son of Senator Jeannette Hayner, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

January 19, 1984

SJM 122 Prime Sponsor, Senator Warnke: Petitioning Congress not to adopt a per capita limit on industrial revenue bonds. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

MINORITY recommendation: Do not pass. Signed by Senator Rasmussen, Vice Chairman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 2, 1984

Mr. President:

The House has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 761,

HOUSE BILL NO. 1219,

ENGROSSED HOUSE BILL NO. 1355,

ENGROSSED HOUSE BILL NO. 1509, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

E2SHB 761 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Tanner, Charnley and Wang)

Establishing procedures for late registration and special absentee ballots.

Referred to Committee on Judiciary.

HB 1219 by Representatives R. King, Allen, Fisher, Miller, Sayan, Brekke, Fisch, Burns, Lux, McMullen and D. Nelson

Establishing collective bargaining procedures for community college employees.

Referred to Committee on Education.

EHB 1355 by Representatives Niemi, Belcher, O'Brien, Johnson, Kreidler, Halsan and D. Nelson

Authorizing voluntary payroll deduction for political action committees by state employees.

Referred to Committee on State Government.

EHB 1509 by Representatives Tanner, L. Smith, J. King, Struthers, Heck, Sutherland, Galloway, Hastings, Appelwick, Hankins, O'Brien, Bond, Wang, Barnes, Armstrong, Betzoff, Jacobsen, Schmidt, Braddock, Walk, Schoon, D. Nelson, Kaiser, Sayan, Rust, Smitherman, Ballard, Monohon, Fisher, Gallagher, Locke, Powers, R. King, Burns, McMullen, Pruitt, Crane, Stratton, Egger, Dellwo, Zellinsky, Garrett, Sommers, Ellis, Scott, Belcher, Todd, Lux, Grimm, Isaacson, J. Williams, Brough, Dickie, C. Smith, Prince, Clayton, Van Loven, Patrick, Chandler, Fuhrman, Padden, Cantu, West, Vander Stoep, Barrett, Ebersole, Tilly, Allen, Long, Holland, B. Williams, Miller, Johnson and Silver

Authorizing a county tax on nonresidents of the state employed in the county.

Referred to Committee on Local Government.

MOTION

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

SECOND READING

SENATE BILL NO. 4469, by Senator Talmadge

Correcting a clerical error in statutes relating to polling places.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4469 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4469.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4469, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 05; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Guess, Haley, Hughes, McDermott, Pullen - 5.

SENATE BILL NO. 4469, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4304, by Senator Talmadge

Modifying the laws governing the redistricting commission.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4304 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Pullen was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4304.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4304, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Fleming, Haley, McDermott - 3.

Excused: Senator Pullen - 1.

SENATE BILL NO. 4304, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4291, by Senators Shinpoch, Zimmerman and McDermott (by Legislative Budget Committee request)

Repealing the veterans' loan insurance program.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended, Senate Bill No. 4291 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Haley was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4291.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4291, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Haley, Pullen - 2.

SENATE BILL NO. 4291, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4512, by Senators Gaspard, Bauer and Goltz (by Superintendent of Public Instruction request)

Providing an eighth grade assessment program and a program for career planning.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4512 was substituted for Senate Bill No. 4512 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the rules were suspended, Substitute Senate Bill No. 4512 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Craswell, recognizing your strong concern often expressed so far this session about local control in education, would it be your opinion and would you support a measure to repeal House Bill No. 166 that precludes local school districts from collective bargaining at the local level relating to salaries and fringe benefits for local employees? I know you have been expressing that concern about local control and clearly salaries and fringe benefits being a very important aspect of something that should be controlled at the local level, also, should be something that would be of concern to you."

Senator Craswell: "Senator Talmadge, you maybe didn't hear when I was talking yesterday about local control and in reference to--I believe it was Senator Bottiger's remarks about Reagan--and my response to him at that time had been that it is the function of the state to provide the funding, but not the direction for the curriculum, for the testing, or the ins and outs of teaching that we are attempting to do. Yes, we do have to provide the funding and I think that House Bill No. 166 was very important to insuring that that funding went to the teaching program and not to be totally eaten up in teachers' salaries. No, I still support 166."

Senator Talmadge: "But we should be a super school board with respect to collective bargaining with all the school employees all across the state, but not these other issues?"

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4512.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4512, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Kiskaddon, McCaslin, Rinehart - 4.

Excused: Senators Haley, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4776, by Senators Gaspard, Bauer, Lee and Hemstad

Creating the life skills test.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, beginning on line 27, strike all material through "act." on page 2, line 3.

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

On page 1, line 2 of the title, after "28A.03 RCW" strike all material through "appropriation" on line 3.

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4776 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4776.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4776, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Haley, Pullen - 2.

ENGROSSED SENATE BILL NO. 4776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4576, by Senators Gaspard, Lee, Bauer, Wojahn, Benitz, Hayner, Zimmerman, McManus, Williams, Hemstad, Conner and Kiskaddon (by Governor Spellman request)

Adopting the educational excellence act of 1984.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4576 was substituted for Senate Bill No. 4576 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Lee was adopted:

On page 3, line 21, strike all material down to and including "Constitution." on page 4, line 29, and insert the following:

NEW SECTION, Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Pursuant to rules and regulations adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing state-wide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by section 4 of this 1984 act.

NEW SECTION, Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such program jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules and regulations adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

NEW SECTION, Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed 3% of any district's full-time equivalent enrollment.

NEW SECTION, Sec. 5. The following acts or parts of acts are each repealed:

(1) Section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010;

(2) Section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; and

(3) Section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030."

Renumber the remaining sections accordingly.

MOTION

Senator Craswell moved adoption of the following amendment:

On page 4, line 30, strike all of NEW SECTION, Sec. 4 through line 1 on page 5

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 32; absent, 01; excused, 02.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Quigg, Sellar - 14.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Absent: Senator Hansen - 1.

Excused: Senators Haley, Pullen - 2.

MOTIONS

On motion of Senator Vognild, Senator Hansen was excused.

Senator Craswell moved adoption of the following amendment:

On page 5, line 21, strike all of NEW SECTION, Sec. 6 through line 4 on page 6

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Craswell.

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

MOTIONS

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

On page 7, line 5, after "sections" strike "4, 5, 6 and 7", and insert "6, 7, 8 and 9"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute Senate Bill No. 4576 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4576.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4576, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Craswell - 1.

Excused: Senators Haley, Hansen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4576, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4410, by Senators Gaspard, Bauer, Kiskaddon, Bender, Hughes, Shinpoch and Conner

Providing a state clearinghouse for education information.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 7, strike all material through "." on line 11.

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

On page 1, line 2 of the title, after "28A.03 RCW" strike all material through "appropriation" on line 3.

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4410 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, there are some of us on this floor that feel that educational service districts serve no good purpose and what you're telling us by proposing to pass this bill would indicate that the educational service districts are not doing the job by transmitting information both ways to the school districts and to the superintendents. I thought that was their purpose in life. We're spending a lot of money on them."

Senator Gaspard: "Educational service districts do this to a certain extent to the school districts within their service area, but this would allow it on a statewide basis, not just on the educational service district basis."

Debate ensued.

MOTION

On motion of Senator Bluechel, Senator Hemstad was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4410.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4410, and the bill passed the Senate by the following vote: Yeas, 30; nays, 15; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalfe, Newhouse, Quigg, Rasmussen, Sellar, von Reichbauer - 15.

Excused: Senators Haley, Hansen, Hemstad, Pullen - 4.

ENGROSSED SENATE BILL NO. 4410, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4415, by Senators Gaspard, Bauer, Kiskaddon, Bender, Hughes, Shinpoch and Conner

Providing for standardized high school transcripts and high school diplomas.

The bill was read the second time.

MOTIONS

Senator Gaspard moved the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) Transcripts are important documents to students who will apply for admission to post-secondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student

transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation."

Senator Metcalf moved the following amendment to the Committee on Education amendment be adopted:

On page 2 of the committee amendment, line 18, after "diploma." insert:

"(2) For students graduating after June 30, 1985 there shall be at least four types of diplomas which may be awarded to the student graduating from senior high school. School districts may offer other types of diplomas or certificates in addition to those listed here. For the purposes of this section, the term diploma shall include the different types of diplomas and certificates mentioned herein. The four types of diplomas are as follows: (a) A diploma which indicates that the student is certified to enter any institution of higher education; (b) A diploma which indicates that the student has completed the required education courses of that school district; (c) A certificate which indicates that the student has completed a course in vocational education; and (d) A certificate which indicates that the student has attended school for the required number of years."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Metcalf amendment to the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 10; nays, 33; absent, 02; excused, 04.

Voting yea: Senators Barr, Craswell, Fuller, Guess, Hayner, McCaslin, Metcalf, Moore, Quigg, Zimmerman - 10.

Voting nay: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogmlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 33.

Absent: Senators Deccio, Sellar - 2.

Excused: Senators Haley, Hansen, Hemstad, Pullen - 4.

STATEMENT FOR THE JOURNAL

February 3, 1984

While in a conference on impending legislation, I ran from the meeting to the floor and inadvertently voted "aye" on the amendment proposed by Senator Metcalf. I have consistently opposed his position on this issue and meant to vote "no."

Ray Moore

MOTION

Senator Metcalf moved the following amendments to the Committee on Education amendments be considered and adopted simultaneously:

On page 2 of the committee amendment, line 15 after "shall" strike "grant students the option of receiving" and insert "provide students graduating from high school with"

On page 2 of the committee amendment, line 19 starting with "(2)" strike all material down and including "graduation."

On page 1 of the committee amendment, line 30, after "employees." insert "It is further recognized that student transcripts are public records which should be available to prospective employers."

On page 2 of the committee amendment, line 1 after "transcripts" strike all material down to and including "employment" on line 5.

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Senator Gaspard, perhaps you can clarify for me the intent of the amendment without the adoption of the proposed amendment to the amendment. Who has the option—say a student is seeking employment and the employer wants to see his scholastic record, who has the option of determining whether the employer shall or shall not see that record?"

Senator Gaspard: "You're not speaking to Senator Metcalf's amendment, because the amendment that he's offering now does not deal with the employer having a right to see it. That is the next amendment that we will be taking."

Senator Clarke: "I'm asking for clarification, so that I may understand the amendment prior to the amendment."

Senator Gaspard: "You want to know what we are doing about confidentiality of the transcript?"

Senator Clarke: "Yes."

Senator Gaspard: "The transcript cannot be released under current law unless the student allows it to be released."

Senator Clarke: "In other words, from a practical standpoint the student has the right to request it, so an employer may tell a student 'before I decide upon whether I want to employ you or not, I'd like to see that record.' The student, then, can either say 'Yes, I'll get it for you' or 'No, I won't'—and that's the way the matter would stand without further amendment?"

Senator Gaspard: "That's true. That's current law."

The President declared the question before the Senate to be adoption of the Metcalf amendments to the Committee on Education amendment.

The motion by Senator Metcalf failed and the amendments to the Committee amendment were not adopted.

The President declared the question before the Senate to be adoption of the Committee on Education amendment.

The motion by Senator Gaspard carried and the Committee on Education amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "diplomas;" strike the remainder of the title and insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4415.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4415, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoeh, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf - 3.

Excused: Senators Haley, Hansen, Pullen - 3.

ENGROSSED SENATE BILL NO. 4415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4513, by Senators Clarke, Talmadge and Hemstad (by Secretary of State request)

Modifying provisions relating to corporations.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 7, beginning on line 23, after "guarantor" strike all material through "The" on line 24 and insert "corporation. As to the enforceability of the guarantee, the"

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

On page 33, after line 21, insert a new section to read as follows:

"NEW SECTION. Sec. 25. Any person who files a false statement, which he or she knows to be false, in the articles of incorporation or in any other materials required to be filed with the Secretary of State shall be guilty of a gross misdemeanor punishable under chapter 9A.20 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4513 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4513.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4513, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Haley, Hansen, Pullen - 3.

ENGROSSED SENATE BILL NO. 4513, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4559, by Senators Talmadge, Guess, Bottiger, Metcalf and Hemstad (by Governor Spellman and Secretary of State request)

Revising qualifying procedures for indigent candidates.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4559 was substituted for Senate Bill No. 4559 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4559 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4559.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4559, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Rinehart - 1.

Excused: Senators Haley, Hansen, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 4559, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4348, by Senator Vognil

Modifying provisions relating to class K liquor licenses.

The bill was read the second time.

MOTION

On motion of Senator Vognil, the rules were suspended, Senate Bill No. 4348 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4348.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4348, and the bill passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody - 42.

Voting nay: Senators Kiskaddon, Metcalf, Zimmerman - 3.

Absent: Senator Quigg - 1.

Excused: Senators Haley, Hansen, Pullen - 3.

SENATE BILL NO. 4348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4428, by Senators Owen and Fuller

Modifying the program to purchase fishing vessels and licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Owen, the rules were suspended, Senate Bill No. 4428 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senators Hayner and Quigg were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4428.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4428, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senator Rasmussen - 1.

Absent: Senator McManus - 1.

Excused: Senators Haley, Hansen, Hayner, Pullen, Quigg - 5.

SENATE BILL NO. 4428, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4794, by Senator Williams

Establishing the centennial partnership project.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4794 was substituted for Senate Bill No. 4794 and the substitute bill was placed on second reading and read the second time.

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

On page 3, line 30, after the word "gift" strike all language through "RCW," on line 31

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4794 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4469.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4794, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Haley, Hayner, Pullen, Quigg - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4794, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4361, by Senators Talmadge and Hemstad

Modifying provisions relating to emergency assistance.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator Zimmerman was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4361.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4361, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Excused: Senators Haley, Hayner, Pullen, Quigg, Zimmerman - 5.

SENATE BILL NO. 4361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Committee on Transportation was relieved of further consideration of Substitute Senate Bill No. 3740.

On motion of Senator Shinpoch, the rules were suspended and Substitute Senate Bill No. 3740 was placed on the second reading calendar.

On motion of Senator Shinpoch, Senate Bill No. 4310, which was on the second reading calendar, was referred to the Committee on Rules.

At 11:23 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 2, 1984

SB 4050 Prime Sponsor, Senator Peterson: Relating to transportation regulation. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill 4050 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 3, 1984

SB 4325 Prime Sponsor, Senator Wojahn: Modifying provisions relating to cigarette sales. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4325 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McDonald, Newhouse, Quigg, Williams.

MINORITY recommendation: Do not pass. Signed by Senator Moore.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4403 Prime Sponsor, Senator McDermott: Revising provisions relating to health care costs. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4403 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

January 31, 1984

SB 4561 Prime Sponsor, Senator Thompson: Modifying emergency service provisions. Reported by Committee on State Government

MAJORITY recommendation: That Substitute Senate Bill No. 4561 be substituted therefor, and the substitute bill do pass. Signed by Senators Warnke, Chairman, Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4574 Prime Sponsor, Senator Thompson: Requiring a decal for display on mobile homes in transit. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4574 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Patterson.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4706 Prime Sponsor, Senator Conner: Removing the Hood Canal bridge from the Puget Sound ferry system. Reported by Committee on Transportation

MAJORITY recommendation: That Substitute Senate Bill No. 4706 be substituted therefor, and the substitute bill do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Guess, Patterson.

Passed to Committee on Rules for second reading.

February 2, 1984

SHB 1146 Prime Sponsor, Committee on Transportation: Correcting obsolete references to agencies consolidated in the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Patterson.

Passed to Committee on Rules for second reading.

MOTION

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

SECOND READING

SENATE BILL NO. 4829, by Senators Vognild (by Emergency Commission on Economic Development request)

Relating to defining dislocated workers.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4829 was substituted for Senate Bill No. 4829 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Newhouse, the following amendment was adopted:
On page 1, line 26, after "is" insert "satisfactorily progressing"

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute Senate Bill No. 4829 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4829.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4829, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 07; excused, 03.

Voting yeas: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Bender, Bluechel, Conner, Fleming, Granlund, Hughes, Williams - 7.

Excused: Senators Haley, Pullen, Guigg - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4326, by Senators Vognild, Newhouse and Hemstad (by Employment Security Department request)

Re-defining the permissible political activities in which employment security department employees may engage.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4326 was substituted for Senate Bill No. 4326 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4326 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4326.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4326, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bender, Conner, Fleming, McDermott - 4.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4326, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4332, by Senators Moore, Warnke and Sellar (by Public Deposit Protection Commission request)

Modifying provisions relating to public depositaries.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4332 was substituted for Senate Bill No. 4332 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4332 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4332.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4332, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bauer, Bender, Conner, Fleming - 4.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4443, by Senators Bottiger, Gaspard and Shinpoch

Providing procedures for extinguishing claims to mineral interests.

MOTIONS

On motion of Senator Owen, Substitute Senate Bill No. 4443 was substituted for Senate Bill No. 4443 and the substitute bill was placed on second reading and read the second time.

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

On page 4, line 31, after "entity" insert "or mineral interests resulting from land exchanges between public and private owners"

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 4443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4443.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4443, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hayner, Kiskaddon, McCaslin, McDonald, Quigg, Rasmussen, Sellar, von Reichbauer, Warnke - 15.

Absent: Senators Fleming, Williams - 2.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4302, by Senators McManus and Moore

Modifying the practice of pharmacy.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4302 was substituted for Senate Bill No. 4302 and the substitute bill was placed on second reading and read the second time.

Senator McManus moved adoption of the following amendment:

On page 9, on line 21, after "(1)" insert "A shopkeeper selling six or fewer nonprescription drugs may sell these drugs without registering or paying any fee, if such drugs are sold in the original package of the manufacturer.

(2)

POINT OF INQUIRY

Senator Haley: "Senator McManus, would this amendment require that shopkeepers be registered even if they have six or fewer over the counter drugs to sell?"

Senator McManus: "As I understand it, Senator Haley, it would mean that they would be exempted from being registered, so they would not be registered."

The President declared the question before the Senate to be adoption of the amendment by Senator McManus.

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

MOTIONS

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

On page 9, on line 24, strike "(2)" and insert "((2)) (3)"

Senator McManus moved adoption of the following amendment:
On page 9, on line 27, after "shopkeeper" insert "through the master license system"

POINT OF INQUIRY

Senator Haley: "Senator McManus, is this the amendment that requires shopkeepers registering even though they may have more than six over the counter drugs to dispense--to sell?"

Senator McManus: "As I understand, it is, Senator."

Senator McManus demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McManus.

ROLL CALL

The Secretary called the roll and the motion by Senator McManus carried and the amendment, the President voting "aye", was adopted by the following vote: Yeas, 24; nays, 24; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Granlund, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Owen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 24.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Melcalf, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman - 24.

Excused: Senator Pullen - 1.

MOTIONS

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

On page 9, on line 33, after "the" strike "~~((master license))~~" and insert "master license"

On page 9, on line 36, after "fee" strike everything through "RCW:" and insert "and the master license delinquency fee under chapter 19.02 RCW(:"

On page 10, on line 5, strike "(3)" and insert "~~((3))~~ (4)"

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

On page 17, after line 22, insert the following:

"Sec. 14. Section 19, chapter 90, Laws of 1979 as amended by section 3, chapter 147, Laws of 1981 and RCW 18.64.255 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have ~~((obtained a license))~~ complied with the provisions of RCW 18.64.044 and 18.64.047."

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTIONS

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

On page 17, line 26 after "~~((1984))~~" strike "1994" and insert "1986"

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

On page 17, line 30 after "~~((1985))~~" strike "1995" and insert "1987"

Senator Haley moved adoption of the following amendment by Senators Haley and Kiskaddon:

On page 9, after line 17, strike everything down through "offense." on page 10, on line 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 4302, as amended, was deferred.

SECOND READING

SENATE BILL NO. 4373, by Senators McManus, Deccio, Wojahn, Conner, Sellar, Bottiger and Woody

Revising child support laws.

MOTIONS

On motion of Senator Wojahn, Substitute Senate Bill No. 4373 was substituted for Senate Bill No. 4373 and the substitute bill was placed on second reading and read the second time.

Senator Wojahn moved adoption of the following amendment by Senators Wojahn, McManus, Talmadge, Sellar, Deccio, Woody, Conner and Bottiger:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is an urgent need for a comprehensive system for establishing and enforcing child support obligations, and that stronger and more efficient statutory remedies need to be established to supplement and complement the remedies provided in chapters 26.09, 26.21, 26.26, 74.20, and 74.20A RCW.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) "Obligee" means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) "Obligor" means the person owing a duty of support.

(5) "Support order" means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

NEW SECTION. Sec. 3. (1) The remedies provided in this chapter are in addition to, and not in substitution for, any other remedies provided by law.

(2) This chapter applies to any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

(3) This chapter shall be liberally construed to assure that all dependent children are adequately supported.

NEW SECTION. Sec. 4. (1) A proceeding to enforce a duty of support is commenced:

(a) By filing a petition for an original action; or

(b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any agency providing care or support to the dependent child. A filing fee shall not be assessed in cases brought on behalf of the state of Washington.

(3) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child have been satisfied.

NEW SECTION. Sec. 5. (1) A petition or motion may be filed without notice under section 4 of this act to initiate a contempt action if an obligor fails to comply with a support order. If the court finds there is reasonable cause to believe the obligor has failed to comply with a support

order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

(2) Service of the order to show cause shall be by personal service, or in the manner provided in the civil rules of superior court or applicable statute.

(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.

(4) If the court finds, after hearing, that the obligor failed to comply with the support order previously entered and that the obligor has not established that he or she was unable to comply with the order, the court shall find the obligor in contempt of court. Contempt under this section is punishable by imprisonment in the county jail for a term of up to one hundred eighty days. The court may suspend all or a part of the sentence upon terms that are reasonably likely to result in compliance with the support order.

(5) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order.

NEW SECTION. Sec. 6. (1) Every court order or decree establishing a child support obligation or duty of support shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee may seek a mandatory wage assignment without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order.

(2) If the support order under which the obligor owes the duty of support is not in compliance with subsection (1) of this section or if the obligee cannot show that the obligor has approved or received a copy of the court order or decree that complies with subsection (1) of this section, then notice shall be provided to the obligor at least fifteen days prior to the obligee seeking a mandatory wage assignment. The notice shall state that, if a child support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee may seek a mandatory wage assignment without further notice to the obligor. Service of the notice shall be by personal service, or by any form of mail requiring a return receipt. The notice requirement under this subsection is not jurisdictional.

NEW SECTION. Sec. 7. (1) A petition or motion seeking a mandatory wage assignment in an action under section 4 of this act may be filed by an obligee if the obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the wage assignment order, including:

(a) That the obligor, stating his or her name and residence, is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month;

(b) A description of the terms of the support order requiring payment of support, and the amount past due;

(c) The name and address of the obligor's employer;

(d) That notice has been provided to the obligor as required by section 6 of this act; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source and, if the obligee has received public assistance, that the department of social and health services has been notified in writing of the pending action.

(2) If the court in which a mandatory wage assignment is sought does not already have a copy of the support order in the court file, then the obligee shall attach a copy of the support order to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 8. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 7 of this act, the court shall issue a wage assignment order, as provided in section 10 of this act and including the information required in section 9(1) of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 12 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 9. (1) The wage assignment order in section 8 of this act shall include:

(a) The maximum amount of current support, if any, to be withheld from the obligor's earnings each month, or from each earnings disbursement; and

(b) The total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the obligor's earnings each month, or from each earnings disbursement, shall not exceed fifty percent of the disposable earnings of the obligor. If the amounts to be paid toward the arrearage are specified in the support order, then the maximum amount to be withheld is the sum of the current support ordered and the amount ordered to be paid toward the arrearage, or fifty percent of the disposable earnings of the obligor, whichever is less.

(3) The provisions of RCW 7.33.280 do not apply to wage assignments for child support authorized under this chapter, but fifty percent of the disposable earnings of the obligor are exempt, and may be disbursed to the obligor.

(4) If an obligor is subject to two or more attachments for child support on account of different obligees, the employer shall, if the nonexempt portion of the obligor's earnings is not sufficient to respond fully to all the attachments, apportion the obligor's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the obligor's nonexempt disposable earnings upon notice to all interested obligees. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION, Sec. 10. The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF

Obligee vs. Obligor Employer THE STATE OF WASHINGTON TO: AND TO: No. WAGE ASSIGNMENT ORDER Employer Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is dollars, the amount of arrearage payments specified in the support order (if applicable) is dollars per and the amount of the current and continuing support obligation under the support order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

- (1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of: (a) The sum of the accrued support debt and the current support obligation; (b) The sum of the specified arrearage payment amount and the current support obligation; or (c) Fifty percent of the disposable earnings of the obligor. (2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. You shall promptly notify the court if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the clerk of the court that issued this wage assignment order at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S CLAIMED SUPPORT DEBT TO THE OBLIGEE OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS day of 19

Obligee, or obligee's attorney

Judge/Court Commissioner

NEW SECTION. Sec. 11. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the clerk of the court that issued the wage assignment order at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. The employer shall promptly notify the court when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 9 of this act. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the superior court clerk; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the superior court clerk, if the payment includes a listing of the amounts attributable to each employee and other information as required by the clerk.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 12. The answer of the employer shall be made on forms, served on the employer with the wage assignment order, substantially as follows:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

.....	No.
Obligee	
vs.	ANSWER
.....	TO WAGE
Obligor	ASSIGNMENT ORDER
.....	
Employer	

1. At the time of the service of the wage assignment order on the employer, was the above-named obligor employed by or receiving earnings from the employer?

Yes No (check one).

2. Are there any other attachments for child support currently in effect against the obligor?

Yes No (check one).

3. If the answer to question one is yes and the employer cannot comply with the wage assignment order, provide an explanation:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

.....
Signature of employer

.....
Date and place

.....
Signature of person
answering for employer

.....
Address for future notice
to employer

.....
Connection with employer

NEW SECTION. Sec. 13. (1) Service of the wage assignment order on the employer is invalid unless it is served with four answer forms in substantial conformance with section 12 of this act.

together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney or the obligee, and the obligor. The obligee shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the obligee shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 14. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

NEW SECTION. Sec. 15. (1) In any action to enforce a support order under Title 26 RCW, the court may, in its discretion, order a parent obligated to pay support for a minor child to post a bond or other security with the court. The bond or other security shall be in the amount of support due for a two-year period. The bond or other security is subject to approval by the court. The bond shall include the name and address of the issuer. If the bond is canceled, any person issuing a bond under this section shall notify the court and the person entitled to receive payment under the order.

(2) If the parent obligated to pay support fails to make payments as required under the court order, the person entitled to receive payment may recover on the bond or other security in the existing proceeding. The court may, after notice and hearing, increase the amount of the bond or other security. Failure to comply with the court's order to obtain and maintain a bond or other security may be treated as contempt of court.

Sec. 16. Section 1, chapter 10, Laws of 1982 and RCW 6.12.100 are each amended to read as follows:

The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral a mobile home located on the premises or mortgages on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, including as a joint case under 11 U.S.C. Sec. 302, and (b) the other spouse exempts property from property of the estate under the federal exemption provisions of 11 U.S.C. Sec. 522(b)(1);

(4) On debts arising from a court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 17. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of twenty thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, ~~(and)~~ exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, exclusive of debts arising out of a court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

NEW SECTION. Sec. 18. There is added to chapter 26.09 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.____ RCW (sections 1 through 15, 21, and 22 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 19. There is added to chapter 26.21 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.____ RCW (sections 1 through 15, 21, and 22 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 20. There is added to chapter 26.26 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.____ RCW (sections 1 through 15, 21, and 22 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 21. Nothing in this chapter limits the authority of the attorney general or prosecuting attorney to use any and all civil and criminal remedies to enforce child support obligations regardless of whether or not the custodial parent receives public assistance payments.

NEW SECTION. Sec. 22. In any action to enforce a support order under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorney fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

Sec. 23. Section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030 are each amended to read as follows:

(1) ~~(Every)~~ Any person who:(

(a)) ~~has~~ has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it(~~-or~~) is guilty of the crime of family abandonment.

~~((b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or stepchild or children or stepchildren or ward or wards: PROVIDED, That with regard to stepchildren the obligation shall cease upon termination of the relationship of husband and wife; or~~

~~(c) Has sufficient ability to provide for support of such person's spouse or is able to earn the means for such person's spouse support and wilfully abandons and leaves such person's spouse in a destitute condition; or who refuses or neglects to provide such person's spouse with necessary food, clothing, shelter, or medical attendance, unless the abandonment is justified by misconduct of the abandoned spouse, shall be guilty of the crime of family desertion or nonsupport.~~

~~(2) When children are involved under the age of sixteen years, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment.~~

~~(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment.)~~

(2) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 24. There is added to chapter 26.20 RCW a new section to read as follows:

(1) Any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,
is guilty of the crime of family nonsupport.

(2) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

Sec. 25. Section 3, chapter 28, Laws of 1913 as amended by section 36, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.080 are each amended to read as follows:

Proof of the ~~((abandonment or))~~ nonsupport of a spouse~~((:))~~ or ~~((the desertion))~~ of a child or children, ~~((ward or wards;))~~ or the omission to furnish necessary food, clothing, shelter, or medical attendance for a spouse, or for a child or children, ~~((ward or wards;))~~ is prima facie evidence that ~~((such abandonment or))~~ the nonsupport~~((:))~~ or omission to furnish food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 ~~((as now or hereafter amended))~~ and section 24 of this 1984 act are applicable ~~((whether the parents of such child or children are married or divorced and regardless of any decree made in said divorce action relative to alimony or to the support of the spouse or child or children))~~ regardless of the marital status of the person who has a child dependent upon him or her, and regardless of the nonexistence of any decree requiring payment of support or maintenance.

Sec. 26. Section 5, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.040 are each amended to read as follows:

A man is presumed to be the natural father of a child if:

(1) He and the child's natural mother are or have been married to each other and the child is born during the marriage, or within three hundred days after the marriage is terminated by death, annulment, declaration of invalidity, divorce, or dissolution, or after a decree of separation is entered by a court;

(2) Before the child's birth, he and the child's natural mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and the child is born within three hundred days after the termination of cohabitation;

~~(3) ((After the child's birth, he and the child's natural mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and~~

~~(a))~~ He has acknowledged his paternity of the child in writing filed with the registrar of vital statistics~~((:))~~;

~~((b))~~ (4) With his consent, he is named as the child's father on the child's birth certificate~~((: or))~~;

~~((c))~~ (5) He is obligated to support the child under a written voluntary promise or by court order;

~~((d))~~ (6) While the child is under the age of majority, he receives the child into his home and openly holds out the child as his child; or

~~((e))~~ (7) He acknowledges his paternity of the child in a writing filed with the registrar of vital statistics, who shall promptly inform the mother of the filing of the acknowledgment, and she does not dispute the acknowledgment within a reasonable time after being informed thereof, in a writing filed with the registrar of vital statistics. If another man is presumed under any of subsections 1)(, (2), (3), or (4)) through (6) of this section to be the child's father, ~~((such))~~ this acknowledgment shall give rise to the presumption of paternity only with the written consent of the otherwise presumed father or after such other presumption has been rebutted.

In an action to declare the nonexistence of a father and child relationship, a presumption under this section may be rebutted ((in an appropriate action)) only by clear, cogent, and convincing evidence. ((If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls;)) In an action to establish that another man is the natural father of a child, a presumption under this section may be rebutted by a preponderance of the evidence, whether or not the presumed father is a party to the action. The presumption is rebutted by a court decree establishing paternity of the child by another man.

Sec. 27. Section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.090 are each amended to read as follows:

(1) The child shall be made a party to the action. If the child is a minor, the child shall be represented by the child's general guardian or a guardian ad litem appointed by the court subject to RCW 74.20.310. The child's mother or father may not represent the child as guardian or otherwise. The natural mother~~((each man presumed to be the father under RCW 26.26.040;))~~ and ~~((each))~~ a man or men alleged to be the natural father~~((:))~~ shall be made parties ~~((or, if not subject to the jurisdiction of the court;)).~~ If a man presumed to be the father under RCW 26.26.040 is not joined as a party, he shall be given actual notice of the action (in a manner prescribed by the court) if possible and an opportunity to be heard. ((The court may align the parties;))

(2) Any party may cause to be joined as additional parties other men alleged to be the father of the child or any other person necessary for a full adjudication of the issues.

(3) The failure or inability to join as a party an alleged or presumed father does not deprive the court of jurisdiction to adjudicate some or all of the issues based on the evidence and parties available to it.

(4) If more than one party is alleged to be the father of the child, the default of a party shall not preclude the court from finding any other party to be the father of the child.

Sec. 28. Section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.100 are each amended to read as follows:

(1) The court may, and upon request of a party shall, require the child, mother, and ((a presumed or)) any alleged father who has been made a party to submit to blood tests. If an alleged father objects to a proposed order requiring him to submit to paternity blood tests, the court may require the party making the allegation of possible paternity to provide sworn testimony, by affidavit or otherwise, stating the facts upon which the allegation is based. The court shall order blood tests if it appears that a reasonable possibility exists that the requisite sexual contact occurred.

(2) The tests shall be performed by an expert in paternity blood testing appointed by the court. The expert's verified report identifying the blood characteristics observed is admissible in evidence in any hearing or trial in the parentage action, if the report is accompanied by an affidavit from the expert which describes the expert's qualifications as an expert and analyzes and interprets the results. Verified documentation of the chain of custody of the blood samples tested is admissible to establish the chain of custody. The court may consider published sources as aids to interpretation of the test results.

((2)) (3) The court, upon ((reasonable)) request by a party, shall order that additional blood tests be performed by the same or other experts qualified in paternity blood testing, if the party requesting additional tests advances the full costs of the additional testing within a reasonable time. The court may order additional testing without requiring that the requesting party advance the costs only if another party agrees to advance the costs or if the court finds, after hearing, that (a) the requesting party is indigent, and (b) the laboratory performing the initial tests recommends additional testing or there is substantial evidence to support a finding as to paternity contrary to the initial blood test results. The court may later order any other party to reimburse the party who advanced the costs of additional testing for all or a portion of the costs.

((3)) (4) In all cases, the court shall determine the number and qualifications of the experts.

Sec. 29. Section 12, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.110 are each amended to read as follows:

Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) An expert's opinion concerning the impossibility or the statistical probability of the alleged father's paternity based upon blood test results((weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity));

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) All other evidence relevant to the issue of paternity of the child.

Sec. 30. Section 13, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.120 are each amended to read as follows:

(1) An action under this chapter is a civil action governed by the rules of civil procedure((s)). The mother of the child and the alleged father are competent to testify and may be compelled to testify.

(2) Upon refusal of any witness, including a party, to testify under oath or produce evidence of any other kind on the ground that ((he)) the witness may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, ((he)) the witness would have been privileged to withhold the answer given or the evidence produced ((by him)), the witness may not refuse to comply with the order on the basis of ((his)) the privilege against self-incrimination; but ((he)) the witness shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which ((he)) the witness has been ordered to testify pursuant to this section. ((He)) The witness may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the court.

(3) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

(4) In an action against an alleged father, evidence offered by ~~((him)) the alleged father~~ with respect to a man who ~~((is not subject to the jurisdiction of the court)) has not been joined as a party~~ concerning ~~((his)) the nonparty's~~ sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if ~~((he)) the nonparty~~ has undergone and made available to the court blood tests, including the human leukocyte antigen (HLA) test or other tests of comparable exclusionary power, the results of which do not exclude the possibility of ((his)) the nonparty's paternity of the child. ((A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action:))

(5) The trial shall be by the court without a jury.

Sec. 31. Section 15, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.140 are each amended to read as follows:

The court may order reasonable fees of ~~((counsel:)) experts(:)~~ and the child's guardian ad litem, and other costs of the action, including blood test(s) costs, to be paid by the parties in proportions and at times determined by the court. The court may order that all or a portion of a party's attorney's fees be paid by another party, except that no attorney's fees may be assessed against the state or any of its agencies or representatives.

Sec. 32. Section 5, chapter 322, Laws of 1959 as last amended by section 20, chapter 201, Laws of 1982 and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

~~((The department shall collect data from cases of support under RCW 74.20-270 where there is no court-ordered support obligation. Such data shall include: income characteristics of those obligated to pay support, obligation established, and resulting payments. The department shall report its findings to the appropriate legislative committees by January 1, 1983. The department shall reconsider its administrative standards under RCW 74.20-270 in light of relevant data and shall, to the extent feasible without substantial impact on aid to families with dependent children, bring those standards into conformity with payment standards based on actual experience:))~~

(2) The secretary may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Applications accepted under this section may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said person for whom a support obligation exists.

(3) The secretary may ~~((charge)) collect a fee from the person obligated to pay support~~ to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be ~~((agreed on in writing with the custodian or guardian of the person for whom a support obligation is owed, or that person if no custodian or guardian exists and shall be))~~ limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to ~~((all applicants for support enforcement services))~~ any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee.

~~((4) ((The secretary may impose a fee on the individual who owes a child support or spousal support obligation with respect to all such child and spousal support obligations for which collection is made on behalf of persons who are not recipients of public assistance:))~~

Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

(5) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

NEW SECTION. Sec. 33. A joint legislative committee on child support is hereby created. The committee shall be composed of eleven legislative members, five to be appointed by the speaker of the house of representatives and five to be appointed by the president of the senate. Three of the members from each house shall be from the majority party and two from the minority party. The eleventh member shall be a member of the public and shall be appointed

by a majority of the legislative committee members. The nonlegislative member of the joint committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060 for travel expenses incurred while attending official meetings of the committee. The legislative members shall be reimbursed for travel expenses under RCW 44.04.120.

NEW SECTION. Sec. 34. The joint committee on child support shall examine, investigate, and study the operation of the state's child support system. The primary purpose of the study shall be to determine the system's success in securing support and parental involvement both for children who are eligible for aid under Part A of Title IV of the Social Security Act and children who are not eligible for the aid. The joint committee shall give particular attention to the recommendations which were made at the October 1983 legislative conference on child support and paternity.

NEW SECTION. Sec. 35. The joint committee shall submit to the social and health services committees of the house of representatives and the senate and make available to the public, no later than October 1, 1985, a report of its findings and recommendations:

NEW SECTION. Sec. 36. Sections 1 through 15, 21, and 22 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 37. Sections 33 through 35 of this act shall expire on December 31, 1986.

NEW SECTION. Sec. 38. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 39. Section 2, chapter 28, Laws of 1913, section 1, chapter 297, Laws of 1927, section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050 are each repealed.

NEW SECTION. Sec. 40. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

MOTION

Senator Owen moved the following amendment to the Wojahn amendment:

On page 13, after line 28, insert the following:

*Sec. 22. Section 16, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.160 are each amended to read as follows:

(1) If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended (~~(-but he may move the court to grant an appropriate order)~~ except, upon motion and after hearing, the court may order the suspension of the payment of child support to a custodial parent required by a court order if visitation is not allowed by the custodial parent in compliance with the court order under the following conditions:

(a) The custodial parent is served with a motion and order to show cause setting a hearing, not less than ten days after service of the motion and order, and requiring the custodial parent to appear and show cause why an order suspending support payments should not be entered in accordance with this section;

(b) The obligor parent is current in the child support obligation;

(c) The obligor parent continues to make full child support payments to the clerk of the court, to be held in trust; and

(d) The child support obligation is not assigned to the state under RCW 74.20.330.

(2) It is a defense to a suspension of child support sought under this section that visitation by the obligor parent would endanger a child's physical, mental, or emotional health.

(3) At any time after the entry of an order suspending support payments under this section, the custodial parent may petition the court for relief from the suspension order. The court shall grant relief from the suspension order, release the support payments held in trust to the custodial parent, and reinstate the original child support order, if the custodial parent demonstrates compliance with the visitation order and gives adequate assurances of continuing compliance, or proves existence of a violation of one of the conditions set forth above.

(4) If relief is not granted from the suspension order within one year of entry, the court may, upon motion of a party, enter an appropriate order disposing of the support moneys held in trust, which may include the release of the moneys to the obligor and relief of the future obligation to pay support.*

Renumber the remaining sections consecutively and correct internal references accordingly.

Debate ensued.

Senator Owen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Owen amendment to the Wojahn amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried and the amendment to the amendment was adopted by the following vote: Yeas, 29; nays, 18; absent, 01; excused, 01.

Voting yea: Senators Barr, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McManus, Metcalf, Moore, Owen, Peterson, Quigg, Rasmussen, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Woody - 29.

Voting nay: Senators Bauer, Benitz, Bluechel, Fleming, Guess, Haley, Hayner, Hurley, McCaslin, McDermott, McDonald, Patterson, Rinehart, Sellar, Talmadge, Williams, Wojahn, Zimmerman - 18.

Absent: Senator Newhouse - 1.

Excused: Senator Pullen - 1.

MOTIONS

On motion of Senator Owen, the following amendment to the Wojahn amendment was adopted:

On page 3, line 25 of the striking amendment, after "support" insert "or visitation"

Senator Vognild moved the following amendments to the Wojahn amendment be considered and adopted simultaneously:

On page 11, line 26, after "~~decree~~" strike "or administrative order"

On page 12, line 10, after "~~decree~~" strike "or administrative order"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Vognild to the Wojahn amendment.

The motion by Senator Vognild failed and the amendments to the amendment were not adopted.

The President declared the question before the Senate to be adoption of the Wojahn amendment, as amended.

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

MOTIONS

On motion of Senator McManus, the following title amendments were adopted:

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending section 1, chapter 10, Laws of 1982 and RCW 6.12.100; amending section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010; amending section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030; amending section 3, chapter 28, Laws of 1913 as amended by section 36, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.080; amending section 5, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.040; amending section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.090; amending section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.100; amending section 12, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.110; amending section 13, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.120; amending section 15, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.140; amending section 5, chapter 322, Laws of 1959 as last amended by section 20, chapter 201, Laws of 1982 and RCW 74.20.040; adding a new chapter to Title 26 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.20 RCW; adding a new section to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing section 2, chapter 28, Laws of 1913, section 1, chapter 297, Laws of 1927, section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050; prescribing penalties; providing an expiration date; and declaring an emergency."

On page 1, line 5 of the title, after "11.52.010;" insert "amending section 16, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.160;"

On motion of Senator Talmadge, the rules were suspended. Engrossed Substitute Senate Bill No. 4373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4373.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4373, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator von Reichbauer - 1.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4639, by Senators McManus, Deccio, Moore, Wojahn, Granlund and Craswell

Establishing the joint select legislative committee on child protective services.

The bill was read the second time.

MOTIONS

On motion of Senator McManus, the following Committee on Social and Health Services amendment was adopted:

On page 1, line 20, after "of" insert "the"

On motion of Senator McManus, the following Committee on Social and Health Services amendment was adopted:

On page 1, line 21, after "services" insert "system"

On motion of Senator McManus, the following Committee on Social and Health Services amendment was adopted:

On page 2, line 15 and 16, strike "one hundred fifty" and insert "forty-five"

On motion of Senator McManus, the rules were suspended, Engrossed Senate Bill No. 4639 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Talmadge: "Senator Bottiger, there's a specific provision in this bill that accords to this joint select committee the power to subpoena a witness. I wanted a clarification from you as majority leader that it is your understanding of this bill that the powers to subpoena witnesses would be subject to the joint rules of this legislature and subject to the rules of the Senate."

Senator Bottiger: "Senator Talmadge, that is my understanding that it would be the direction that I would give and if I thought any otherwise, that section would come out of there."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4639.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4639, and the bill passed the Senate by the following vote: Yeas, 45; nays, 03; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Granlund, McDermott, Talmadge - 3.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 4639, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4730, by Senators Woody, Lee, Rinehart, Hayner, Wojahn, Hurley and Hemstad

Requiring the extension of health insurance coverage in child support orders under certain circumstances.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4730 was substituted for Senate Bill No. 4730 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 4730 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4730.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4730, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4730, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4303, by Senators McManus, Woody, Wojahn, Bender, Gaspard and Bauer

Requiring the person owing child support to pay certain fees if DSHS collects the support.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4303 was substituted for Senate Bill No. 4303 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 12, after "to" strike "establish or" and insert "~~((establish or))~~"

On page 1, line 12, after "enforce" insert "court-ordered"

On page 1, line 15, after "is" strike "no" and insert "~~((no))~~ or"

On page 1, line 24, after "for" insert "court-ordered"

On page 1, line 27, after "to" strike "establish or" and insert "~~((establish or))~~"

On page 1, line 27, after "enforce" insert "court-ordered"

On page 2, line 7, after "said" insert "court-ordered"

On page 2, line 13, after "established" insert ", court-ordered"

On page 2, line 16, after "in" strike "establishment of or" and insert "~~((establishment of or))~~"

On page 2, line 17, after "of" insert "court-ordered"

On page 2, line 21, after "the" insert "court-ordered"

On page 2, line 22, after "the" insert "court-ordered"

On page 2, line 24, after "for" insert "court-ordered"

On page 2, line 30, after "current" insert "court-ordered"

On page 2, line 32, after "owes" insert "court-ordered"

On page 3, line 6, after "to" strike "establish," and insert "((establish))"

On page 3, line 7, after "collect" insert "court-ordered"

On page 3, line 12, after "delinquent" insert "court-ordered"

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 4303 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4303.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4303, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4303, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 4653 held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 4541, by Senators Talmadge, Hemstad, Woody, Wojahn, Granlund and Peterson

Establishing provisions for relief from domestic violence.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4541 was substituted for Senate Bill No. 4541 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4541 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4541.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4541, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

SUBSTITUTE SENATE BILL NO. 4541, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4651, by Senators McManus and Deccio (by Department of Social and Health Services request)

Modifying provisions relating to collection of child support assigned to the department of social and health services.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Bill No. 4651 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4651.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4651, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

SENATE BILL NO. 4651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 124, by Senators Talmadge, Hemstad and Moore

Petitioning the United States Senate to ratify the Hague Convention regarding abduction of children.

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Joint Memorial No. 124 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 124.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 124, and the memorial passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

SENATE JOINT MEMORIAL NO. 124, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4637, by Senators Granlund and McCaslin (by Department of Social and Health Services request)

Modifying child placement and review hearings.

The bill was read the second time.

MOTIONS

On motion of Senator Granlund, the following Committee on Institutions amendment was adopted:

On page 3, line 21, after "to" strike "reunify" and insert "reunite"

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 4637 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4637.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4637, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Deccio, Woody - 2.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 4637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 4302 and the pending amendment by Senators Haley and Kiskaddon on page 9, line 17, proposed earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Haley, I heard this slogan of deregulation which started in, I think about 1979, and so far we've deregulated natural gas--and we all know what happened to the price. We deregulated the phone company and we still get complaints about that. We deregulated the airlines and we deregulated taxicabs. Can you assure me of any better success on this deregulation?"

Senator Haley: "I think that's kind of a rhetorical question, isn't it Senator?"

The President declared the question before the Senate to be adoption of the amendment by Senators Haley and Kiskaddon.

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

MOTIONS

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

On page 11, after line 23, strike everything down through "substances." on page 12, on line 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 24, after line 31, insert the following:

(1) Section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044;

(2) Section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047."

Renumber the remaining subsections consecutively.

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

On page 1, on line 24 of the title, after "18.64.246;" insert "amending section 19, chapter 90, Laws of 1979 as amended by section 3, chapter 147, Laws of 1981 and RCW 18.64.255;"

On page 1, line 8 of the title, after "18.64.043;" strike everything down through "18.64.044;" on page 1, line 10

On page 1, line 13 of the title, after "18.64.046;" strike everything down through "18.64.047;" on page 1, line 15

On page 2, on line 1 of the title, after "section;" insert "repealing section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044; repealing section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047;"

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 4302 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4302.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4302, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4647, by Senators McManus, Kiskaddon and Deccio (by Department of Social and Health Services request)

Revising the state advisory committee to the department of social and health services.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4647 was substituted for Senate Bill No. 4647 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the following amendment by Senators Moore and Lee was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360 are each amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: ((+)) (a) Health facilities; ((2)) (b) radiation control; ((3)) (c) children and youth services; ((4)) (d) blind services; ((5)) (e) medical and health care; ((6)) (f) drug abuse and alcoholism; ((7)) (g) social services; ((8)) (h) economic services; ((9)) (i) vocational services; ((10)) (j) rehabilitative services; ((11)) (k) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office ~~((as follows: one third to serve one year; one third to serve two years; and~~

~~one-third to serve three years. Upon expiration of said original terms, subsequent appointments shall be~~) for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The department shall limit, eliminate, or consolidate advisory committees to a maximum of one per division or bureau. If exceptional circumstances require more than one advisory committee per division or bureau, the department shall document the exceptional circumstances to the appropriate committees of the senate and house of representatives.

(3) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

(4) The department may establish new program-specific advisory committees' subject to approval of the appropriate committees of the senate and house of representatives based on the following conditions: (a) No existing committee, subcommittee, or special time-limited task group made up of existing advisory committee members can perform the necessary advisory task; and (b) the advisory committee is essential to the adequate performance of the department's responsibilities.

Sec. 2. Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370 are each amended to read as follows:

There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. In selecting members of the committee, the governor shall provide for a reasonable age, sex, and ethnic balance from throughout the state. A broad range of interests, including business owners, professions, labor, local government, and consumers should be considered for membership. One member shall be a local government elected or appointed official, serving in a salaried position. The chairpersons of the regional advisory committees established under RCW 43.20A.360 shall serve as members of the state advisory committee. The members of the committee shall ~~((hold office as follows: Two members to serve two years, two members to serve three years, and three members to))~~ serve four years ~~((: Upon expiration of said original terms, subsequent appointments shall be for))~~, except the terms of the advisory committee chairpersons shall be for a duration specified by the secretary not to exceed four years ~~((except in the case of a vacancy, in which event))~~ to facilitate their participation. Appointments to fill a vacant unexpired term shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. A member of the state advisory committee with two unexcused absences in a twelve-month period shall be deemed to have vacated the position held on the state advisory committee.

Sec. 3. Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) ((No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of non-salaried positions:)) To biennially review and make recommendations as to the continued operation of department advisory committees other than those provided for by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. The state advisory committee shall conduct the review using the criteria specified in RCW 43.131.070 and other appropriate criteria.

(4) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees.

Sec. 4. Section 37, chapter 99, Laws of 1979 and RCW 43.131.221 are each amended to read as follows:

The state advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, ~~((1983))~~ 1989, as provided in RCW 43.131.222.

Sec. 5. Section 79, chapter 99, Laws of 1979 and RCW 43.131.222 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1984))~~ 1990:

(1) Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370;

(2) Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; and

(3) Section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.20A.380.

NEW SECTION. Sec. 6. There is added to chapter 43.131 RCW a new section to read as follows:

The advisory committees and councils to the department of social and health services authorized under RCW 43.20A.350 and 43.20A.360 shall be terminated on June 30, 1989, as provided in section 7 of this act.

NEW SECTION. Sec. 7. There is added to chapter 43.131 RCW a new section to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1990:

(1) Section 1, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.350; and
 (2) Section 2, chapter 189, Laws of 1971 ex. sess., section 98, chapter 34, Laws of 1975-'76 2nd ex. sess., section 45, chapter 75, Laws of 1977, section 6, chapter 151, Laws of 1981 and RCW 43.20A.360."

MOTIONS

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

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360; amending section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; amending section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; amending section 37, chapter 99, Laws of 1979 and RCW 43.131.221; amending section 79, chapter 99, Laws of 1979 and RCW 43.131.222; adding new sections to chapter 43.131 RCW; repealing section 1, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.350; and repealing section 2, chapter 189, Laws of 1971 ex. sess., section 98, chapter 34, Laws of 1975-'76 2nd ex. sess., section 45, chapter 75, Laws of 1977, section 6, chapter 151, Laws of 1981 and RCW 43.20A.360."

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 4647 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4647.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4647, and the bill passed the Senate by the following vote: Yeas, 46; nays, 02; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senators Hayner, Sellar - 2.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3208, by Senators Talmadge, Clarke, Bottiger and McDermott
 Increasing judges' salaries.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Ways and Means amendment was adopted:

On page 2, line 26, strike "1983" and insert "1984"

On motion of Senator Talmadge, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 26, insert the following:

NEW SECTION. Sec. 5. There is appropriated from the general fund to the governor for the biennium ending June 30, 1985, the sum of one million five hundred twenty three thousand dollars, or so much as may be necessary, to carry out the purpose of this act."

On motion of Senator Talmadge, the following title amendment was adopted:
On page 1, line 7 of the title, after "RCW 2.08.090;" insert "making an appropriation."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 3208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3208.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3208, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator von Reichbauer - 1.

Absent: Senator Metcalf - 1.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4775, by Senator Hughes

Establishing the parkland acquisition account.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4775 was substituted for Senate Bill No. 4775 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and Hughes was adopted:

On page 2, line 3, after "legislature" and before the period insert "; all such funds shall be subject to legislative appropriation"

Senator Kiskaddon moved adoption of the following amendment:

On page 2, line 18, strike "shall" and insert "may"

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Kiskaddon.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon failed and the amendment was not adopted by the following vote: Yeas, 22; nays, 26; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Decchio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senator Pullen - 1.

MOTION

Senator Newhouse moved adoption of the following amendment:

On page 2, line 4, strike Sec. 2 and renumber

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Newhouse.

ROLL CALL

The Secretary called the roll and the motion by Senator Newhouse failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 25; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 25.

Absent: Senators McCaslin, Wojahn - 2.

Excused: Senator Pullen - 1.

MOTION

On motion of Senator Hughes, the rules were suspended. Engrossed Substitute Senate Bill No. 4775 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Hughes, I understand the reversionary interest if the city is not going to use it, then it comes back to the state. Is that the reversionary interest you are talking about?"

Senator Hughes: "Yes, traditionally what has happened, Senator Bottiger and responding to that, The Parks Commission has relinquished or waived the reversionary clause and in effect the state has received no benefit--the local entity received monetary value and the state received nothing."

Senator Bottiger: "O.K. now, under this bill you're going to appraise the reversionary interest and I'm having trouble understanding why the appraisal won't come back at the full value of the property. It's yours if you use it one way, but if you don't it's mine--and if you want to sell it, I'm going to get all the money."

Senator Hughes: "Well, in conversation with the attorneys on our staff and the conversation with the Parks Commission, they say there was no problem with the fact that that clause--that that value would not be the total value of the property and that was something that was negotiable and that was something that had to be agreeable."

Senator Bottiger: "You only negotiate then with the City of Spokane? The property is worth a hundred dollars and you're going to split it somehow between Spokane and the state parks' account?"

Senator Hughes: "That's right."

POINT OF INQUIRY

Senator Hemstad: "Senator Hughes, I read this language which is general in its terms and then the explanation you give, it focuses on reversionary interests. How is one to know from this language that that's what this bill is about?"

Senator Hughes: "If you would specifically reference where your concern is, Senator Hemstad, I will be glad to reply."

Senator Hemstad: "I'm sorry, I'm looking at section 2."

Senator Hughes: "That deals with the fee and land exchange--that section. The reversionary clause is addressed in section 1, subsection (2)."

Senator Hemstad: "Well then, Senator, let me ask you about section 2. What is the purpose of the new language in section 2?"

Senator Hughes: "Right now, there is no requirement that when--the example that Senator Kiskaddon raised--there is no requirement that when there's a land exchange between a private property owner and the Parks Commission for consolidation for whatever reason that there will be any administrative fees. This simply states that there shall be a fee, but it gives discretionary authority. This is the debate that Senator Kiskaddon and I had with the Commission as to what that fee schedule would be.

"There are many times when it's for the benefit of the state to make the land exchange, there's no question about it. I would suggest that the Commission have

the discretionary authority to make that a minimal fee. There are other times when it's to the benefit of the contacting party, even to a greater degree, than the state and they are in a position where that fee could be of a higher level and again the Commission has felt that they need the authority to make that judgment."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4775.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4775, and the bill passed the Senate by the following vote: Yeas, 27; nays, 19; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Loe, McDonald, Metcalf, Newhouse, Quigg, Sellar, von Reichbauer, Zimmerman - 19.

Absent: Senators Bottiger, Woody - 2.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4775, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4504, by Senators Shinpoch, McDonald and Conner (by Office of Financial Management and State Auditor request)

Requiring a comprehensive state budgeting, accounting, and reporting system.

The bill was read the second time.

MOTIONS

On motion of Senator Shinpoch, the following Committee on Ways and Means amendment was adopted:

On page 1, line 12, strike "1985" and insert "1987"

On motion of Senator Shinpoch, the rules were suspended, Engrossed Senate Bill No. 4504 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4504.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4504, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Granlund - 1.

Excused: Senator Pullen - 1.

SENATE BILL NO. 4504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4463, by Senators Peterson, Guess, Hansen and Patterson

Clarifying legislative intent on the taxation of special fuels delivered in the state but used outside the state by persons in interstate commerce.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4463 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4463.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4463, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Pullen - 1.

SENATE BILL NO. 4463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3488, by Senators Rinehart, Hughes, Pullen, Goltz, Kiskaddon, Gaspard, Patterson and Warnke

Removing the extra charge for students registered for more than eighteen credit hours.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendment was adopted:

On page 1, line 28, after "PROVIDED," strike all the language down to and including "PROVIDED FURTHER," on page 2, line 2 and insert "(~~That students registered for fewer than two credit hours shall be charged general tuition, operating, and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER;~~)"

On motion of Senator Rinehart, the rules were suspended, Engrossed Senate Bill No. 3488 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3488.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3488, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, Metcalf, Quigg, von Reichbauer, Zimmerman - 15.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 1, 1984

SB 3228 Prime Sponsor, Senator Talmadge: Modifying provisions relating to childhood nutrition in the common schools. Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 3228 be substituted therefor, and the second substitute bill do pass and be referred to the Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Referred to Committee on Ways and Means.

February 2, 1984

SB 4157 Prime Sponsor, Senator Thompson: Creating a state teacher recognition incentive program. Reported by Committee on Education

MAJORITY recommendation: Refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Kiskaddon, Lee, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 2, 1984

SB 4285 Prime Sponsor, Senator Warnke: Establishing the school employee suggestion award program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Hughes, Warnke.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4411 Prime Sponsor, Senator Bottiger: Providing for prison work programs. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4411 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4602 Prime Sponsor, Senator Moore: Prohibiting unjustified interference with inmate marriages. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman, Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 2, 1984

SB 4795 Prime Sponsor, Senator Vognild: Allowing courts to sentence a DWI first offender to 48 hours of community service instead of jail time. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4795 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Peterson.

Passed to Committee on Rules for second reading.

February 7, 1984

SB 4814 Prime Sponsor, Senator Granlund: Relating to children and family services. Reported by Committee on Institutions

MAJORITY recommendation: That Substitute Senate Bill No. 4814 be substituted therefor, and the substitute bill do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

January 31, 1984

SJM 136 Prime Sponsor, Senator McDermott: Requesting the United States to grant safe haven status to refugees from El Salvador and Guatemala. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MOTION

At 5:29 p.m., on motion of Senator Shinpoch, the Senate recessed until 7:30 p.m.

EVENING SESSION

The President called the Senate to order at 7:30 p.m.

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

SECOND READING

SENATE BILL NO. 4445, by Senators McManus, Moore, Benitz, Hansen, Hayner and Newhouse

Allowing beer and wine producers to provide product information to consumers on licensed retail premises.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4445 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Sellar, Senators Deccio and Hayner were excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4445.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4445, and the bill passed the Senate by the following vote: Yeas, 35; nays, 02; absent, 09; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody - 35.

Voting nay: Senators McManus, Zimmerman - 2.

Absent: Senators Craswell, Granlund, Haley, Hurley, McCaslin, Owen, Quigg, Thompson, Warnke - 9.

Excused: Senators Deccio, Hayner, Pullen - 3.

SENATE BILL NO. 4445, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4312, by Senators Talmadge and Hemstad (by Public Disclosure Commission request)

Restructuring financial disclosure reporting requirements.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senators Haley and McCaslin were excused.

On motion of Senator Vognild, Senator Warnke was excused.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4312.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4312, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 05; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 38.

Absent: Senators Hurley, McDermott, Owen, Quigg, Thompson - 5.

Excused: Senators Deccio, Haley, Hayner, McCaslin, Pullen, Warnke - 6.

SENATE BILL NO. 4312, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 4110, by Senators Vognild, Sellar, Rasmussen and Wojahn (By Attorney General request)

Modifying various provisions regarding cemeteries.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4110 was substituted for Engrossed Senate Bill No. 4110 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4110.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4110, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 02; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Quigg, Thompson - 2.

Excused: Senators Deccio, Haley, Hayner, McCaslin, Pullen, Warnke - 6.

SUBSTITUTE SENATE BILL NO. 4110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4653, by Senators Peterson, McManus, Wojahn, Deccio, Moore and Bauer (by Lieutenant Governor request)

Protecting children including revising the laws regulating the Washington council for the prevention of child abuse and neglect.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4653 was substituted for Senate Bill No. 4653 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Sellar, Senator Quigg was excused.

Senator McManus moved the following amendment by Senators McManus and McDermott be adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 26.44 RCW a new section to read as follows:

The department shall, by rule under chapter 34.04 RCW, adopt child protective services intake and assessment procedures to be used in responding to all reports of child abuse and neglect. The procedures shall provide for: Reports to be investigated in a prompt manner, with acute and emergency cases taking first priority, for community agencies to be consulted when appropriate, for involved individuals, including the person accused of neglecting or abusing a child to be interviewed except when a criminal investigation is being conducted or is imminent, and for uniformity in the handling of cases to be accomplished whenever possible.

Sec. 2. Section 3, chapter 13, Laws of 1965 as last amended by section 7, chapter 129, Laws of 1982 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult developmentally disabled person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than seven days after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult developmentally disabled person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040 as now or hereafter amended.

(3) The department upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult developmentally disabled person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult developmentally disabled person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident to the department and to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime has been committed.

Sec. 3. Section 2, chapter 4, Laws of 1982 and RCW 43.121.020 are each amended to read as follows:

(1) There is established in the executive office of the governor a Washington council ((on)) for the prevention of child abuse and neglect subject to the jurisdiction of the governor. As used in this chapter, "council" means the Washington council ((on)) for the prevention of child abuse and neglect.

(2) The council shall be composed of the chairperson and ten other members as follows:

(a) The chairperson and four other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. A minimum of two of the designees shall reside east of the Cascade mountain range. Members appointed by the governor shall serve for two-year terms, except that the chairperson and two other members designated by the governor shall initially serve for three years. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee and the superintendent of public instruction or the superintendent's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

Sec. 4. Section 9, chapter 4, Laws of 1982 and RCW 43.121.090 are each amended to read as follows:

The council shall report ~~((before the regular session of the legislature in 1983))~~ annually to the ~~((governor and to the))~~ legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect. The council shall keep the governor advised of its activities on an ongoing basis.

Sec. 5. Section 10, chapter 4, Laws of 1982 and RCW 43.121.100 are each amended to read as follows:

The council may accept contributions, grants, or gifts in cash or otherwise from persons, associations, or corporations. All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature shall be deposited in a depository approved by the state treasurer to be known as the children's trust

fund. Disbursements of such funds shall be on the authorization of the council or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 6. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars: PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), three dollars; for each additional legal size page, one dollar; for indexing each name over two, fifty cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, eight dollars. (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, ~~((1984))~~ 1988, plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund which five-dollar fee shall expire June 30, 1987;

For searching records per hour, four dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For filing of miscellaneous records, not listed above, three dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, fifty cents;

For recording of miscellaneous records, not listed above, for first legal size page, three dollars; for each additional legal size page, one dollar.

Sec. 7. Section 11, chapter 4, Laws of 1982 and RCW 43.121.900 are each amended to read as follows:

This chapter shall expire June 30, ~~((1984))~~ 1988.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Senator Bluechel moved the following amendment to the McManus amendment:

On page 3, following line 17, insert a section as follows:

"Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 4, chapter 164, Laws of 1981 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult developmentally disabled person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult developmentally disabled persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; (5) physicians who are treating the child or adult developmentally disabled person or family; (6) any child or adult developmentally disabled person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; (7) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult developmentally disabled person named in the registry; (8) any person engaged in a bona fide research purpose, as determined by the

department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged: ~~((and))~~ (9) any school, and any business or organization involved in the care or education of children, if information in such records will assist said schools, businesses, or organizations in the prevention of, or mitigation of the harms occurring out of, child sexual abuse incidences; and (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor."

POINT OF ORDER

Senator McDermott: "A point of order, Mr. President. I would like to raise the question of scope and object on this amendment. This raises a whole new subject and it is creating a central registry for reported cases of child abuse and adding schools, businesses and organizations, which clearly expands the scope and object of this particular section of law."

Debate ensued.

There being no objection, further consideration of Substitute Senate Bill No. 4653 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4708, by Senators McManus and Deccio (by Department of Social and Health Services request)

Modifying methods of determining costs of operating state institutions.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4708 was substituted for Senate Bill No. 4708 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 4708 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4708.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4708, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 00; excused, 06.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Excused: Senators Deccio, Haley, McCaslin, Pullen, Quigg, Warnke - 6.

SUBSTITUTE SENATE BILL NO. 4708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4347, by Senators Owen, Peterson, McManus, Bender, Hughes, Moore and Bauer

Extending eligibility for reduced utility rates to low income disabled veterans and low income blind or disabled citizens.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Bill No. 4347 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4347.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4347, and the bill passed the Senate by the following vote: Yeas, 37; nays, 02; absent, 04; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Kiskaddon, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Metcalf - 2.

Absent: Senators Benitz, Hemstad, Lee, Newhouse - 4.

Excused: Senators Deccio, Haley, McCaslin, Pullen, Quigg, Warnke - 6.

SENATE BILL NO. 4347, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4376, by Senators Bender, Zimmerman and Thompson

Authorizing distribution of municipal sales and use tax equalization funds to cities and towns incorporated since January 1, 1983.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4376 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4376.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4376, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 03; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 40.

Absent: Senators Benitz, Bluechel, Hughes - 3.

Excused: Senators Deccio, Haley, McCaslin, Pullen, Quigg, Warnke - 6.

SENATE BILL NO. 4376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4426, by Senator Talmadge

Eliminating the bond requirement in claims against the state.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4426 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4426.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4426, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Hughes - 1.

Excused: Senators Deccio, Haley, McCaslin, Pullen, Warnke - 5.

SENATE BILL NO. 4426, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4374, by Senator Fleming

Modifying provisions on the taxation of public development authorities.

The bill was read the second time.

MOTION

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 4374 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4374.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4374, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Deccio, Haley, McCaslin, Pullen, Warnke - 5.

SENATE BILL NO. 4374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4055, by Committee on Transportation (originally sponsored by Senator Peterson)

Authorizing bonds for highway construction in Grant county.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hansen, some of us have worried about land settling from the weight of all the concrete being poured on it, are you at all worried about all the concrete being poured in the Columbia Basin--irrigation bonds and highway bonds?"

Senator Hansen: "No, I'm not the least bit worried about the concrete. There is still plenty of sand to blow."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4055.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4055 and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3800, by Committee on Natural Resources (originally sponsored by Senator Owen)

Modifying provisions relating to fishing licenses.

The bill was read the second time.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 1, line 20, after "that" strike "persons under the age of sixteen" and insert "those persons specified in subsections (1), (2), and (3) of this section"

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Rasmussen.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen carried and the amendment was adopted by the following vote: Yeas, 24; nays, 19; absent, 02; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Conner, Fuller, Gaspard, Guess, Hansen, Hemstad, Hughes, Hurley, McDermott, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 24.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Fleming, Goltz, Haley, Hayner, Kiskaddon, Lee, McDonald, McManus, Owen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild - 19.

Absent: Senators Bottiger, Granlund - 2.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 3800 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3800.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3800, and the bill passed the Senate by the following vote: Yeas, 35; nays, 07; absent, 03; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Clarke, Conner, Craswell, Fuller, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 35.

Voting nay: Senators Bluechel, Gaspard, Haley, Lee, Moore, Quigg, Wojahn - 7.

Absent: Senators Bottiger, Fleming, Granlund - 3.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, all bills passed today were ordered to be immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 4628, by Senators Vognild, Newhouse and Conner

Authorizing vacancies in sheriffs' office to be filled by laid-off employees.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4628 was substituted for Senate Bill No. 4628 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4628 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, in the Committee, did you review this to see whether it conflicted with the affirmative action requirement?"

Senator Thompson: "I think that any requirements for affirmative action would not be aggravated by this proposed act, Senator Rasmussen. It doesn't prejudice the opportunity for senior citizens to qualify either."

Senator Rasmussen: "Well, this is a positive law--affirmative action doesn't relate particularly to senior citizens. It relates more to women and minorities. I was just wondering if the committee had taken a look at that. I don't think it is a senior citizens' issue, as much as it is women and minorities. I think that this is a positive law that says you don't have to pay any attention."

Senator Thompson: "No, the same requirements for qualifications would apply for people who are in the employ of these agencies now, as those that would be provided by the Civil Service Commission."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4628.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4628, and the bill passed the Senate by the following vote: Yeas, 40; nays, 05; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Bluechel, Craswell, Haley, McDonald - 5.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4628, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4619, by Senators Thompson, Zimmerman and Granlund

Modifying procedures for filling vacancies in the office of fire commissioner.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4619 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4619.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4619, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4650, by Senators Thompson, Zimmerman and Granlund

Modifying provisions relating to burning permits issued by fire protection districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4650 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4650.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4650, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4650, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4800, by Senators Bottiger, Fleming, Hayner and Sellar

Relating to the legislature.

MOTIONS

On motion of Senator Shinpoch, Substitute Senate Bill No. 4800 was substituted for Senate Bill No. 4800 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Substitute Senate Bill No. 4800 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4800.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4800, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4711, by Senators Thompson, Zimmerman and Granlund
Modifying and reorganizing provisions related to fire protection districts.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4711 was substituted for Senate Bill No. 4711 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4711 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4711.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4711, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4640, by Senators Owen and Pullen
Providing for protection of hunters during legally established seasons.
The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Senate Bill No. 4640 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Hansen, this proposed legislation would say that, in effect, if you saw some hunters coming across your farm and you had deer there mixed in with your cattle and you chased the deer away and put a sign on your cattle, that you would be interfering with the hunters, duly licensed. Is that what you farmers want in eastern Washington? You have to protect your cows, I understand that, with signs around their neck, but if you chased the deer out of the herd so your cows don't get shot, you would be interfering with the hunters."

Senator Hansen: "Well, I imagine you are right, but I don't think we will have much trouble with the deer running in with our cows and if I didn't want the hunters in there, I would have 'no trespassing' signs, and then I would be afraid the hunters would be thrown out. If I hadn't posted the signs, the hunters would be free to hunt."

"Let me tell you a little story that happened down by Colfax. It was during bow season and there was a deer in the back yard of my nephew's place. They had a little girl about yea high and she looked out the window and saw a guy slam on his brakes, grab his bow and arrow and the girl ran out through there and chased the deer away and said 'the guy is going to shoot you'--and the guy fired and spent two hours hunting for his arrow. I suppose she should have been cited for violating--chasing--the deer away, but I thought it was kinda cute the way she did it."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4640.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4640, and the bill passed the Senate by the following vote: Yeas, 38; nays, 07; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Peterson, Quigg, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Zimmerman - 38.

Voting nay: Senators Bender, McDermott, Rasmussen, Rinehart, Williams, Wojahn, Woody - 7.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4640, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4334, by Senators Owen, Peterson, McManus, Thompson and Talmadge

Authorizing counties to provide liability insurance and workers' compensation to adult offenders performing community service.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4334 was substituted for Senate Bill No. 4334 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended. Substitute Senate Bill No. 4334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lee: "Senator Thompson, does this repeal the law so that they no longer have to wear black and white striped suits?"

Senator Thompson: "I hardly know how to respond to that, Senator Lee. I have been making so many goofs out here on the floor, I better not."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4334.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4334, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4335, by Senator Owen

Providing civil immunity for physicians reporting disabilities of persons licensed to operate aircraft.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, after line 27, insert a new subsection as follows:

"(3) The provisions of this section apply only to physicians who are aviation medical examiners as designated by the federal aviation administration."

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4335 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4335.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4335, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Quigg - 1.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

ENGROSSED SENATE BILL NO. 4335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4653 and the pending amendment by Senator Bluechel on page 3, following line 17 to the proposed amendment by Senators McManus and McDermott, all deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Senate Bill No. 4653 is a measure which deals with child protective services intake and assessment procedures, guardian ad litem qualifications, service worker reports, DSHS's central registry reports, and the Council on Child Abuse.

"The amendment proposed by Senator Bluechel would simply add another exception to the requirement that central registry reports may only be available upon court order.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment to the amendment was ruled to be in order.

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4653 was deferred.

SECOND READING

SENATE BILL NO. 4475, by Senators Peterson, Guess and Conner

Requiring a vehicle owner to notify the department of licensing of transfer of ownership.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4475 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Peterson, let's take the widow down the street--sells the automobile--she knows enough to sign off the title, but she doesn't know anything about this requiring her to give notice to the Department that she sold the vehicle. How is she going to become acquainted with the law? This is a casual sale, you understand, after her husband died and she just wants to get rid of the car."

Senator Peterson: "The Department of Licensing on transfer of the title will have a box prescribed with seller--they already have the seller's report on it--and when she turns that in--the buyer is forced to turn that in--then the Department has immediate notification."

Senator Rasmussen: "Well, this indicates that the seller has to do it within five days."

Senator Peterson: "Well, the seller--in all cases within five days--yes, but the license transfer will be made out in such a way that all the seller has to do is mail it in. The onus is principally on the buyer to make that transfer."

Senator Rasmussen: "I guess my understanding is just not clear, yet. The title that this widow has in her strong box--her husband told her 'if I ever die, you can sign this off and sell it.' That title isn't changed. There is no box on it other than she signs off as the legal owner. She will have no knowledge of this law, yet she will be in violation if she does not personally write a letter down here to the License Department, saying 'I am the seller.'"

Senator Peterson: "Well, the violation isn't--the onus in this case isn't on the seller, it is on the buyer--the penalty."

Senator Rasmussen: "It doesn't say so. On page 1, it says 'within five days, the owner shall notify the Department of the sale or transfer' and that would be the original owner."

Senator Peterson: "That is true, but there is no penalty clause on that. The penalty rests upon the buyer for failure to transfer."

Senator Rasmussen: "Any violation of the law is a misdemeanor", and she would be liable for that."

Senator Peterson: "Well, I don't think that this is an item of concern, because it will be right on your transfer of title, so the information will surely be there."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4475.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4475, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Böttiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Guigg, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Decclo, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4341, by Senators Thompson and Barr

Permitting special district employee group insurance for groups of less than ten employees.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4341 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4341.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4341, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3654, by Senators Talmadge, McCaslin and McManus (by Department of Social and Health Services request)

Modifying procedures relating to criminally insane persons.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3654 was substituted for Senate Bill No. 3654 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3654 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, on the bottom of page 47--'before accepting the defendant's plea of not guilty on grounds of insanity, the court must determine that the plea is being made voluntarily and with the understanding of the charge and consequence of the plea.' My question is this, Senator Talmadge, my lawyer tells me to plead insanity--that is the only way I am going to get off. Would that be called voluntary? He has advised me that is my best way of escaping getting hung by the neck. Is that called voluntary, when your lawyer tells you to do it?"

Senator Talmadge: "Senator, right now under the law, the individual making the plea must understand the nature of the plea and at least be acquainted in some fashion with the consequences of taking the plea. That is not any change in the law from the way it is now. The requirement would be that this plea be made with the assistance of counsel so that the individual has some understanding by virtue of the explanation given to him or her by counsel--of the significance of the plea that he or she is about to make."

Senator Rasmussen: "Well, if he gets hung by the neck, he will sue his lawyer."

Senator Talmadge: "It would be kind of difficult at that point, Slim."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3654.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3654, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 3654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4362, by Senators Hemstad, Talmadge, Fuller and Granlund
Prescribing penalties for attempt to evade open alcohol container restrictions.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4362 was substituted for Senate Bill No. 4362 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4362 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Senator Hemstad, I understand that the second half of that amendment is to take care of the guy that can afford to have a chauffeur drive the car so he can keep the bar and the television set in the back and keep the party going. Have we adequately taken care of him in this bill?"

Senator Hemstad: "Well, Senator Bottiger, I would answer that by saying the standard like the open container laws will take some additional tinkering and there may be some other circumstances, too. We exempted the situation where you have the bus arrangement with a professional driver where persons are going--say to a football game--that kind of a situation is exempted because the professional driver obviously cannot be drinking and driving."

Senator Bottiger: "But if you and I, Senator, if you drove my pickup and I was in the party in the back of the camper with my friends, but you weren't drinking, I could still be arrested--and you arrested for the activities in the back of the camper?"

Senator Hemstad: "Yes, and the difference is of course--the distinction is when you have a professional who is hired strictly and exclusively as a driver and the other you have a social and typical driver-passenger situation and it is quite different."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4362.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4362, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Hansen, Rasmussen - 2.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SUBSTITUTE SENATE BILL NO. 4362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4351, by Senators Gaspard, Guess, Goltz and Talmadge

Adding members to the high-technology coordinating board.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Senate Bill No. 4351 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4351.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4351, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SENATE BILL NO. 4351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4394, by Senators Gaspard, Rinehart, Wojahn, Haley, von Reichbauer, Granlund, Rasmussen, Bottiger and Hemstad

Waiving community college fees for certain unemployed persons.

The bill was read the second time.

MOTION

Senator Gaspard moved adoption of the following Committee on Education amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that providing educational opportunities to the long-term unemployed and underemployed is a valuable incentive to these individuals to reestablish themselves as contributing members of society. To this end, the legislature finds that creating the opportunity for these people to attend the state's community colleges on a space available basis, without charge, will provide the impetus for self-improvement without drawing upon the limited resources of the state or its institutions.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

(1) The boards of trustees of the community college districts may waive the tuition, operation, and services and activities fees for persons under subsection (2) of this section pursuant to the following conditions:

(a) Such persons shall register for and be enrolled in courses on a space available basis and new course sections shall not be created as a result of the registration;

(b) Enrollment information on persons registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall such persons be considered in any enrollment statistics which would affect budgetary determinations; and

(c) Persons who enroll under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisite requirements.

(2) A person is eligible for the waiver under subsection (1) of this section if the person:

(a) Meets the requirements for a resident student under RCW 28B.15.011 through 28B.15.015;

(b) Is twenty-one years of age or older;

(c) At the time of initial enrollment under subsection (1) of this section, has not attended an institution of higher education for the previous six months;

(d) Is not receiving or is not entitled to receive unemployment compensation of any nature under Title 50 RCW; and

(e) Has an income at or below the need standard established under chapter 74.04 RCW by the department of social and health services.

(3) The state board for community college education shall adopt rules to carry out this section.

NEW SECTION. Sec. 3. This act shall expire July 1, 1986.

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

POINT OF INQUIRY

Senator McDonald: "Senator Gaspard, what is the fiscal note on this? Is none available? Is there a significant loss of tuition revenue?"

Senator Gaspard: "No, we did request a fiscal note. There is no fiscal note. They cannot count these students as part of their FTE's--from a space available basis only. They will not be able to create any additional classes because of the individuals. I think we have taken care of all the fiscal matters and I don't think we should have--we should have a concern, but the concern is that we are taking care of them. There will not be a fiscal impact from this measure. It is only permissive. These local trustees would have the opportunity to have this program, only if they wish to have it."

Senator McDonald: "This doesn't count then as part of their four percent waiver, it doesn't count as their FTE's, it doesn't count on the books at all?"

Senator Gaspard: "Those statements are correct."

The President declared the question before the Senate to be adoption of the Committee on Education amendment.

The motion by Senator Gaspard carried and the Committee on Education amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title after "colleges;" strike the remainder of the title and insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating a new section; and providing an expiration date."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4394 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4394.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4394, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Craswell - 1.

Absent: Senator Guess - 1.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

ENGROSSED SENATE BILL NO. 4394, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4380, by Senators Granlund, Hemstad and Deccio (by Office of Financial Management request)

Adopting the criminal justice information act.

MOTIONS

On motion of Senator Granlund, Second Substitute Senate Bill No. 4380 was substituted for Senate Bill No. 4380 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Second Substitute Senate Bill No. 4380 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Senator Granlund, is this a good little bill?"

Senator Granlund: "It is a good little bill."

Senator Fleming: "Thank you."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 4380.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 4380, and the bill passed the Senate by the following vote: Yeas, 41; nays, 02; absent, 02; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Granlund, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogtild, von Reichbauer, Williams, Wajahn, Woody, Zimmerman - 41.

Voting nay: Senators Goltz, Hansen - 2.

Absent: Senators Guess, Quigg - 2.

Excused: Senators Deccio, McCaslin, Pullen, Warnke - 4.

SECOND SUBSTITUTE SENATE BILL NO. 4380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shipoch, the Committee on Judiciary was relieved of further consideration of House Bill No. 307.

On motion of Senator Shipoch, House Bill No. 307 was referred to the Committee on Institutions.

Senator Newhouse moved that the Committee on Commerce and Labor be relieved of further consideration of Senate Bill No. 3995.

MOTION

At 9:58 p.m., on motion of Senator Shipoch, the Senate adjourned until 10:00 a.m., Saturday, February 4, 1984.

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

TWENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 4, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Craswell, Deccio, Fleming, Haley and Pullen. On motion of Senator Sellar, Senators Crawell, Deccio and Pullen were excused. On motion of Senator Bluechel, Senator Haley was excused.

The Sergeant at Arms Color Guard, consisting of Pages Ben Caldwell and Susan Albrecht, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster United Presbyterian Church of Olympia, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

February 2, 1984

SB 4319 Prime Sponsor, Senator Owen: Modifying appropriations for impacts on local communities by state correctional facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Hughes, Lee, McDonald, Rinehart, Talmadge, Thompson, Warnke, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 3, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 689,

SUBSTITUTE HOUSE BILL NO. 1183,

SUBSTITUTE HOUSE BILL NO. 1262,

HOUSE BILL NO. 1319,

HOUSE BILL NO. 1373,

HOUSE BILL NO. 1529,

SUBSTITUTE HOUSE BILL NO. 1547,

SUBSTITUTE HOUSE BILL NO. 1582,

ENGROSSED HOUSE BILL NO. 1636,

SUBSTITUTE HOUSE BILL NO. 1691, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 3, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1191,

ENGROSSED HOUSE BILL NO. 1386,

ENGROSSED HOUSE BILL NO. 1402, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 149 by Senators Bottiger, Newhouse, Vognild, Lee, Talmadge and Shinpoch

Establishing the joint select committee on the law enforcement officers' and fire fighters' retirement system.

Referred to Committee on Rules.

FIRST READING OF HOUSE BILLS

2SHB 689 by Committee on Commerce and Economic Development (originally sponsored by Representatives Silver, J. King, B. Williams, Tanner, Schmidt, Schoon, Brough, Padden, Johnson, Tilly, Long and Sanders)

Establishing the small business assistance coordinating council.

Referred to Committee on Commerce and Labor.

SHB 1183 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Monohon, Dellwo and Fiske)

Changing collection and distribution procedures for certain court fees, fines, and forfeitures.

Referred to Committee on Ways and Means.

SHB 1191 by Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Wang, Lux, Rust, Todd, Fisher, Grimm, Haugen and Hine)

Mandating water quality testing by public water supply systems.

Referred to Committee on Parks and Ecology.

SHB 1262 by Committee on Commerce and Economic Development (originally sponsored by Representatives Niemi, Silver, Ellis, Sanders, Johnson, O'Brien, P. King, Lewis and Tanner) (by Governor Spellman request)

Facilitating economic development.

Referred to Committee on Commerce and Labor.

HB 1319 by Representatives Barnes and Hine

Revising the area for aircraft noise abatement programs.

Referred to Committee on Local Government.

HB 1373 by Representatives Wang, J. King, Ebersole, B. Williams, Rust, Smitherman, Barrett, Grimm, Schoon, Van Dyken, Fisher, Walk, Kaiser, Brough, Tanner, Powers, Clayton, Long and Mitchell

Developing an environmental profile and assisting businesses to locate in Washington state.

Referred to Committee on Commerce and Labor.

EHB 1386 by Representatives R. King and Betrozoff (by Attorney General request)

Modifying provisions relating to third party actions for industrial injuries.

Referred to Committee on Judiciary.

EHB 1402 by Representatives Powers, Belcher, Appelwick, R. King, Barrett, Tanner, Miller, Jacobsen, Sayan, Fisher, Todd, Allen, Zellinsky,

Smitherman, Ebersole, Stratton, Ellis, Long, Van Dyken, Taylor, Wang, Holland, Kreidler and Egger

Establishing a training program for liquor licensees to recognize and prevent intoxication.

Referred to Committee on Commerce and Labor.

HB 1529 by Representatives Pruitt, Mitchell and Halsan

Reenacting the law regulating exit polling.

Referred to Committee on Judiciary.

SHB 1547 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson) (by Secretary of State request)

Establishing procedures for absentee voters unable to vote during the normal period.

Referred to Committee on Judiciary.

SHB 1582 by Committee on Ways and Means (originally sponsored by Representatives Hine, Armstrong, O'Brien, Holland, P. King, Tilly, Van Dyken, Scott, Haugen, Wang, Garrett, Dellwo, D. Nelson, Appelwick, Schoon, R. King, Tanner, Isaacson, Johnson, Miller, Todd, Addison, Powers and Long)

Extending funding for enforcement of DWI laws.

Referred to Committee on Ways and Means.

EHB 1636 by Representatives J. King, Ellis, Hine, Halsan, Tanner, B. Williams, Powers and Silver

Establishing a strategic economic development commission.

Referred to Committee on Commerce and Labor.

SHB 1691 by Committee on Commerce and Economic Development (originally sponsored by Representatives Ellis, J. King, Silver and Halsan)

Authorizing tax credits for seed capital investments.

Referred to Committee on Commerce and Labor.

MOTION

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

SECOND READING

SENATE BILL NO. 4529, by Senator Warnke

Establishing six-year terms of office for the executive directors of the state historical societies.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4529 was substituted for Senate Bill No. 4529 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4529 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Hemstad: "Senator Warnke, after reading the bill is the intent of the bill that the executive directors of the historical societies must be appointed for a term of office?"

Senator Warnke: "No, it is not."

Senator Hemstad: "I support the bill. It is my understanding that the arrangements normally are to appoint the person subject to the continuing approval of their respective boards, rather than for a set term."

Senator Warnke: "Thank you, Mr. President. Senator Hemstad is correct and it is done on a yearly basis for renewal and approval."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4529.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4529, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Bender, Fleming - 2.

Excused: Senators Craswell, Deccio, Haley, Pullen - 4.

SUBSTITUTE SENATE BILL NO. 4529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4592, by Senator Williams

Permitting replacement of inactive members of the state centennial commission and establishing financial procedures for the commission.

The bill was read the second time.

MOTIONS

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

On page 1, line 8, strike "thirteen" and insert ((~~thirteen~~)) fifteen and on line 13, strike "nine" and insert ((~~nine~~)) eleven"

On motion of Senator Warnke, the rules were suspended, Engrossed Senate Bill No. 4592 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4592.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4592, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Craswell, Deccio, Haley, Pullen - 4.

ENGROSSED SENATE BILL NO. 4592, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, a personal privilege. I distributed to all the members of the Senate and I think the press has a few copies, an article out of the USA Today, November 30, 1983, in which one of the large bond house presidents was saying he would have had a better record if he could have dumped an extra 10 million dollars of WPPSS bonds on the public. This is one of the biggest bond houses and they sold 3.2 million to individuals, but he has the last 10 million and the bankruptcy of WPPSS caught him and he had to keep that in his own fund, instead of liquidating it to the public.

"I have sent this material to the Securities Exchange Commission who are investigating the bond houses--Merrill Lynch, Nuveen, Dean Witter and all those who had the bonds. He could not sell these bonds to any other bond house, so he was liquidating these bonds to the public. Now, that is an example of misinformation--if you will notice the date--11/30/83. It was quite common knowledge that there was going to be bankruptcy in 4 and 5, yet they were still unloading bonds on the public and I think that that's criminal and I am urging in my letter to the Securities Exchange Commission that they investigate thoroughly and they have this material to back them up. This was a statement by the president of the company and I imagine it was pretty accurate."

SECOND READING

SENATE BILL NO. 4710, by Senators Williams, Warnke and Hughes (by Office of Archaeology and Historic preservation request)

Revising procedures for the disposition of archaeological materials from cairns or graves.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4710 was substituted for Senate Bill No. 4710 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4710 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4710.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4710, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Craswell, Deccio, Haley, Pullen - 4.

SUBSTITUTE SENATE BILL NO. 4710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4301, by Senators Thompson, Zimmerman and Bauer

Limiting the notice requirement for disposal of surplus property by sewer districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4301 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4301.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4301, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Talmadge - 1.

Absent: Senator Rinehart - 1.

Excused: Senators Craswell, Deccio, Haley, Pullen - 4.

SENATE BILL NO. 4301, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4401, by Senators Thompson, Lee, Moore and Sellar

Permitting port commissions to negotiate the sale of property owned by the port district.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Senate Bill No. 4401 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, as I understand this means they may negotiate as long as they get the price equivalent of the fair market value price to appraise it. Take this scenario where you've got twenty acres down in the port district and it's worth a couple million dollars and they negotiate and they get the fair market value as determined by appraisers. The problem is, as I see, with this legislation is that nobody else knows if they are negotiating and there may be better than the market price available if more people knew about it and this can happen very easily. I know this is sponsored with good intent. I know from property dealings that sometimes you can get, maybe, a third more than the fair market price as determined by appraisers. Now, that would permit the port to negotiate very quietly and nobody would ever know about it--yes or no?"

Senator Thompson: "I'm not going to give you a yes or no, Senator Rasmussen. I think that we have to have more confidence in the business judgment and the integrity of our port commissioners in their desire to make the best possible deal they can on any transaction. These kinds of actions are contemplated and considered in open meetings--"

Senator Rasmussen: "Now, wait a minute, you said open meetings. This is negotiations--not in open meetings."

Senator Thompson: "I said that they were contemplated and considered in open meetings. The negotiations wouldn't be conducted in an open meeting, because it might affect the price but I think, Senator Rasmussen, that your suspicions are unfounded."

POINT OF INQUIRY

Senator Quigg: "Senator Rasmussen, I'm not all that experienced in local government matters and I know you've had quite a little experience there, besides your long legislative career. What do you see in this that would prevent negotiations, in essence, from taking place, as you say, in the dark of night and certain folks having an advantage over other people that might be able to participate if this was an open public sale. Do you see any problems there at all?"

Senator Rasmussen: "I very definitely do. As a person that has been in a position where we have the selling of property, I always felt much better when it was public notice. Everybody became aware that it was available when you went through the bidding process. I'm in the process right now of selling a piece of property where the first offer, the second offer, and the third offer--and they're getting better each time. But, if you only go into negotiations with one and nobody else knows about it--the deal is concluded, public property is gone and maybe they got a good price, but maybe they could have got a better price if more of the companies around the country had known about it. That's why I don't like this type of legislation."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4401.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4401, and the bill passed the Senate by the following vote: Yeas, 38; nays, 08; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Woody, Zimmerman - 38.

Voting nay: Senators Guess, Hurley, McDermott, Metcalf, Quigg, Rasmussen, Williams, Wojahn - 8.

Excused: Senators Craswell, Deccio, Pullen - 3.

SENATE BILL NO. 4401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4381, by Senators Fleming and Sellar

Revising and recodifying election laws.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4381 was substituted for Senate Bill No. 4381 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4381.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4381, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Craswell, Deccio, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 4381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4338, by Senators Peterson and Sellar

Removing restrictions on motor vehicle renewals.

The bill was read the second time.

MOTION

Senator Peterson moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 46.16 RCW a new section to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred fifty days

or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred fifty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the director or his agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a ten dollar surcharge.

(2) The ten dollar surcharge shall be allocated as follows:

(a) Five dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

NEW SECTION. Sec. 2. Section 1, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.16.215 are each repealed.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 4. This act shall take effect on July 1, 1984."

POINT OF INQUIRY

Senator Patterson: "Senator Peterson, could you describe the difference in the process as far as the Department of Licensing is concerned on this issue, as to the nonpayment of parking fees in a city? What powers now would remain with the DOL as to the licensing of the vehicle?"

Senator Peterson: "They still have the same powers, but before they can issue the transfer, proof of payment of these parking tickets will have to be shown--either to the auditor's office or DOL--before that license will be issued. Instead of the computer set-up that we passed in 1982, where every agent and sub-agent and county auditor's office would have to have the computers linked up to the DOL, this way they are going to have a toll free hot line and clear it just as fast, and with much less expense, Senator Patterson."

POINT OF INQUIRY

Senator Hurley: "Senator Peterson, for my own information, I remember last year when we were discussing a bill that gave collection agencies the right to collect fees such as this. Did that bill pass and is that in effect and if they do have that recourse, then I feel that we can give them this."

Senator Peterson: "Senator Hurley, I can't respond to another piece of legislation. I'm not aware of what you're speaking to. This is a specific directive that the legislature passed in 1982 and it was to be implemented this year. The Department, at least in testimony that was before the committee, indicated that they weren't geared up for it. It wasn't funded and it would be practically impossible to administer, so this is the reason for this compromise and why this bill is before us today."

Further debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 4338 was deferred.

SECOND READING

SENATE BILL NO. 4437, by Senators Talmadge, Hemstad, Clarke and Thompson
Eliminating the provision of law school credits for WWII veterans.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4437 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4437.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4437, and they bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Hughes - 1.

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4437, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4352, by Senators McDermott, Zimmerman, Gaspard, Granlund and Shinpoch (by Legislative Budget Committee request)

Requiring the prosecutor's statement on a convicted criminal to be available upon incarceration.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4352 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4352.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4352, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4357, by Senators Moore and Newhouse

Extending period of enforcement of judgment liens of justice courts.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4357 was substituted for Senate Bill No. 4357 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4357 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4357.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4357, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Hurley, Rasmussen - 2.

Excused: Senators Deccio, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4489, by Senators Bottiger, Clarke and Talmadge

Requiring notification of the mortgagee and other lienholders in property tax foreclosures.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4489 was substituted for Senate Bill No. 4489 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4489 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4489.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4489, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Deccio, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4489, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:17 a.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORT OF STANDING COMMITTEE

February 2, 1984

SB 3761

Prime Sponsor, Senator Fuller: Establishing procedures for certain school districts to decide to elect their directors at large. Reported by Committee on Education

MAJORITY recommendation: That Second Substitute Senate Bill No. 3761 be substituted therefor, and the second substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Benitz, Craswell, Goltz, Hemstad, Kiskaddon, Lee, Patterson.

Passed to Committee on Rules for second reading.

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

SECOND READING

SENATE BILL NO. 4491, by Senators Bottiger, Hemstad and Talmadge

Modifying provisions relating to the appointment and compensation of home-
stead appraisers.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4491.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4491, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Fleming, Quigg - 2.

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4579, by Senators Talmadge, Clarke and Hemstad (by Military Department request)

Limiting tort liability of state militia for acts done on federal duty.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4579 was substituted for Senate Bill No. 4579 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 4579 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Vognild, Senator Fleming was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4579.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4579, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Quigg - 1.

Excused: Senators Deccio, Fleming, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 4579, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4321, by Senator Warnke (by Washington State Library request)

Revising the laws governing the state library.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4321 was substituted for Senate Bill No. 4321 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4321 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4321.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4321, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Quigg - 1.

Excused: Senators Deccio, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4321, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3815, by Senators Granlund, Deccio, McManus, Owen and McDermott

Establishing financial responsibility for persons in city and county jails.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3815 was substituted for Senate Bill No. 3815 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3815 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3815.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3815, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Deccio, Pullen - 2.

SECOND SUBSTITUTE SENATE BILL NO. 3815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Senate Bill No. 4338 and the pending striking amendment by Senator Peterson, proposed earlier today.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Peterson.

ROLL CALL

The Secretary called the roll and the motion by Senator Peterson failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 32; absent, 01; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Granlund, Guess, Haley, Hemstad, Hughes, Lee, McDonald, McManus, Metcalf, Shinpoch - 14.

Voting nay: Senators Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Hansen, Hayner, Hurley, Kiskaddon, McCaslin, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Absent: Senator Quigg - 1.

Excused: Senators Deccio, Pullen - 2.

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4338 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4338.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4338, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Goltz, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Bluechel, Clarke, Craswell, Gaspard, Granlund, Guess, Hemstad, McDonald, Metcalf, Shinpoch, von Reichbauer - 11.

Absent: Senator Quigg - 1.

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4338, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 3064, which was placed on third reading, after reconsideration of the vote on January 31, 1984.

THIRD READING

SUBSTITUTE BILL NO. 3064, by Committee on Commerce and Labor (originally sponsored by Senator Moore)

Regulating taxicab companies.

MOTION

Senator Hemstad moved that Substitute Senate Bill No. 3064 be returned to second reading.

Debate ensued.

Senator Hemstad demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hemstad to return Substitute Senate Bill No. 3064 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad to return Substitute Senate Bill No. 3064 to second reading failed by the following vote: Yeas, 23; nays, 24; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Quigg, Thompson, Vognild, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senators Deccio, Pullen - 2.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3064.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3064, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Quigg, Rasmussen, Zimmerman - 18.

Excused: Senators Deccio, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 3064, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SENATE BILL NO. 3312, by Senators Wojahn, Quigg, Vognild, Rasmussen, Hughes and Woody

Increasing revenues received from gambling activities by bona fide charitable or nonprofit organizations.

The bill was read the second time.

MOTION

Senator Vognild moved the following Committee on Commerce and Labor Committee amendments be considered and adopted simultaneously:

On page 13, line 13, after "exceed" strike "~~(five)~~ ten" and insert "five"

On page 14, line 3, after "exceed" strike "~~(five)~~ ten" and insert "five"

On page 18, line 33, after "exceeding" strike "~~(five)~~ ten" and insert "five"

POINT OF INQUIRY

Senator Metcalf: "Senator Vognild, I'm not sure exactly the kinds of groups that you are talking about that are licensed and unlicensed. Could you just give us a few examples of those? It would help me on this amendment."

Senator Vognild: "Basically, Senator, a licensed group would be what you would find as a well-organized group--the Eagles, the Elks, the Boys Club--this type of a group. An unlicensed group would be an impromptu group that got together for the purpose, we will say, of promoting a particular single boat race. In other words, a one-time thing. They probably would only be in operation to

accomplish one purpose and they stop. That would be unlicensed. Any ongoing group would be licensed."

POINT OF INQUIRY

Senator Kiskaddon: "Senator Vognild, as I look into this yellow book, it looks like an organization would be able to get five thousand dollars a year from casino nights and another five thousand dollars from unlicensed bingo, raffles and amusement games and another five thousand from member-only raffles. Would that mean that the organizations then could get up to fifteen thousand dollars a year?"

Senator Vognild: "Senator, my understanding is that the Gambling Commission considers that to be one unit and the total would be ten thousand dollars."

The President declared the question before the Senate to be the adoption of the three Committee on Commerce and Labor amendments.

The motion by Senator Vognild carried and the committee amendments were adopted.

MOTION

On motion of Senator Wojahn, the rules were suspended, Engrossed Senate Bill No. 3312 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3312.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3312, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Loe, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 37.

Voting nay: Senators Benitz, Bluechel, Craswell, Guess, Hayner, Kiskaddon, McDonald, Newhouse, Shinpoch, Zimmerman - 10.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SENATE BILL NO. 3312, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4500, by Senators Gaspard, Newhouse, Wojahn, Warnke and Fuller

Providing for tax deferred annuities for school employees.

The bill was read the second time.

MOTIONS

Senator Bender moved the following amendment be adopted:

On page 1, line 19, after "request of" strike "the employee or employees, the employee's or employees" and insert "ten percent of the employees, the"

Senator Vognild moved the following amendment to the Bender amendment: On the third line of the amendment to page 1, line 19, strike "ten" and insert "five"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Gaspard: "Mr. President, I have a parliamentary inquiry. Are we still on the Vognild amendment to the amendment?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Gaspard--the Vognild amendment to the Bender amendment."

Senator Gaspard: "Which is to change from ten percent to five percent. That's what I thought. It seems that most of the arguments have been on the Bender amendment, if we could purge channels to the Vognild amendment, then I think all the comments would be appropriate."

Further debate ensued.

The President declared the question before the Senate to be adoption of the Vognild amendment to the Bender amendment.

The motion by Senator Vognild carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the Bender amendment, as amended.

The motion by Senator Bender failed and the amendment, as amended, was not adopted.

MOTION

Senator Gaspard moved that the following amendment by Senators Gaspard and Moore be adopted:

On page 2, line 4, after "restrict" insert ", except as provided in this section."

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, I note that in that same section, below line 4--it's on line 7, and I don't know--you say 'after restrict, insert except as provided in this section' and then line 7 says 'and shall not place limitations on the time or place that the employees make that selection.' To me, there's no restriction there at all. It's any insurance agent or annuity could come in at any time in the building with that provision in there. Are you sure you don't want to amend that out?"

Senator Gaspard: "Senator, if you would continue reading on the next paragraph, lines 9 through 18, it allows the directors of the local school board to set up rules and regulations regarding the time and the hours that agents could be contacting the teachers--access to the building, also."

Senator Rasmussen: "But the line up above negates that. It says 'shall not place any limitation on the time or place that the employees make the selection.' The two are contrary to each other."

Senator Gaspard: "I guess the only comment I would have is that we'd have to talk to the Code Reviser on that. I think it has already been taken care of. We do have the provisions here that the local school boards can set the restrictions--the time and location that agents can contact the teachers during school hours."

The President declared the question before the Senate to be adoption of the amendment by Senator Gaspard.

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

MOTION

Senator Rasmussen moved the following amendment be adopted:

On page 2, line 7, after "purchased" strike all the matter down through "selection" on line 8.

POINT OF INQUIRY

Senator Gaspard: "Senator Rasmussen, the language that you are contending to delete deals with the employees' selection. The regulation that each school board could adopt deals with the sale of the tax deferred annuity. I think these are two separate items. Can you really make a restriction as to when an employee makes this selection of which annuity they wish?"

Senator Rasmussen: "Well, Senator Gaspard, it doesn't say that. It says 'shall not place limitations on the time or the place that the employee makes the selection.' He can make any selection he wants, but it merely takes that ambiguity out of there that the next section says that they can control the access during school hours."

Senator Gaspard: "Senator Rasmussen, would it be your intent then if a school district placed a limitation of the first two months in a school district to make a selection, that they would be able to do so now, if you eliminate this language?"

Senator Rasmussen: "No, they would still be able to make the selection any time they agreed with their insurance agent or whatever broker that was handling it--at any time."

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTION

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4500 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4500.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4500, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Barr - 1.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SENATE BILL NO. 4500, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Senate Bill No. 4396 and Senate Bill No. 4408, which were on the second reading calendar, were referred to the Committee on Rules.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3901, by Committee on Commerce and Labor (originally sponsored by Senators McManus and Vognilid)

Regulating agreements between suppliers and wholesale distributors of malt beverages and wine.

The bill was read the second time.

MOTION

Senator Vognilid moved adoption of the following amendment by Senators Vognilid, Sellar and McManus:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that both suppliers and wholesale distributors of malt beverages and wine are interested in the goal of best serving the public interest through the fair, efficient, and competitive distribution of such beverages. The legislature encourages them to achieve this goal by:

(a) Assuring the wholesale distributor's freedom to manage the business enterprise, including the wholesale distributor's right to independently establish its selling prices; and

(b) Assuring the supplier and the public of service from wholesale distributors who will devote their best competitive efforts and resources to sales and distribution of the supplier's products which the wholesale distributor has been granted the right to sell and distribute.

(2) This chapter governs the relationship between suppliers of malt beverages and wine and their wholesale distributors to the full extent consistent with the Constitution and laws of this state and of the United States.

NEW SECTION. Sec. 2. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agreement of distributorship" means any contract, agreement, commercial relationship, license, association, or any other arrangement, for a definite or indefinite period, between a supplier and wholesale distributor.

(2) "Wholesale distributor" means any person, including but not limited to a component of a supplier's distribution system constituted as an independent business, importing or causing to be imported into this state, or purchasing or causing to be purchased within this state, any malt beverage or wine for sale or resale to retailers licensed under the laws of this state, regardless of whether the business of such person is conducted under the terms of any agreement with a malt beverage or wine manufacturer.

(3) "Supplier" means any malt beverage or wine manufacturer or importer who enters into or is a party to any agreement of distributorship with a wholesale distributor. "Supplier" does not include: (a) Any domestic winery licensed pursuant to RCW 66.24.170; or (b) any winery or manufacturer of wine producing less than three hundred thousand gallons of wine annually and holding a certificate of approval issued pursuant to RCW 66.24.206.

(4) "Malt beverage manufacturer" means every brewer, fermenter, processor, bottler, or packager of malt beverages located within or outside this state, or any other person, whether located within or outside this state, who enters into an agreement of distributorship for the resale of malt beverages in this state with any wholesale distributor doing business in the state of Washington.

(5) "Wine manufacturer" means every winery, processor, bottler, or packager of wine located within or outside this state, or any other person, whether located within or outside this state who enters into an agreement of distributorship for the resale of wine in this state with any wine wholesale distributor doing business in the state of Washington.

(6) "Importer" means any wholesale distributor importing beer or wine into this state for sale to retailer accounts or for sale to other wholesalers designated as "subjobbers" for resale in its respective distribution area.

(7) "Person" means any natural person, corporation, partnership, trust, agency, or other entity, as well as any individual officers, directors, or other persons in active control of the activities of such entity.

NEW SECTION. Sec. 3. Suppliers are entitled to the following protections which shall be incorporated in the agreement of distributorship:

(1) Agreements between suppliers and wholesale distributors shall be in writing;

(2) A wholesale distributor shall maintain the financial and competitive capability necessary to achieve efficient and effective distribution of the supplier's products;

(3) A wholesale distributor shall maintain the quality and integrity of the supplier's product in the manner set forth by the supplier;

(4) A wholesale distributor shall exert its best efforts to sell the product of the supplier and shall merchandise such products in the stores of its retail customers as agreed between the wholesale distributor and supplier;

(5) The supplier may cancel, fail to renew, or otherwise terminate any agreement with a wholesale distributor immediately and without notice if the reason for such termination or non-renewal is insolvency, the occurrence of an assignment for the benefit of creditors, bankruptcy, or suspension in excess of fourteen days or revocation of a license issued by the state liquor board;

(6) A wholesale distributor shall give the supplier prior written notice, of not less than ninety days, of any material change in its ownership or management and the supplier has the right to reasonable prior approval of any such change; and

(7) A wholesale distributor shall give the supplier prior written notice, of not less than ninety days, of the wholesale distributor's intent to cancel, fail to renew, or otherwise terminate the distributorship agreement.

NEW SECTION. Sec. 4. Wholesale distributors are entitled to the following protections which shall be incorporated in the agreement of distributorship:

(1) Agreements between wholesale distributors and suppliers shall be in writing;

(2) A supplier shall give the wholesale distributor at least sixty days prior written notice of the supplier's intent to cancel, fail to renew, or otherwise terminate the agreement, unless such termination or nonrenewal is based on a reason set forth in section 3(5) of this act. The notice shall state all the reasons for the intended termination, cancellation, or nonrenewal. Upon receipt of notice, the wholesale distributor shall have sixty days in which to rectify any claimed deficiency. If the deficiency is rectified within this sixty-day period, the proposed termination, cancellation, or nonrenewal is null and void and without legal effect;

(3) The wholesale distributor is entitled to compensation for the laid-in cost of inventory and liquidated damages measured on the fair market price of the business as provided for in the agreement for any termination of the agreement by the supplier other than termination for cause, for failure to live up to the terms and conditions of the agreement, or any reason set forth in section 3(5) of this act; and

(4) The wholesale distributor may sell or transfer its business, or any portion thereof, including the agreement, to successors in interest upon prior approval of the transfer by the supplier. No supplier may unreasonably withhold or delay its approval of any transfer, including wholesaler's rights and obligations under the terms of the agreement, if the person or persons to be substituted meet reasonable standards imposed by the supplier.

NEW SECTION. Sec. 5. No supplier may:

(1) Coerce or induce, or attempt to induce or coerce, any wholesale distributor to engage in any illegal act or course of conduct;

(2) Require a wholesale distributor to assent to any unreasonable requirement, condition, understanding, or term of an agreement which prohibits a wholesaler from selling the product of any other supplier or suppliers; or

(3) Require a wholesale distributor to accept delivery of any product or any other item or commodity which was not ordered by the wholesale distributor.

NEW SECTION. Sec. 6. In any action brought by a wholesale distributor or a supplier pursuant to this chapter, the prevailing party shall be awarded its reasonable attorney's fees and costs.

NEW SECTION. Sec. 7. This chapter may be known and cited as the wholesale distributor/supplier equity agreement act.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Vognild, Sellar and McManus.

The motion by Senator Vognild carried and the amendment was adopted on a rising vote.

MOTION

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute Senate Bill No. 3901 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3901.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3901, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Haley, Hayner, Hurley, Kiskaddon, Loe, McDonald, Metcalf, Quigg, Williams - 14.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3901, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4516, by Senators Conner and Vognild

Authorizing members of affiliated organizations to assist local nonprofit organizations with gambling activities.

The bill was read the second time.

MOTION

Senator Wojahn moved adoption of the following amendment by Senators Wojahn and McDonald:

On page 8, beginning on line 33, strike all of the material down through the period on line 36 and insert:

"(c) Members of a chapter or local unit within the jurisdiction of the next higher level of the parent organization may assist another chapter or local unit of that same organization licensed by the commission in the conduct of gambling activities, when the chapter or local unit is located within the same or adjacent county in the state of Washington."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Wojahn and McDonald.

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

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Bill No. 4516 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4516.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4516, and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Haley, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 32.

Voting nay: Senators Benitz, Bluechel, Craswell, Goltz, Guess, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Talmadge, Zimmerman - 13.

Absent: Senators Granlund, Rinehart - 2.

Excused: Senators Deccio, Pullen - 2.

ENGROSSED SENATE BILL NO. 4516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4388, by Senator Warnke and Zimmerman (by State Treasurer request)

Changing provisions relating to the cashing of checks, drafts and warrants by the state treasurer.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 4388 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4388.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4388, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4439, by Senators Talmadge Hemstad and Hughes

Amending or repealing statues superseded by court rule.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Senate Bill No. 4439 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4439.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4439, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Deccio, Pullen - 2.

SENATE BILL NO. 4439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4527, by Senators Peterson, Patterson, Sellar and Bottiger

Directing law enforcement officers to put reflectorized warning devices on disabled cars.

The bill was read the second time

MOTION

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 4527 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4527.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4527, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Barr - 1.

Absent: Senators Benitz, McCaslin - 2.

Excused: Senator Pullen - 1.

SENATE BILL NO. 4527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3485, by Senators Gaspard and Hughes

Providing for the superintendent of public instruction to be a voting member of the state board of education.

The bill was read the second time.

MOTION

Senator Gaspard moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010 are each amended to read as follows:

The state board of education shall be comprised of two members from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, the superintendent of public instruction, and one ((nonvoting)) member elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.02.201, as now or hereafter amended.

Sec. 2. Section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020 are each amended to read as follows:

Not later than the twenty-fifth day of August of each year, the superintendent of public instruction shall call for the following elections to be held: An election in each congressional district within which resides a member of the state board of education whose term of membership will end on the second Monday of January next following, and an election of the ((nonvoting)) member of the state board of education representative of the private schools if the term of membership will end on the second Monday of January next following. The superintendent of public instruction shall give written notice thereof to each member of the board of directors of each common school district in such congressional district, and to the chairperson of the board of directors of each private school who shall distribute said notice to each member of the private school board. Such notice shall include the election calendar and rules and regulations established by the superintendent of public instruction for the conduct of the election.

Sec. 3. Section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050 are each amended to read as follows:

Each member of the board of directors of each school district in each congressional district shall be eligible to vote for the candidates who reside in his congressional district. Each chairperson of the board of directors of each eligible private school shall cast a vote for the candidate receiving a majority in an election to be held as follows: Each member of the board of directors of each eligible private school shall vote for candidates representing the private schools in an election of the board, the purpose of which is to determine the board's candidate for the ((nonvoting)) member representative of the private schools of the state board. Not later than the first day of October the superintendent of public instruction shall mail to each member of each common school district board of directors and to each chairperson of the board of directors of each private school, the proper ballot and voting instructions for his congressional district together with biographical data concerning each candidate listed on such ballot, which data shall have been prepared by the candidate.

Sec. 4. Section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090 are each amended to read as follows:

The state board of education shall annually elect a president and vice president. The superintendent of public instruction shall be an ex officio member and the chief executive officer of the board. As such ex officio member the superintendent shall have the right to vote ~~((only when there is a question before the board upon which no majority opinion has been reached among the board members present and voting thereon and the superintendent's vote is essential for action thereon))~~ on any matter before the board. The superintendent, as chief executive officer of the board, shall furnish all necessary record books and forms for its use, and shall represent the board in directing the work of school inspection."

POINT OF INQUIRY

Senator Wojahn: "Senator Gaspard, all of the members of the state school board from the local congressional districts, are they elected by the people?"

Senator Gaspard: "No, they're not. They're elected by the school directors in that congressional district."

Senator Wojahn: "Are they members of the elected school boards within the district?"

Senator Gaspard: "No, not necessarily."

Senator Wojahn: "So, they could be persons who really have never faced the electorate--to be elected? I thought that it was made up of persons elected to local school boards."

Senator Gaspard: "No, that is not the case. They are elected from the school directors in that congressional district."

Further debate ensued.

Senator Goltz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Gaspard.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the amendment was adopted by the following vote: Yeas, 35; nays, 12; absent, 01; excused, 01.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Woody - 35.

Voting nay: Senators Barr, Bender, Conner, Goltz, Granlund, Hansen, Lee, Rasmussen, Rinehart, Shinpoch, Wojahn, Zimmerman - 12.

Absent: Senator Williams - 1.

Excused: Senator Pullen - 1.

MOTIONS

On motion of Senator Gaspard the following title amendment was adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010; amending section 28A.04.020, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 38, Laws of 1981 and RCW 28A.04.020; amending section 28A.04.050, chapter 223, Laws of 1969 ex. sess. as amended by section 2, chapter 38, Laws of 1981 and RCW 28A.04.050; and amending section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090."

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 3485 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3485.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3485, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 01; excused, 01.

Voting yea: Senators Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Bender, Bluechel, Goltz, Granlund, Haley, Lee, Rinehart - 8.

Absent: Senator Williams - 1.

Excused: Senator Pullen - 1.

ENGROSSED SENATE BILL NO. 3485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 4653 and the pending Bluechel amendment on page 3, following line 17 to the McManus and McDermott amendment, ruled to be in order on February 3, 1984.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel to the McManus and McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendment to the amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 01; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Hughes - 1.

Excused: Senator Pullen - 1.

MOTION

Senator Bluechel moved adoption of the following amendment to the McManus and McDermott amendment:

On page 3, following line 17, add a subsection as follows:

"(5) A central file on persons arrested for or convicted of the sexual assault or molestation of a child under the age of eighteen shall be kept by the crime information center of the records division of the Washington State Patrol, and periodic reports concerning the list shall be sent to the department. Information contained in the file on any person arrested three or more times for the sexual assault or molestation of a child or children or any person convicted of the sexual assault or molestation of a child shall be available to any business or organization that deals primarily with the care of education of children. Within forty-eight hours after the information is requested, the patrol shall advise the requesting organization of the arrests or convictions."

POINT OF ORDER

Senator McDermott: "Mr. President, I raise the question of scope and object on this amendment. I think the amendment--bringing in the State Patrol--the whole issue of what we are doing here in terms in cost to the State Patrol, is an issue that apparently is being done, although it is unclear as to the nature of why we have to be changing the law. It is not mentioned in the rest of the bill and I would suggest that this particular issue is beyond the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Senate Bill No. 4653 is a measure which deals with child protective services intake and assessment procedures, guardian ad litem qualifications, service worker reports, DSHS's central registry reports and the Council on Child Abuse.

"The amendment proposed by Senator Bluechel would require the establishment of a new and additional central file on persons arrested or convicted of sexual assault or molestation of a child under the age of 18 to be kept by the Washington State Patrol's Crime Information Center.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment to the amendment was ruled out of order.

MOTION

Senator Bluechel moved adoption of the following amendment to the McManus and McDermott amendment:

On page 8, following line 12, insert new sections as follows:

"NEW SECTION. Sec. 8. There is added to chapter 43.43 RCW a new section to read as follows:

(1) The missing child information center is established within the Washington state patrol and shall function under the direction of the chief of the Washington state patrol. The center shall serve as a central repository of and clearing-house for information about Washington children under the age of eighteen believed to be missing and missing children from other states believed to be in Washington.

(2) The center shall utilize either existing or other data processing to enable the immediate retrieval of the following information about the missing child: Name, date of birth, social security number, fingerprint classification, relevant physical descriptions, and known associates and locations. Access to information about the child should be retrievable if any one of these factors is known.

(3) Access to information from the data banks of the center shall be limited to law enforcement agencies. However a parent or legal guardian may request information regarding the parent's or legal guardian's child.

(4) The Washington state patrol, through the center, shall regularly issue emergency flyers containing physical and situational descriptions of missing children when requested by a law enforcement agency and as the state patrol deems necessary. A list of missing children

believed to be within the state shall be kept, updated regularly, and transmitted to the superintendent of public instruction at regular intervals.

(5) The Washington state patrol shall report to the legislature by January 15 of each year on the number of missing children and make recommendations on methods of improving the operations of the center.

(6) The chief of the Washington state patrol may adopt rules under chapter 34.04 RCW as necessary to carry out this section.

NEW SECTION. Sec. 9. There is added to chapter 43.43 RCW a new section to read as follows:

The sheriff or director of public safety of every county, the chief of police of every city or town, and every chief officer of other law enforcement agencies operating within the state shall cause reports of missing children to be investigated, transmit information to the missing children information center and cooperate with the center, and enter information on missing children in the national crime information center computer.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction shall distribute copies of the lists of missing children received from the Washington state patrol under section 1 of this act to every public and private school in the state of Washington."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator McDermott: "Mr. President, I would raise the question of scope and object on this amendment. As Senator Bluechel has said, this does set up a new function for the State Patrol. It may be a very worthy thing to do. We are, at this point, considering a major information service increase in the budget of the State Patrol--trying to interlock the State Patrol with the Corrections Department, and certainly this may be something that is worthy to do, but I think it deserves a hearing and, also, an adequate fiscal note. For somebody to tell me that it merely can be taken--eaten in their budget, so to speak--I've heard lots of people come forward and say that, but it's clear that this expands their duty and I would suggest that it is beyond the scope of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Senate Bill No. 4653 is a measure which deals with child protective services intake and assessment procedures, guardian ad litem qualifications, service worker reports, DSHS's central registry reports and the Council on Child Abuse.

"The amendment proposed by Senator Bluechel would establish The Missing Child Information Center within the Washington State Patrol.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment to the amendment was ruled out of order.

The President declared the question before the Senate to be adoption of the amendment by Senators McManus and McDermott.

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

MOTIONS

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

On page 1, line 1 of the title, after "children;" strike the remainder of the title and insert "amending section 3, chapter 13, Laws of 1965 as last amended by section 7, chapter 129, Laws of 1982 and RCW 26.44.030; amending section 2, chapter 4, Laws of 1982 and RCW 43.121.020; amending section 9, chapter 4, Laws of 1982 and RCW 43.121.090; amending section 10, chapter 4, Laws of 1982 and RCW 43.121.100; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010; amending section 11, chapter 4, Laws of 1982 and RCW 43.121.900; and adding a new section to chapter 26.44 RCW."

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 4653 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4653.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4653, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4653, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4484, by Senators Fleming, Talmadge, McDermott, Bottiger, Hughes, Bender and McManus

Creating the athletic health care and training council.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4484 was substituted for Senate Bill No. 4484 and the substitute bill was placed on second reading and read the second time.

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

On page 1, beginning on line 18, strike "and through nonprofit recreational organizations"

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

On page 1, line 21, after "of" strike "fifteen" and insert "fourteen"

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

On page 2, line 8, after "programs," strike all material down through "organization," on line 9

On page 2, line 28, after "state," strike all material down through "organizations," on line 29

On page 3, line 3, after "state," strike "or in nonprofit recreational organizations"

MOTION

Senator Zimmerman moved adoption of the following amendment:

On page 3, line 6, after "standards for" strike all the material down to "athletic health" on line 7

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

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

MOTION

Senator Zimmerman moved adoption of the following amendment:

On page 3, line 11, strike "either" and on line 12, strike "or without an investigation"

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Fleming, as a friend of the bill, I know some coaches that would love to have the ability to question whether or not somebody's ankles are properly taped or not and having a brilliant running back like you end up going off to the local taping and inspection commission during the second half and could turn that game around. Is there a possibility of that there or do we have to have first teams exempted from this kind of a--"

Senator Fleming: "Senator, let's not love it to death. You've been a friend of the bill before. O.K.?"

The President declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

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

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute Senate Bill No. 4484 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4484.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4484, and the bill passed the Senate by the following vote: Yeas, 37; nays, 09; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlud, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Craswell, Hemstad, Lee, McCaslin, McDonald, Metcalf, Newhouse, Sellar - 9.

Absent: Senators Benitz, Haley - 2.

Excused: Senator Pullen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4532, by Senators Goltz and Peterson

Creating a state highway from Kendall to Sumas.

The bill was read the second time.

MOTIONS

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

On page 1, after line 10, insert the following:

NEW SECTION, Sec. 2. The state highway known as state route number 540, beginning at a junction with a Whatcom county road known as Haxton Way in the vicinity of the easterly boundary of Range 1. E.W.M., thence easterly to a junction with state route number 5 northwest of Bellingham, is transferred to Whatcom county as a county road.

NEW SECTION, Sec. 3. Section 159, chapter 51, Laws of 1970 ex. sess., section 21, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.790 are each repealed."

Senator Deccio moved the following amendment by Senators Deccio and von Reichbauer be adopted:

On page 1, after line 10, insert the following:

NEW SECTION, Sec. 2. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 at the Selah interchange, thence north-erly to a junction with Fasset Avenue in Selah."

POINT OF ORDER

Senator Goltz: "Mr. President, rising somewhat reluctantly to raise the point of order of scope and object on the amendment. I say reluctantly because I do not know the conditions under which this was offered, but no one has talked to me at all about the amendment. The purpose of the bill that we introduced was very narrowly drawn to affect one piece of highway. I think that if this becomes a Christmas tree, it endangers it. I do not know what agreement they have with the Department of Transportation. It really seems to me that it expands the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Goltz, the President finds that Senate Bill No. 4532 is a measure which establishes a new state route on the state highway system, known as state route 547, by transferring jurisdiction over the Kendall-Sumas road from Whatcom County and the City of Sumas to the State Department of Transportation.

"The amendment proposed by Senators Deccio and von Reichbauer would establish an entirely different state route on the state highway system, to be known as state route 823.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled to be out of order.

MOTIONS

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

In line 1 of the title, after "routes," strike "and"

In line 2 of the title, after "RCW" and before the period, insert "; creating a new section; and repealing section 159, chapter 51, Laws of 1970 ex. sess., section 21, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.790"

MOTIONS

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4532 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senators Haley and Kiskaddon were excused.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4532.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4532, and the bill passed the Senate by the following vote: Yeas, 36; nays, 07; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn, Woody - 36.

Voting nay: Senators Deccio, Hemstad, Metcalf, Newhouse, Quigg, von Reichbauer, Zimmerman - 7.

Absent: Senators Benitz, Craswell, Guess - 3.

Excused: Senators Haley, Kiskaddon, Pullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4402, by Senators McDermott, Goltz, Williams, Woody, Shinpoch, Gaspard and Fleming

Authorizing teacher excellence programs.

MOTIONS

On motion of Senator Gaspard, Substitute Senate Bill No. 4402 was substituted for Senate Bill No. 4402 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 4402 was deferred.

SECOND READING

SENATE BILL NO. 4506, by Senators Thompson and Hayner

Modifying membership in the judicial retirement system.

The bill was read the second time.

MOTION

Senator Quigg moved the following amendments be considered and adopted simultaneously:

On page 1, line 10 after "1971" insert "but in no case later than December 31, 1984"

On page 1, line 11 after "system" insert ". All judges appointed or elected to the courts covered by these chapters after December 31, 1984, may have deducted from such judges monthly salary an amount equal to seven and one-half percent of said salary, or any lesser amount, which shall be contributed to an annuity, an individual retirement account, or other retirement account which allows for the deferral of taxes under the provisions of the Federal Income Tax laws. The state as employer shall contribute an amount equal to the lesser of seven and one-half percent of said judges monthly salary, or the amount actually contributed by the judge, to such retirement account."

On page 1, line 16, after "(1971)" strike all material down to and including "judge" on line 23

POINT OF ORDER

Senator Bottiger: "Mr. President, a point of order. I rise to challenge the amendment as exceeding the scope and object of the bill. This bill was introduced because of a problem we had with the deputy prosecutors or prosecuting attorneys being appointed or elected to the bench. They would earn credit in the PERS system and they could not transfer or take credit of the PERS system in the judicial system. The bill gives them an election to stay in PERS or become a member of the judicial retirement system—a very narrowly drawn purpose bill. Senator Quigg, on the other hand, goes in and rearranges the payment and provides another alternative to the judicial retirement system."

There being no objection, the amendments were withdrawn by Senator Quigg.

MOTION

Senator Talmadge moved adoption of the following amendment by Senators Talmadge and Newhouse:

On page 1, after line 23, insert the following:

"Sec. 2. Section 14, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.140 are each amended to read as follows:

A surviving spouse of any judge holding such office, or if he dies after having retired and who, at the time of his death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he been retired on the date of his death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of ((three)) two years at time of death: AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this chapter shall cease."

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Newhouse, if three is wrong, why is two right? You know, if you're going to take it away—take it away. I ask this everytime, when we pass special legislation—to help special people. I ask the question if anybody wants to answer it. I would like to know who the judge is that we're trying to help and what are the circumstances. Maybe I'm not supposed to talk about these things, but I'm sort of an up-front guy and I'd like to know."

Senator Newhouse: "Mr. President, ladies and gentlemen. I would be delighted to answer Senator Metcalf. There is a situation and I don't think I want to name names. You asked a very valid question. Why not no years rather than two? I would point out that we will have, very shortly, a concurrent resolution suggesting the study of pensions systems. This is certainly one study we should make, but we don't want to make too drastic a change in the system until we study the whole

thing and until that time, which will be very shortly, we will be studying exactly what you suggested."

Debate ensued.

MOTION

On motion of Senator Bluechel, Senator von Reichbauer was excused.

The President declared the question before the Senate to be adoption of the amendment by Senators Talmadge and Newhouse.

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

MOTION

Senator Zimmerman moved the following amendment by Senators Zimmerman and McDonald be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.040 are each amended to read as follows:

The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after August 9, 1971, and before the effective date of this 1984 act shall be members of this system((= Any person serving as a judge on August 9, 1971 and who is covered under the provisions of chapter 2.12 RCW shall have the option of transferring to this system. Said transfer shall be in writing and received by the Washington judicial retirement board not later than one calendar year after August 9, 1971)). Judges appointed or elected on and after the effective date of this 1984 act shall be members of the public employees' retirement system under chapter 41.40 RCW as provided in RCW 41.40.120.

Sec. 2. Section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, including judges appointed or elected on and after the effective date of this 1984 act to the courts covered by chapters 2.04, 2.06, and 2.08 RCW, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership and to be accepted by the action of the director, such application for those taking elective office for the first time after May 21, 1971, shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority: AND PROVIDED FURTHER, That any persons holding elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership and be accepted by action of the director, to be effective during such term or terms of office, and shall be allowed to recover or regain the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee and employer contributions therefor by the employer or employee: AND PROVIDED FURTHER, That any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service;
- (4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits;

- (5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the amendment expands the scope and object of the bill. I've already explained what the bill did. There was an amendment added dealing with the two-year period of the vesting for the purpose of the widows' rights. However, this amendment now would put future judges into an entirely different pension system and clearly expands the scope and object of the bill."

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 4506 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4758, by Senators Woody, Sellar, Haley, Vognild, Benitz and Williams

Authorizing small amounts of alcohol flavoring in candy.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4758 was substituted for Senate Bill No. 4758 and the substitute bill was placed on second reading and read the second time.

Senator Metcalf moved adoption of the following amendment:

On page 2, line 13, after "title" insert:

"For the purposes of sections 1 through 4 of this act, alcohol or liquor shall mean the following only: (a) Rum; (b) Bourbon; (c) Whiskey; (d) Scotch; (e) Gin; (f) Brandy; (g) Rye; (h) Vodka; (i) Tequilla; and (j) wine."

Debate ensued.

There being no objection, Senator Metcalf withdrew the amendment.

MOTION

Senator Metcalf moved adoption of the following amendment:

On page 2, line 13, after "title" insert:

"For the purposes of sections 1 through 4 of this act, alcohol or liquor shall include but not be limited to rum, bourbon, whiskey, scotch, gin, brandy, rye, vodka, tequilla and an infinite variety of wines."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Woody, this doesn't include all the varieties, of course, that are available. Do you think the amendment should be rejected, so we can put a larger variety into the chocolate? That was not really my question. My question relates to the Liquor Board. Does the Liquor Board now have the authority to authorize the use of these liquors?"

Senator Woody: "No, they do not."

Senator Rasmussen: "I thought they controlled all alcohol in the state other than on Indian reservations and they're controlling that, too."

Senator Woody: "Presently, state law prohibits the including of alcohol coming from alcoholic flavoring--coming from an alcoholic product--in candies. It does provide it in one section of the statute for delicatessens and bakeries, and we are cleaning up the confusion in the Liquor Control Board statutes in that regard. This will simply allow alcohol to be put in candies up to one percent of the content of the bulk weight content of the candy, so that it can be easily analyzed."

"The Liquor Control Board does approve and endorse this proposal. In fact, they have used this bill as a vehicle to clean up some portions of their statutes."

Senator Rasmussen: "All cooks used to become alcoholics from drinking the lemon extract. Was that alcoholic?"

Senator Woody: "I don't know. I have never known a cook who got drunk from lemon extract."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

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

MOTION

On motion of Senator Woody, the rules were suspended, Substitute Senate Bill No. 4758 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4758.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4758, and the bill passed the Senate by the following vote: Yeas, 38; nays, 07; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 38.

Voting nay: Senators Barr, Craswell, Lee, Metcalf, Rasmussen, Rinehart, Zimmerman - 7.

Excused: Senators Haley, Kiskaddon, Pullen, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 4758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Senate Bill No. 4506 and the pending striking amendment proposed by Senators Zimmerman and McDonald earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Senate Bill No. 4506 is a measure which simply allows a person who is elected or appointed to a judicial position and who is also a member of the Public Employees Retirement System to choose within 30 days after election or appointment whether to remain a member of PERS or to transfer to the Judicial Retirement System.

"The amendment proposed by Senators Zimmerman and McDonald would require that future judges be members of the Public Employees Retirement System.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled to be out of order.

MOTIONS

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

On page 1, line 2 of the title, before "amending" strike "and"

On page 1, line 3 of the title, after "2.10.040" and before the period insert "; and amending section 14, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.140"

On motion of Senator Talmadge, the rules were suspended, Engrossed Senate Bill No. 4506 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, my understanding of this is that if a person coming from outside the judicial system that's a member of the PERS system can now transfer over into the judicial system and bring ten years of credit with them."

Senator Talmadge: "Senator, that's if they're a prosecuting attorney, in effect-- if they are one who is qualified to seek judicial office. They would have a time period of thirty days in which to make an irrevocable election between those two pension systems and they would have the opportunity to bring the credit, as I understand it, from PERS to the judicial retirement system."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4506.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4506, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse,

Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Haley, Kiskaddon, Pullen, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 4506, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4666, by Senators Rinehart, Warnke, Hemstad, Hughes, Hurley, Shinpoch and Kiskaddon

Providing for management of state park lands and restricting timber sales.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4666 was substituted for Senate Bill No. 4666 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 4666 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Peterson: "Senator Hughes, it says that trees can be removed only by commission personnel. I can envision particularly hazardous terrain where, perhaps, the commission personnel wouldn't have either the equipment or the trained personnel. Would that preclude the removal of trees in that instance?"

Senator Hughes: "Senator, in responding it is my understanding that supervision is required and they have the authority to bring others in there, but Senator Rinehart is the prime sponsor so she would like to address that."

Senator Rinehart: "Thank you, Mr. President. Senator Peterson, if you will look at the bill, it says very clearly 'tree removal under this subsection to be done by commission personnel' and then it puts in 'unless the people lack the necessary expertise,' so that would cover your concern."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4666.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4666, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Haley, Kiskaddon, Pullen, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 4666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORT OF STANDING COMMITTEE

February 2, 1984

SB 4364 Prime Sponsor, Senators Gaspard: Revising compulsory school attendance requirements. Reported by Committee on Education

MAJORITY recommendation: That Substitute Senate Bill No. 4364 be substituted therefor, and the substitute bill do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Patterson.

MINORITY recommendation: That Substitute Senate Bill No. 4364 do not pass. Signed by Senators Benitz, Craswell, Lee, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

At 5:59 p.m., on motion of Senator Shinpoch, the Senate adjourned until 1:30 p.m., Sunday, February 5, 1984.

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

TWENTY-EIGHTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, February 5, 1984

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Craswell, Kiskaddon and Pullen. On motion of Senator Guess, Senator Pullen was excused. On motion of Senator Zimmerman, Senator Kiskaddon was excused.

The Sergeant at Arms Color Guard, consisting of Pages Toni Swope and Paul Albrecht, presented the Colors. Reverend Dwight Whipple, senior pastor of the Westminster Presbyterian Church of Olympia, offered the prayer.

MOTION

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

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

SECOND READING

SENATE BILL NO. 4620, by Senators Hughes, Bender, Owen, McDermott, Peterson, Wojahn, Bottiger, Talmadge, Moore, Bauer, Gaspard, Shinpoch, McCaslin, McDonald, Sellar, Fleming, Vognild and Conner

Enlarging definition of veteran.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4620 was substituted for Senate Bill No. 4620 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "Senator Hughes, what is the status or what differentiates those servicemen who are in Central America from those that are mentioned in this bill and how could those be included?"

Senator Hughes: "Right now, Senator Goltz, they would not be included. It's the decision of the military when the expeditionary medal is awarded and that is based on a decision made with the hierarchy of the military. I asked if this thing had a prospective potential, but the way it is drafted now, the answer is 'no.' It doesn't address that, but there's no question about the fact that if the United States' involvement were to continue in Central America and if the expeditionary medal were awarded there, there probably would be some movement towards that.

"The other aspect, if I can respond, is this in no way goes back either. There would be no other action. It would say the expeditionary medal had been awarded for the only people covered under this bill and that would be those who served in Lebanon and Grenada."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4620.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4620, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Decchio, Fleming, Fuller, Gaspard, Goltz, Graniund, Guess, Haley, Hansen, Hayner, Hemstad,

Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Craswell - 1.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4050, by Senator Peterson

Relating to transportation regulation.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4050 was substituted for Senate Bill No. 4050 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4050 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4050.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4050, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4050, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 1:49 p.m., on motion of Senator Shipoch, the Senate recessed until 2:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:02 p.m.

SECOND READING

SENATE BILL NO. 3287, by Senators Bauer, Hemstad and Granlund

Establishing grace period for certain employees to reestablish pension benefits.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3287 was substituted for Senate Bill No. 3287 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3287 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bluechel, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3287.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3287, and the bill passed the Senate by the following vote: Yeas, 34; nays, 12; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Craswell, Deccio, Guess, Haley, Hayner, McDonald, Metcalf, Newhouse, Quigg, Sellar - 12.

Excused: Senators Kiskaddon, Pullen, von Reichbauer - 3.

SUBSTITUTE SENATE BILL NO. 3287, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4623, by Senators Shinpoch and Goltz (by Human Rights Commission request)

Altering provisions relating to the human rights board.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4623 was substituted for Senate Bill No. 4623 and the substitute bill was placed on second reading and read the second time.

Senator Shinpoch moved the following amendments be considered and adopted simultaneously:

On page 1, line 25, after "sex," insert "sexual orientation."

On page 1, line 34, after "sex," insert "sexual orientation."

On page 7, line 21, after "sex," insert "sexual orientation."

On page 8, line 9, after "sex," insert "sexual orientation."

On page 10, line 12, after "sex," insert "sexual orientation."

On page 10, line 19, after "sex," insert "sexual orientation."

On page 10, line 24, after "sex," insert "sexual orientation."

On page 10, line 36, after "sex," insert "sexual orientation."

On page 11, line 12, after "sex," insert "sexual orientation."

On page 11, line 15, after "sex," insert "sexual orientation."

On page 11, line 20, after "sex," insert "sexual orientation."

On page 11, line 27, after "sex," insert "sexual orientation."

On page 11, line 34, after "sex," insert "sexual orientation."

On page 12, line 21, after "sex," insert "sexual orientation."

On page 19, line 21, after "sex," insert "sexual orientation."

POINT OF ORDER

Senator Rasmussen: "Mr. President, I repeat my question on scope and object on these amendments. I don't want to raise the issue of who's a bigot and who isn't, because I don't know, but I do have a grave question on these fitting in this legislation which was never presented to the committee."

There being no objection, further consideration of Substitute Senate Bill No. 4623 was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

SENATE BILL NO. 4689, by Senators Peterson, Hughes, Hurley, Woody, Williams, Bottiger, Shinpoch and McDermott

Requiring third party inspections for out-of-state low-level radioactive waste generators, packagers and brokers.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendments were considered and adopted simultaneously:

On page 1, line 15, after "inspection" strike language down to and including "brokers." on line 16 and insert "of the low-level radioactive waste shipped to Hanford by out of state generators, packagers and brokers. The inspection shall be performed out of state, at the site of the generator, packager or broker, prior to its shipment to Hanford."

On page 2, line 23, after "Generator" strike all the language down to and including "(3)" on line 24, and insert "means any person, partnership, association, corporation, or any other entity whatsoever which, as part of its activities, produces low-level radioactive waste"

On page 3, line 8, after "permitted" strike "that" and insert "and"

Senator Williams moved adoption of the following Committee on Energy and Utilities amendment:

On page 1, line 16, after "brokers" insert ": PROVIDED, That nothing in this section shall affect the parties, regulatory practices and contracts previously established under RCW 43.145-.010 and the Northwest Interstate Compact On Low Level Radioactive Waste Management"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Energy and Utilities amendment.

The motion by Senator Williams carried and the committee amendment was adopted.

MOTION

Senator Williams moved the following Committee on Energy and Utilities amendment be adopted:

On page 3, line 25, after "radiation." insert:

"NEW SECTION, Sec. 4. The provisions of section 2 of this act shall not be enforced prior to the exclusiveness authority granted to the Northwest Interstate Compact On Low Level Radioactive Waste Management through Congressional consent."

Re-number the following sections accordingly.

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the Committee on Energy and Utilities amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams failed and the committee amendment was not adopted by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Sellar, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senators Kiskaddon, Pullen - 2.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Shinpoch moved that the Senate immediately reconsider the vote by which the Committee on Energy and Utilities amendment to page 1, line 16, was adopted by the Senate.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Shinpoch to reconsider the vote by which the Committee on Energy and Utilities amendment to page 1, line 16, was adopted by the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Shinpoch failed and the Senate did not reconsider the vote on the committee amendment by the following vote: Yeas, 23; nays, 24; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 23.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Excused: Senators Kiskaddon, Pullen - 2.

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 4689 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4689.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4689, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Grantlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Newhouse, Patterson, Quigg, Sellar - 16.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SENATE BILL NO. 4689, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4623 and the pending amendments by Senator Shinpoch, proposed earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Substitute Bill No. 4623 is essentially a house-keeping measure which makes technical changes to the laws relating to the Human Rights Commission.

"The amendments proposed by Senator Shinpoch extend the list of criteria that cannot be the basis for discrimination in employment.

"The President, therefore, finds that the proposed amendments do expand the scope and object of the bill and the the point of order is well taken."

The amendments were ruled out of order.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4623 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Hemstad, my question deals with the brief of the bill on the last paragraph where it deals with authorizing summary judgment. That worries me so much that I would vote 'no' on this bill for no other reason, but for the benefit of the group and for me, too, maybe you could clarify that a little bit."

Senator Hemstad: "Well, Senator Barr, in reading the description in the bill summary, it should normally be appropriate for a court to proceed with the matter on a summary judgment on the basis if there is, in fact, no disputed issue of the fact involved in the case. It's only a matter of law at that point, the summary judgment proceeding normally is going to be appropriate and it simply facilitates dealing with the matter in court. You don't have to go through a trial if there was no fact issue in dispute and I don't believe there is anything here that is intended to change that routine and typical historical method of dealing with issues of law rather than the fact."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4623.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4623, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, McCaslin, McDonald, Metcalf, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 19.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4623, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4558, by Senator Williams

Establishing procedures to convene the legislature to consider high-level nuclear waste storage siting decisions.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Bill No. 4558 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Williams, I'm under the impression that the majority party could always request that the legislature poll the members of the legislature to see if they wish to be called into special session for a purpose."

Senator Williams: "I believe they could."

Senator Hayner: "So, what are we doing here?"

Senator Williams: "This simply insures that we can, in fact. I have no idea who the majority party might be or, if in fact, there are two different parties controlling—one in the House and one in the Senate. This simply insures that we do not lose the opportunity of the Legislature to comment on our selection of the site."

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4558.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4558, and the bill passed the Senate by the following vote: Yeas, 26; nays, 20; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Lee - 1.

Excused: Senators Kiskaddon, Pullen - 2.

SENATE BILL NO. 4558, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE JOINT MEMORIAL NO. 127, by Senators Williams, Goltz, Hemstad, McManus, Hurley and Fuller

Requesting the Department of Energy to review other radioactive waste sites.

The memorial was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Senate Joint Memorial No. 127 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Memorial No. 127.

ROLL CALL

The Secretary called the roll on final passage of Senate Joint Memorial No. 127, and the memorial passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Benitz, Guess, McCaslin, Newhouse, Quigg - 5.

Absent: Senator Lee - 1.

Excused: Senators Kiskaddon, Pullen - 2.

SENATE JOINT MEMORIAL NO. 127, having received the constitutional majority, was declared passed.

SECOND READING

SENATE JOINT MEMORIAL NO. 131, by Senators Williams and Hurley

Requesting consideration of nuclear waste policy and liability.

The memorial was read the second time.

MOTIONS

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

On page 1, line 16, after "seeks a" strike "National" and insert "national"

On page 1, line 27, after "United States" insert "Congress"

On motion of Senator Williams, the rules were suspended, Engrossed Senate Joint Memorial No. 131 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Joint Memorial No. 131.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Joint Memorial No. 131, and the memorial passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SENATE JOINT MEMORIAL NO. 131, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 4534, by Senators Williams and Hemstad

Revising provisions relating to the chairman of the nuclear waste policy and review board.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following amendment by Senators Williams and Benitz was adopted:

On page 1, line 19, after "personnel." insert "The salary shall be disbursed on a pro rata basis up to the equivalent of the full time salary."

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 4534 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Moore: "Senator Williams, when does this salary take effect and how much is it?"

Senator Williams: "As I recall, it takes effect when the bill takes effect, which is the normal time. We have no emergency clause or anything like that. It takes effect once the bill becomes law."

Senator Moore: "And the amount?"

Senator Williams: "That is set, I believe, by the Department of Personnel."

Senator Moore: "In their wisdom?"

Senator Williams: "I guess you could say that."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4534.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4534, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Conner, Fleming, Fuller, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 27.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Gaspard, Goltz, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Moore, Newhouse, Rasmussen, Sellar, Vognlid, von Reichbauer - 18.

Absent: Senators Bluechel, Quigg - 2.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SENATE BILL NO. 4534, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3620, by Senators Hurley, Lee, Hansen, Quigg, Fuller, Rasmussen, Peterson and Guess

Establishing a limit for registration fees for air contaminant sources.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 3620 was substituted for Senate Bill No. 3620 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, the rules were suspended, Substitute Senate Bill No. 3620 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3620.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3620, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Haley - 1.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 3620, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3193, by Senator Talmadge

Modifying provisions of the Washington clean air act.

MOTIONS

On motion of Senator Hughes, Second Substitute Senate Bill No. 3193 was substituted for Senate Bill No. 3193 and the second substitute bill was placed on second reading and read the second time.

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

On page 3, line 13, after "authority," insert "fifty percent" and on page 3, line 14, after "funds" and before the period insert "and fifty percent shall be distributed to the cities, towns and counties within the authority, on a pro rata basis, as each contributes to support the authority pursuant to RCW 70.94.093".

On motion of Senator Hughes, the rules were suspended, Engrossed Second Substitute Senate Bill No. 3193 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3193.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3193, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Barr, Haley, Newhouse - 3.

Absent: Senator Benitz - 1.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4607, by Senators Hughes, Lee, Talmadge and McDermott (by Department of Ecology request)

Authorizing procedures to dispose of hazardous wastes.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, the following Committee on Parks and Ecology amendments were considered and adopted simultaneously:

On page 1, line 24, at the beginning of the paragraph, strike "The" and insert "Notwithstanding any other provision of chapter 70.105 RCW, the"

On page 2, beginning on line 4, after "(1)" strike all of the material down to and including "(2))" on line 6 and insert "With the exception of subsection (2), nothing in this chapter shall apply to any radioactive waste or radioactive material.

(2)"

Renumber the remaining subsection accordingly.

On motion of Senator Hughes, the rules were suspended, Engrossed Senate Bill No. 4607 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4607.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4607, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Guigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Benitz - 1.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SENATE BILL NO. 4607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4831, by Senators Talmadge, Kiskaddon, Hughes, Bluechel, Rasmussen, Williams, Pullen, Wojahn, Goltz, Bender, Hurley, Hemstad, Fuller and Zimmerman

Relating to worker and community right to know.

MOTIONS

On motion of Senator Hughes, Second Substitute Senate Bill No. 4831 was substituted for Senate Bill No. 4831 and the second substitute bill was placed on second reading and read the second time.

Senator Owen moved that the following amendments by Senators Owen and Talmadge be considered and adopted simultaneously:

On page 4, line 22, after "exposure" strike "; or" and insert a period.

On page 4, line 23, strike "(c) Consumer" and insert "Hazardous substances do not include consumer"

POINT OF INQUIRY

Senator Moore: "Senator Talmadge, would this then apply to Drano or some product like that?"

Senator Talmadge: "My response, Senator, would be 'yes.'"

MOTION

The President declared the question before the Senate to be adoption of the amendments by Senators Owen and Talmadge.

The motion by Senator Owen carried and the amendments were adopted.

PARLIAMENTARY INQUIRY

Senator Bluechel: "A point of parliamentary inquiry, I have an amendment on page 3. Would it preclude the amendment if Senator Newhouse's amendment is taken first?"

REPLY BY THE PRESIDENT

President Cherberg: "Your amendment has not been duplicated as yet, but it will be considered."

MOTION

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

On page 8, lines 4 and 5, strike "or environmental hazardous substances"

On page 12, line 7, after "itself" strike ", and that a material safety data sheet on each constituent hazardous substance identified on the material safety data sheet is available on request"

On page 14, line 24, after "upon" insert "written"

On page 16, line 27, strike "toxic or"

On page 18, lines 25 and 26, strike "special health hazard and"

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 4831 was deferred.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3740, by Committee on Transportation (originally sponsored by Senators Vognild, Rasmussen and Peterson)

Defining liability for hazardous materials incidents.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended; Substitute Senate Bill No. 3740 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3740.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3740, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Warnke - 1.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 3740, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4560, by Senators Williams, Goltz, Fuller, Moore, Woody and Talmadge

Requiring disclosure of information to telephone buyers.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4560 was substituted for Senate Bill No. 4560 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendment by Senators Williams and Hemstad was adopted:

On page 1, line 28, strike "The full text" and insert "The terms"

On motion of Senator Williams, the following amendment by Senators Williams and Hemstad was adopted:

On page 2, line 10, insert new section. "NEW SECTION. Sec. 5. This chapter shall not apply to equipment not intended for connection to the telephone network, nor to used equipment located on the customer's premises."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4560 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Williams, this legislation is not intended to encompass in the case of a casual sale--somebody has a telephone they want to sell to you or me or we buy one out at the flea market--the casual sale or the garage sale?"

Senator Williams: "Senator Rasmussen, the answer is 'yes.' It's not intended to cover the casual sale, only retail operations."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4560.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4560, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Craswell, Guess, Haley, McCaslin, Metcalf, Quigg, Sellar - 8.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4560, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4667, by Senators Goltz, Williams, Granlund and Pullen

Prohibiting mandatory measured telephone service rates.

MOTIONS

On motion of Senator Williams, Substitute Senate Bill No. 4667 was substituted for Senate Bill No. 4667 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Williams, the following amendment by Senators Williams, Goltz and Hemstad was adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The Washington utilities and transportation commission shall conduct a comprehensive study to include, but not be limited to, the social and economic impact upon the residential, business, governmental, and nonprofit telephone customers by implementation of mandatory local measured telephone service rates.

The commission shall seek the cooperation of the joint select committee on telecommunications as well as representatives of the telephone industry, business interests, consumer groups, senior citizen groups, community service groups, nonprofit organizations, social service agencies, and all other interested parties in conducting the study.

The commission shall report to the appropriate committees of the house of representatives and the senate no later than November 1, 1984, with the findings of the study and recommendations regarding the implementation of mandatory local measured telephone service.

Sec. 2. Section 80.04.130, chapter 14, Laws of 1961 and RCW 80.04.130 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of

such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

(2) At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

(3) The implementation of mandatory local measured telephone service is a major policy change in available telephone service. The commission shall not approve, prior to June 1, 1985, any filings which are under suspension as of the effective date of this 1984 act, which are awaiting an order by the commission, or which are filed on or after the effective date of this 1984 act if the filing involuntarily requires any telephone user to pay for all outgoing local telephone calls based on time and/or distance. As to any such filing, the requirements in subsection (1) of this section for the commission to act on that filing within ten months from the date the filing would otherwise go into effect are suspended under this subsection from the effective date of this 1984 act until June 1, 1985. This subsection shall not apply to any service such as land, marine, or air mobile service, or any like service that has traditionally been offered on a measured-service basis.

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

MOTIONS

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

On page 1, line 1 of the title, after "rates;" strike the remainder of the title and insert "amending section 80.04.130, chapter 14, Laws of 1961 and RCW 80.04.130; creating a new section; and declaring an emergency."

On motion of Senator Williams, the rules were suspended, Engrossed Substitute Senate Bill No. 4667 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4667.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4667, and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 00; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Boltiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Loe, McCastlin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nays: Senators Benitz, Craswell, Guess, Haley, Hayner, McDonald, Metcalf, Newhouse - 8.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4667, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4519, by Senators Williams, Hemstad, Woody, Fuller, Rasmussen, Conner, Peterson, Benitz, Quigg and Haley

Providing criteria for the detariffing of the provision of certain telephone services.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 2, line 4, after "information," strike everything down to and including "find" on line 5 and insert "The commission may order detariffing of any product, service, or facility, only if it finds"

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

On page 3, line 6, after "include" insert "but shall not be limited to"

MOTIONS

Senator Williams moved that the following Committee on Energy and Utilities amendment not be adopted:

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 3. There is added to chapter 80.36 RCW a new section to read as follows:

No telephone company may use current revenues earned from that portion of its business which is regulated under this title to subsidize activities which are not regulated under this title, nor shall revenues from any activity not regulated under this title, except revenues actually derived from the sale of directory advertising or directory publishing rights, be attributed to the regulated activities of a telephone company for any purpose."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Senator Hemstad moved that the Committee on Energy and Utilities amendment be adopted.

Debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Craswell was excused.

PARLIAMENTARY INQUIRY

Senator Woody: "A point of parliamentary inquiry. Mr. President, we have two motions before the body."

REPLY BY THE PRESIDENT

President Cherberg: "We have one motion before the Senate, Senator Woody--the positive motion by Senator Hemstad that the amendment be adopted."

Further debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Energy and Utilities amendment on page 3, line 6.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad carried and the committee amendment was adopted by the following vote: Yeas, 27; nays, 19; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Deccio, Fleming, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Sellar, Shinpoch, von Reichbauer, Woody, Zimmerman - 27.

Voting nay: Senators Bender, Bottiger, Conner, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wajahn - 19.

Excused: Senators Craswell, Kiskaddon, Pullen - 3.

MOTIONS

Senator Williams moved the following Committee on Energy and Utilities amendment not be adopted:

On page 3, after line 6, insert the following:

"Sec. 3. Section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16.010 are each amended to read as follows:

As used in this chapter the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the utilities and transportation commission under the provisions of this title, with the exception of telephone companies as defined in this title.

As used in this chapter, the term "affiliated interest" means:

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

NEW SECTION. Sec. 4. There is added to chapter 80.36 RCW a new section to read as follows:

Whenever the commission shall find that any other corporation or person either exercises, or is in position to exercise, by reason of ownership or control of securities or for any other cause, any reasonably substantial control over the business or policies of any telephone company engaged in business in this state, the commission may order that the burden of proof shall be upon such telephone company to establish the reasonableness, fairness, and absence of injurious effect upon the public of any fees or charges growing out of any transaction between such telephone company and such other corporation or person. If any telephone company fails to prove the reasonableness, fairness, and absence of injurious effect upon the public of such fees or charges, after being ordered so to do by the commission, the commission may disallow such fees or charges for ratemaking purposes.

The commission may utilize such tests as it deems appropriate for determining the reasonableness of such fees or charges by telephone companies: PROVIDED, That in a showing that any such telephone company transaction or payment is at a fair price in a competitive market it shall be prima facie evidence that such fees or charges are reasonable." Remember the remaining sections consecutively and correct any internal references accordingly.

Senator Hemstad moved that the Committee on Energy and Utilities amendment be adopted.

MOTION

Senator Bottiger moved the following amendment to the Committee on Energy and Utilities amendment be adopted:

On page 4, after "reasonable," on line 33, insert "Nothing in this section shall be construed to prevent the Commission from attributing revenues actually derived from the sale of directory advertising or directory publishing rights to the regulated activities of a telephone company."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Bottiger amendment to the Committee on Energy and Utilities amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 20; nays, 26; absent, 00; excused, 03.

Voting yea: Senators Bender, Bottiger, Conner, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 20.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Deccio, Fleming, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Quigg, Sellar, von Reichbauer, Woody, Zimmerman - 26.

Excused: Senators Craswell, Kiskaddon, Pullen - 3.

MOTION

At 6:11 p.m., on motion of Senator Shinpoch, the Senate adjourned until 8:00 a.m., Monday, February 6, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 6, 1984

The Senate was called to order at 8:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Haley, Pullen and Rasmussen. On motion of Senator Guess, Senator Pullen was excused. On motion of Senator Zimmerman, Senator Haley was excused. On motion of Senator Vognild, Senator Rasmussen was excused.

The Sergeant at Arms Color Guard, consisting of Eagle Scouts, Doug Manis and Larry Warner, presented the Colors. Reverend Dean Hackett, senior pastor of the Cathedral of Praise Church of Olympia, offered the prayer.

MOTION

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

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

MOTION

On motion of Senator Metcalf, the following resolution was adopted:
SENATE RESOLUTION 1984-140

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

WHEREAS, Sunday, February 5th marked the beginning of Boy Scout Anniversary week; and

WHEREAS, The theme of Boy Scout week is "Catch the Scouting Spirit"; and

WHEREAS, Wednesday, February 8th is the 74th anniversary of the Boy Scouts of America; and

WHEREAS, Since 1910 over 68 million people have participated in Boy Scouting programs; and

WHEREAS, Scouting promotes respect for God and country; and

WHEREAS, The Boy Scout law inspires people to always be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Boy Scout programs have played a significant role in the lives of many of our national and state political leaders; and

WHEREAS, Former President Gerald R. Ford and U. S. Senator Daniel J. Evans both attained the rank of Eagle Scout; and

WHEREAS, Two members of this body, Senator Paul Conner and Senator Hal Zimmerman are Eagle Scouts, ninety percent of the state's Congressional delegation have been or are connected with Boy Scout programs, and fifty-three percent of the members of this body have participated in Boy Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington officially recognizes the valuable service the Boy Scouts of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the Senate applauds all of our state Boy Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Boy Scouts of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the National Office of The Boy Scouts of America in Irving, Texas, the Western Regional Office of the Boy Scouts in Sunnysvale, California, and to the twelve Boy Scout Councils servicing Washington State.

MOTION

On motion of Senator Conner, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-140.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Eagle Scouts Michael Churchwell of Richland, Washington; Todd Keeny of Marysville, Washington; Pete Hemlinger of Tacoma, Washington; and Chris Siegle of Olympia, Washington; who were seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Scout Chris Siegle to address the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Metcalf, Conner, Zimmerman, Hurley and Lee to escort the honored guests from the Senate Chamber.

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

MESSAGES FROM THE HOUSE

February 4, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1137,
 ENGROSSED HOUSE BILL NO. 1258,
 SUBSTITUTE HOUSE BILL NO. 1297,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1380,
 ENGROSSED HOUSE BILL NO. 1409,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435,
 SUBSTITUTE HOUSE BILL NO. 1542,
 ENGROSSED HOUSE BILL NO. 1562,
 SUBSTITUTE HOUSE BILL NO. 1605,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666,
 SUBSTITUTE HOUSE BILL NO. 1700, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 4, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1266,
 HOUSE BILL NO. 1292,
 SUBSTITUTE HOUSE BILL NO. 1367,
 ENGROSSED HOUSE BILL NO. 1408,
 HOUSE BILL NO. 1517,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1600, and the same are

herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 4, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 977,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1165,
 HOUSE BILL NO. 1378.

SUBSTITUTE HOUSE BILL NO. 1548.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

SECOND READING

SENATE BILL NO. 4578, by Senators Rinehart, Vognild, Owen and Granlund (by Parks and Recreation Commission request)

Revising certain boating safety provisions.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4578 was substituted for Senate Bill No. 4578 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, Substitute Senate Bill No. 4578 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4578.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4578, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senator Woody - 1.

Excused: Senators Haley, Pullen, Rasmussen - 3.

SUBSTITUTE SENATE BILL NO. 4578, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 8:29 a.m., on motion of Senator Shinpoch, the Senate recessed until 9:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 9:05 a.m.

SECOND READING

SENATE BILL NO. 4706, by Senators Conner, Peterson and Bottiger

Removing the Hood Canal bridge from the Puget Sound ferry system.

MOTIONS

On motion of Senator Conner, Substitute Senate Bill No. 4706 was substituted for Senate Bill No. 4706 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Conner, Substitute Senate Bill No. 4706 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4706.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4706, and the bill passed the Senate by the following vote: Yeas, 25; nays, 04; absent, 18; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Craswell, Deccio, Granlund, Owen - 4.

Absent: Senators Benitz, Bluechel, Clarke, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 18.

Excused: Senators Haley, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4706, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4494, by Senators Vognild, Wojahn, McManus, Gaspard, Haley, Lee and Conner (by Lieutenant Governor request)

Establishing the Washington state advisory council on international trade development.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4494 was substituted for Senate Bill No. 4494 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, Substitute Senate Bill No. 4494 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4494.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4494, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Hayner - 1.

Excused: Senators Haley, Pullen - 2.

SUBSTITUTE SENATE BILL NO. 4494, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4422, by Senators Fleming, Hansen, McDermott, Peterson, Bauer, Williams, Moore, McManus, Bottiger and Shinpoch

Authorizing bonds for agricultural water supply facilities.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, Senate Bill No. 4422 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Bottiger, further consideration of Senate Bill No. 4422 was deferred.

SECOND READING

SENATE BILL NO. 4423, by Senators Fleming, Hansen, Rasmussen, Peterson, Rinehart, Barr, Moore, McManus, Bauer, Williams, Goltz, Woody, Shinpoch and Vognild

Establishing the agricultural market development task force.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 4423 was substituted for Senate Bill No. 4423 and the substitute bill was placed on second reading and read the second time.

Senator Hansen moved the following amendment by Senators Hansen and Fleming be adopted:

On page 3, line 17, insert a new subsection (5) as follows: "(5) To develop a strategy for a Washington State based multi-commodity trading company or similar organization with special emphasis on cooperatives."

Renumber remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hansen and Fleming.

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

MOTION

On motion of Senator Hughes, Engrossed Substitute Senate Bill No. 4423 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4423.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4423, and the bill passed the Senate by the following vote: Yeas, 41; nays, 07; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Benitz, Craswell, Lee, McDonald, Metcalf, Pullen, Quigg - 7.

Excused: Senator Haley - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Senator Bottiger, the Senate resumed consideration of Senate Bill No. 4422, which was placed on third reading and deferred earlier today.

On motion of Senator Deccio, the rules were suspended and Senate Bill No. 4422 was returned to second reading.

Senator Deccio moved adoption of the following amendment by Senators Deccio, Barr and Benitz:

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

NEW SECTION. Sec. 1. The legislature finds that the agricultural industry in the state of Washington provides the foundation upon which other segments of the state's economy are based. The long-range economic well being of the state's agricultural industry requires that agricultural water supply facilities be properly maintained and any further expansion of agricultural water supply facilities be carefully analyzed and studied prior to implementation.

The legislature further finds that properly developed and maintained agricultural water supply facilities also provides benefits for recreation and game and fishery resources. The purpose of this chapter is to assess the need for maintenance and rehabilitation of this important basic industry.

NEW SECTION. Sec. 2. There is hereby created a Joint Temporary Committee on Agricultural Water Supply Facilities. The committee shall be composed of ten members, who shall appoint a chair. There shall be eight legislative members of the committee, as follows: the chair and ranking minority member of the Senate Agriculture committee; the chair and ranking minority member of the House of Representatives Agricultural committee; the chair and ranking minority member of the Senate Parks and Ecology committee; and the chair and ranking minority member of the House of Representatives Environmental Affairs committee. In

addition to the legislative members, the president of the Washington State Farm Bureau, and the president of the Washington State Grange shall each designate a representative of their organizations as a member of the committee.

Members of the committee shall be reimbursed for travel expenses pursuant to RCW 43.04.050 and 43.04.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 3. The Joint Temporary Committee on Agricultural Water Supply Facilities shall study the need for the state of Washington to issue general obligation bonds in an amount of up to one hundred million dollars for agricultural water supply facilities. The committee shall first study the need for improvement or rehabilitation of existing agricultural water supply facilities in the state of Washington. The committee may also examine whether there is a need for expansion of current agricultural water supply facilities in the state of Washington. The committee is to report to the legislature by March 31, 1985. The committee shall cease to exist as of June 30, 1985.

Senator Deccio moved the following amendments to the amendment to be considered and adopted simultaneously:

On page 1, line 4 of Sec. 2, strike "eight" and insert "ten"

On page 1, line 9 of Sec. 2, after "Senate" insert "Natural Resources"

On page 1, line 11 of Sec. 2 "Affairs" insert "and Natural Resources"

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 4422 was deferred.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 3982, by Committee on Commerce and Labor (originally sponsored by Senators McManus, Vognild, Owen, Conner, Bender, Sellar, Gaspard, Williams, Hurley, Hansen, Fleming, Metcalf, Bauer and Warnke)

Establishing the small business improvement council.

MOTIONS

On motion of Senator Vognild, Second Substitute Senate Bill No. 3982 was substituted for Substitute Senate Bill No. 3982 and the second substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the following amendment by Senators McManus, McDermott and Rinehart was adopted:

On page 3, line 3, after "subcommittee," insert "The subcommittee shall use the staff from the Senate Ways and Means Committee and the House Revenue Committee."

On motion of Senator Vognild, Engrossed Second Substitute Senate Bill No. 3982 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3982.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3982, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Quigg, Sellar - 14.

Absent: Senator Benitz - 1.

Excused: Senator Haley - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3982, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 4422 and the pending amendment by Senators Deccio, Barr and Benitz to page 1 and the pending Deccio amendments to the amendment, proposed earlier today.

There being no objection, Senator Deccio withdrew the amendments.

MOTION

Senator Deccio moved adoption of the following amendment by Senators Deccio, Barr and Benitz:

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

NEW SECTION, Sec. 1. The legislature finds that the agricultural industry in the state of Washington provides the foundation upon which other segments of the state's economy are based. The long-range economic well being of the state's agricultural industry requires that agricultural water supply facilities be properly maintained and any further expansion of agricultural water supply facilities be carefully analyzed and studied prior to implementation.

The legislature further finds that properly developed and maintained agricultural water supply facilities also provides benefits for recreation and game and fishery resources. The purpose of this chapter is to assess the need for maintenance and rehabilitation of this important basic industry.

NEW SECTION, Sec. 2. There is hereby created a Joint Temporary Committee on Agricultural Water Supply Facilities. The committee shall be composed of fourteen members, who shall appoint a chair. There shall be twelve legislative members of the committee, as follows: the chair and ranking minority member of the Senate Agriculture committee; the chair and ranking minority member of the House of Representatives Agriculture committee; the chair and ranking minority member of the Senate Natural Resources committee; the chair and ranking minority member of the House of Representatives Natural Resources committee; the chair and ranking minority member of the Senate Parks and Ecology committee; and the chair and ranking minority member of the House of Representatives Environmental Affairs committee. In addition to the legislative members, the president of the Washington State Grange and the president of the Washington State Farm Bureau shall each designate a representative of their organizations as a member of the committee.

Members of the committee shall be reimbursed for travel expenses pursuant to RCW 43.04.050 and 43.04.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION, Sec. 3. The Joint Temporary Committee on Agricultural Water Supply Facilities shall study the need for the state of Washington to issue general obligation bonds in an amount of up to one hundred million dollars for agricultural water supply facilities. The committee shall first study the need for improvement or rehabilitation of existing agricultural water supply facilities in the state of Washington. The committee may also examine whether there is a need for expansion of current agricultural water supply facilities in the state of Washington. The committee is to report to the legislature by March 31, 1985. The committee shall cease to exist as of June 30, 1985."

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Deccio, would it be your intention that a committee like this would study the energy needs of such a water facility project and possibly consider the resurrection of some of the WPPSS plants to provide the power for such an undertaking?"

Senator Deccio: "Senator Quigg, I would suggest that the committee, because of its composition, would certainly be alert enough to examine that and any other issue in connection with this bill. The bill pretty specifically lays out the intent and I would assume that the committee would go from there."

Further debate ensued.

Senators Bottiger, Peterson and Shinpoch demanded the previous question and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Deccio: "Mr. President, a point of parliamentary inquiry. I did not move to close debate, because I wanted to give an opportunity for everyone on both sides to speak on this issue, but I would like to close debate--"

REPLY BY THE PRESIDENT

President Cherberg: "You will have the opportunity, Senator Deccio."
Senator Deccio closed debate on the amendment.

FURTHER REMARKS BY THE PRESIDENT

President Cherberg: "Senator Deccio, the Senate rules provide that you may raise the question that you just brought up. The President would like to point out that when the request for the previous question is sustained, that cuts off all debate. The President simply thought that the members thought that you should have the opportunity to close debate."

MOTION

On motion of Senator Bluechel, Senator Benitz was excused.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Deccio, Barr and Benitz.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Benitz, Haley - 2.

MOTIONS

Senator Quigg moved the following amendment be adopted:

On page 1, line 1, after "for" strike "agricultural" and insert "political"

On motion of Senator Bottiger, the amendment by Senator Quigg was tabled.

On motion of Senator Fleming, Senate Bill No. 4422 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a point of parliamentary inquiry. Mr. President, this is a bond issue, am I correct that it takes a sixty percent vote?"

REPLY BY THE PRESIDENT

President Cherberg: "You are correct, Senator Bottiger."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDonald, the figures you have on this piece of paper, that indicates only that limitation without a vote of the people and does not include the total of all bonds out."

Senator McDonald: "Senator, you are correct."

Senator Rasmussen: "What is the total--is it two and a half billion or close to that?"

Senator McDonald: "Well, we have 1.3 billion out, but I don't know the answer to that question."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4422.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4422, and the bill failed to pass the Senate by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Woody - 26.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, von Reichbauer, Wojahn, Zimmerman - 22.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4422, having failed to receive the required 60% constitutional majority, was declared lost.

PERSONAL PRIVILEGE

Senator Hansen: "I want to thank the Democratic Caucus, especially Senator Fleming for joining with me in this effort to get this hundred million dollar bond issue and I'm not very happy that it went down. But at this time, I would like to give Senator Fleming a token of my appreciation by presenting him a straw hat, making him a regular hayseed farmer."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn served notice that she would, on the next working day, move to reconsider the vote by which Senate Bill No. 4422 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 4849, by Senator Hughes

Relating to international investment.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4849 was substituted for Senate Bill No. 4849 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, Substitute Senate Bill No. 4849 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Hughes, sometimes I don't get--the acoustics are not too good in here. Did I understand you to say that the people would be appointed by the Governor and approved by the President of the Senate?"

Senator Hughes: "That's correct."

Senator Guess: "Not the whole Senate?"

Senator Hughes: "No."

Senator Guess: "Why are you going to discriminate against us?"

Senator Hughes: "Well, I know how busy you are with your other duties, Senator. I felt that--particularly with the Governor as Chief Executive of this state and the Lieutenant Governor whose interest in this area is well established and that burden should be left in those very capable hands. If you want to offer an amendment that would include the entire Senate, perhaps we could work on that, Senator Guess."

Senator Guess: "Well, you know we have covered a lot of new ground today, but I didn't know we were going to plow new ground to have the President of the Senate approve the actions of the Governor. I've been here awhile, but this is the first really most innovative thing. I don't know if I have a chance to put an amendment on it or not."

POINT OF INQUIRY

Senator Quigg: "Senator Hughes, I've been looking at the summary here on page 82. It says 'attaches are directed to avoid conducting private business while acting as a state's representative.' How are we or they going to know when they are doing one or the other and if they do conduct private business while acting as the state's representative, how do we stop that sort of thing?"

Senator Hughes: "I think the standard, Senator, would be the same thing we have when we act as members of the legislature. Obviously, they can deal with the class action, but they're not supposedly, in this case, to be involved in the personal promotion of particular interests. That can be done when they are not carrying the credentials of a commercial attache, but this is a program for the state and

not intended for the individual. Now, I would suggest that it is the same standard that we have in the conduct of office as members of the Senate."

Senator Quigg: "I see, thank you, Senator Hughes."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4849.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4849, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Guess, Newhouse, Quigg, Rasmussen, von Reichbauer - 5.

Absent: Senator Hayner - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4849, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:21 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

SECOND READING

SENATE BILL NO. 4852, by Senator Hughes

Relating to international investment.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, Senator Shinpoch was excused.

On motion of Senator Vognild, the following amendment by Senators Vognild and Hughes was adopted:

On page 1, after the enacting clause, strike all of lines 3 and 4 and insert:

NEW SECTION, Sec. 1. The Washington state legislature finds that appropriate international investment is beneficial to the economy of this state and is a viable and needed avenue for economic development. The legislature further finds that other states and nations are actively involved in promoting international investment and have been successful in their endeavors.

It is the legislature's intent, by fostering the growth of appropriate international investment in this state, to attract new businesses and industries and in so doing provide employment to citizens of Washington state.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Office" means the office of international investment within the department of commerce and economic development or its successor agency;

(2) "Department" means the department of commerce and economic development or its successor agency.

NEW SECTION, Sec. 3. There is established within the department an office of international investment. The department through the office of international investment shall:

(1) Provide a focal point for foreign investors in their dealings with federal, state, and local governments including providing ready access to information regarding government requirements which affect international investors, including, but not limited to:

(a) The necessary immigration procedures and requirements for foreign nationals intending to live or living in Washington in connection with the normal operation of their business;

(b) The necessary licenses, certificates, evaluations, and other requirements for establishing new businesses in this state;

(c) The taxes and other costs associated with their businesses; and

(d) The necessary requirements associated with the transfer of funds to and from this nation and this state;

(2) Develop programs to attract foreign investors including:

- (a) Conducting the necessary research to develop such programs;
- (b) Evaluating the international investment programs or other similar programs of other states and nations that have proved to be successful;
- (c) Identifying, after taking into consideration long-term and short-term effects:
 - (i) Those nations or regions to which Washington is most uniquely suitable for investment;
 - (ii) Those industries and businesses most suitable and likely to be attracted to Washington state;
- (3) Provide the necessary information to state and local governments concerning how their requirements, rules, and restrictions may impede or promote international investment;
- (4) Coordinate with local economic development agencies in developing local international investment plans which can be integrated into a state-wide program;
- (5) Coordinate with schools, community colleges, colleges, universities, and other public and private educational programs to the extent practicable in providing information, training, social, lingual, and cultural assistance to foreign investors and their employees;
- (6) Provide the necessary site evaluations, labor market statistics, transportation information, and cost analyses to interested foreign investors;
- (7) Collect, prepare, and analyze foreign and domestic investment information data, and develop a long-term and short-term strategic plan for the office;
- (8) Prepare and disseminate the necessary brochures and pamphlets concerning international investment in this state;
- (9) Foster closer ties between foreign nations and Washington to the end that social, cultural, and economic barriers to investment may be reduced to a minimum;
- (10) Provide in cooperation with institutions of higher learning or other state and federal programs a professional research and counseling service to foreign investors wishing to invest in Washington; and
- (11) Provide other appropriate assistance to foreign investors.

The department may administer the office of international investment in conjunction with other similar programs.

NEW SECTION, Sec. 4. The department through the office of international investment may:

- (1) Receive funds, contract with institutions of higher education, and carry out such other duties as are deemed necessary to implement this chapter;
- (2) Receive such gifts, grants, and endowments from private or public sources as may be made available, in trust or otherwise, for the use and benefit of the office of international investment, and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and
- (3) Charge reasonable fees or other appropriate charges for using the office's services, attendance at workshops and conferences sponsored by the office, and for various publications and materials which it is authorized to prepare and distribute for the purpose of defraying all or part of the costs of the office.

NEW SECTION, Sec. 5. The director of commerce and economic development, or its successor agency, shall report annually to the appropriate legislative committees with special emphasis on the office of international investment's impact on the economy of the state; the number of foreign investors to which the office provided assistance; the number of foreign businesses successfully operating as a result of the program; and recommendations regarding the program. The initial annual report shall include a long-term and short-term strategic plan for the office.

NEW SECTION, Sec. 6. There is appropriated from the general fund to the department of commerce and economic development for the period July 1, 1984, through June 30, 1985, the sum of forty-nine thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION, Sec. 7. Sections 1 through 5 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 9. The office of international investment shall be reviewed under the process provided in chapter 43.131 RCW before December 1, 1985. Unless extended by law, the office and its powers and duties shall be terminated on June 30, 1986.

NEW SECTION, Sec. 10. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1987:

- (1) Section 1 of this act and RCW 43.---,---;
- (2) Section 2 of this act and RCW 43.---,---;
- (3) Section 3 of this act and RCW 43.---,---;
- (4) Section 4 of this act and RCW 43.---,---; and
- (5) Section 5 of this act and RCW 43.---,---."

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

On page 1, line 1 of the title, after "investment" insert "; adding a new chapter to Title 43 RCW; creating new sections; repealing section 1 of this act and RCW 43.---.---; repealing section 2 of this act and RCW 43.---.---; repealing section 3 of this act and RCW 43.---.---; repealing section 4 of this act and RCW 43.---.---; repealing section 5 of this act and RCW 43.---.---; making an appropriation; and providing an expiration date"

On motion of Senator Vognild, Engrossed Senate Bill No. 4852 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4852.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4852, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Craswell, Fleming, Hansen, Quigg - 4.

Excused: Senators Benitz, Shinpoch - 2.

ENGROSSED SENATE BILL NO. 4852, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4709, by Senators Wojahn, Vognild and Bender (by Emergency Commission on Economic Development request)

Providing for plant closures and employee layoffs.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4709 was substituted for Senate Bill No. 4709 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, Substitute Senate Bill No. 4709 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4709.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4709, and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent, 03; excused, 02.

Voting yea: Senators Bauer, Bottiger, Conner, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, von Reichbauer, Zimmerman - 17.

Absent: Senators Bender, Fleming, Hansen - 3.

Excused: Senators Benitz, Shinpoch - 2.

SUBSTITUTE SENATE BILL NO. 4709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4773, by Senators Vognild and McManus

Extending the small business innovators' opportunity program.

The bill was read the second time.

MOTION

On motion of Senator Vognild, Senate Bill No. 4773 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4773.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4773, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Haley, McCaslin - 2.

Excused: Senators Benitz, Shipoch - 2.

SENATE BILL NO. 4773, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4668, by Senators Vognild, McManus, Lee and McDermott (by Emergency Commission on Economic Development request)

Establishing the Washington State University small business development center.

The bill was read the second time.

MOTION

On motion of Senator Vognild, Senate Bill No. 4668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4668.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4668, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Hayner - 1.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4329, by Senators McDermott, Hansen and Barr

Providing for the management of the Milwaukee Road corridor.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4329 was substituted for Senate Bill No. 4329 and the substitute bill was placed on second reading and read the second time.

Senator Rinehart moved the following amendments be considered and adopted simultaneously:

On page 3, line 3, after "to" insert "individuals or"

On page 3, line 7, after "use" strike "by organized groups"

On page 4, line 15, after "permits" strike "authorizing organized groups"

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Maybe I'm not reading this amendment right and I might ask Senator Rinehart how she interprets that. I'm afraid, Senator Hansen, that this really changes the whole intent of the bill. I think we need to slow down here a little bit until we understand this. Would Senator Rinehart yield to a question? Would you explain to me just a little more what you are trying to do here?"

Senator Rinehart: "Yes, Senator Barr, if you look at the amendments together--the one that is page 3, line 3, where it inserts the words 'individuals or.' That amendment is simply saying that an individual or an organized group may get a permit.

"The other two amendments have to do with establishing the procedure for the permit and it didn't make much sense to say that they should establish the procedure for giving permits to organized groups and leave out individuals. So, instead of adding individuals, we simply struck organized groups, so that now they have a permanent process that would work for either one."

Senator Barr: "Thank you very much. When you say that an individual can get a permit, then this would open it up during the accepted specified time for an individual, as well as an organized group to get a permit? Then, that would be the same as not having any control over it at all except that the Department could say whether an individual could go or not? That's the way I interpret it. It would say that an individual could get a permit to traverse the full length of it. I might ask you again, am I right or wrong, Senator Rinehart?"

Senator Rinehart: "Once again, Senator Barr, there's no change in the time when a person can use the trail. There's no change in the prohibition against using it during fire season. It simply says that in addition to organized groups being able to apply for a permit, individuals may also apply for a permit. All the other rules and regulations would apply. There would be no different treatment of individuals or of organized groups."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hansen, I'm looking at your summary in the first sentence which says 'the provision that allows the full length of the corridor to be open to recreational use by organized groups on a permit basis.' Would Senator Rinehart's amendment inserting the word 'individuals'--would that apply to that part of your summary? I don't have the bill in front of me."

Senator Hansen: "What I really think our intent was--so the people--the Department--knew who was using the trail. It goes further into the business here. Any portion of it that is used strong enough--shows enough use on certain sections--that at a later date that could be designated as part of the trail. I have no objection to an individual family--to me is an organization --if they want to traverse part of the trail and they get a permit and the land owners, and the DNR--if there is any damage that happens and the local land owner has reason to get payment for, they know who was there. That is the reason I have no opposition to her amendments. I think the intent was to find out how much use there would be in some of these areas. As long as we keep track of who they are, we can make them responsible for the vandalism. I see nothing wrong with that."

Further debate ensued.

The President declared the question before the Senate to adoption of the amendments by Senator Rinehart.

The motion by Senator Rinehart carried and the amendments were adopted on a rising vote.

MOTION

Senator Shinpoch moved the following amendment be adopted:

On page 4, line 4, strike all of subsection (a) and renumber the remaining subsections accordingly.

Debate ensued.

Senator McCaslin demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.

The motion by Senator Shinpoch carried and the amendment was adopted on a rising vote.

MOTION

Senator Shinpoch moved the following amendment be adopted:

On page 4, line 6, after "access" insert "pursuant to section 7 and section 9(3) of this 1984 act"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.

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

MOTION

Senator Shinpoch moved the following amendments be considered and adopted simultaneously:

On page 4, line 27, after "state" insert ", through the department of natural resources."

On page 4, line 29, after "corridor" strike "upon action by the legislature"

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator Hemstad, can I ask you a question about this section? It seems to me that unless we pass the amendment on page 4, line 27—even if someone violated the lease terms pursuant to section 9, the lease could not be terminated unless the Legislature were sitting and the Legislature did it."

Senator Hemstad: "Well, Senator Woody, section 10 states 'the state shall reserve the right to terminate the lease' and therefore it seems to me that the Department of Natural Resources in entering into such a lease, which does not include such a term, would be acting beyond its actual and apparent authority entering into that kind of an arrangement and the lease, by that time, would be void. At least that's my quick interpretation of it and so I think there is probably no question (a) that the person leasing the property will be put on notice (b) the Department must include such a provision in the lease. Therefore, it seems to me it would be quite appropriate not to have that last clause 'upon action by the Legislature' in the statutes."

Senator Woody: "I'm talking about the third amendment. Without that language in, the DNR—if somebody violated the provisions of section 9 of the terms of their lease, they would not be able to terminate the lease, unless they came back to the Legislature and asked for that authority. You see, with that amendment the language would read, 'the state through the Department of Natural Resources shall reserve the right to terminate a lease entered in and pursuant to section 9 of this act.' I think we must have that third amendment."

Senator Hemstad: "I don't think it makes any difference whether the third amendment is in there or not."

The President declared the question before the Senate to be adoption of the two amendments by Senator Shinpoch.

The motion by Senator Shinpoch carried and the amendments were adopted.

MOTION

Senator Bluechel moved adoption of the following amendment by Senators Bluechel, Bender and Guess:

On page 1, following line 4, strike everything up to and including "act" on page 5, line 1, and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 43.51 RCW a new section to read as follows:

The legislature hereby designates the Milwaukee Road corridor purchased by the state under section 17(21), chapter 143, Laws of 1981 (uncodified), as a state park which shall be managed as a recreation trail.

NEW SECTION. Sec. 2. Fee title to and control of the Milwaukee Road corridor purchased by the state under section 17(21), chapter 143, Laws of 1981 (uncodified), shall be transferred by the department of natural resources to the state parks and recreation commission at no cost to the commission.

NEW SECTION. Sec. 3. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall do the following with respect to the Milwaukee Road corridor:

- (1) Manage the corridor as a recreational trail;
- (2) Close the corridor to hunting;
- (3) Close the corridor to all motorized vehicles except: (a) Emergency or law enforcement vehicles; (b) vehicles necessary for access to utility lines; and (c) vehicles necessary for maintenance of the corridor, or construction of the trail;
- (4) Comply with legally enforceable conditions contained in the deeds for the corridor;
- (5) Control weeds under the applicable provisions of chapters 17.04, 17.06, 17.08, and 17.10 RCW; and
- (6) Clean and maintain culverts.

NEW SECTION. Sec. 4. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission may do the following with respect to the Milwaukee Road corridor:

- (1) Enter into agreements to allow the realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;
- (2) Regulate activities and restrict uses, including, but not limited to, closing portions of the corridor to reduce fire danger or protect public safety;
- (3) Place hazard warning signs and close hazardous structures;
- (4) Renegotiate deed restrictions upon agreement with affected parties; and
- (5) Approve and process the sale or exchange of lands or easements, if such a sale or exchange will enhance the recreational potential of the corridor.

NEW SECTION. Sec. 5. There is added to chapter 43.51 RCW a new section to read as follows:

(1) The state parks and recreation commission shall open for recreational use, as soon as is practicable, the following sections of the corridor:

- (a) That portion lying between Easton and Ellensburg;
- (b) That portion lying between Beverly and the Royal City Junction at Crab Creek; and
- (c) That portion lying between Ewan and Steptoe Memorial State Park.

The commission shall have the authority, and is hereby directed to set out in regulations precise legal descriptions of the sections described above, and the commission shall post adequate notices on the corridor designating said sections.

(2) All remaining portions of the corridor shall be available to use by permit only. The commission shall issue permits for any reasonable use that does not conflict with other reasonable uses, and shall take into account established agricultural uses.

NEW SECTION. Sec. 6. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall identify opportunities and encourage volunteer work, private contributions, and support from tax-exempt foundations to develop, operate, and maintain the recreation trail.

Sec. 7. Section 719, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ((DEPARTMENT OF NATURAL RESOURCES)) STATE PARKS AND RECREATION COMMISSION

Maintenance of Milwaukee Railroad right of way(~~and a study of the potential use of this property~~)).

	Reappropriation ((250,000)) <u>200,000</u>	Appropriation
GF. ORA		
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		250,000

This appropriation shall be limited to the unexpended amount of the appropriation to the department of natural resources under section 719, chapter 57, Laws of 1983 1st ex. sess.

NEW SECTION. Sec. 8. There is appropriated to the state parks and recreation commission for the biennium ending June 30, 1985, the sum of one hundred sixteen thousand dollars, or so much thereof as may be necessary, from the general fund to carry out the purposes of this act."

Debate ensued.

POINT OF ORDER

Senator Barr: "Mr. President, I respectfully request that the President make a decision whether this is within the scope and object of the bill. I challenge it on scope and object. Speaking further to that, Mr. President, this obviously goes far beyond the intent of the bill that is before us. It has so many different new sections. It has an appropriation of what--a lot of money, but the other bill didn't go that far as to make Senator Goltz's point that I think that alone would put it beyond the scope and object where it does not fit within the intent of the legislature when we bought the right of way, because of that multiple-use conflict. I clearly think that this is beyond the scope and object of the bill."

Further debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute Senate Bill No. 4329, as amended, was deferred.

President Pro Tempore Goltz assumed the chair.

MOTIONS

On motion of Senator Bottiger, the Rules Committee was relieved of further consideration of Senate Bill No. 4306, Senate Bill No. 4561 and Senate Bill No. 3561.

On motion of Senator Bottiger, the rules were suspended and Senate Bills No. 4306, 4561 and 3561 were placed on the second reading calendar.

Senator Rasmussen moved that Senate Bill No. 4170, which was on the second reading calendar, be referred to the Committee on Financial Institutions.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion to refer Senate Bill No. 4170 to the Committee on Financial Institutions.

ROLL CALL

The Secretary called the roll and the motion by Senator Rasmussen failed by the following vote: Yeas, 10; nays, 38; absent, 00; excused, 01.

Voting yea: Senators Bender, Fleming, McDermott, Rasmussen, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 10.

Voting nay: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Vognild, von Reichbauer, Warnke, Woody - 38.

Excused: Senator Benitz - 1.

SECOND READING

SENATE BILL NO. 4170, by Senators Moore and Sellar

Regulating insurance rates.

The bill was read the second time.

MOTION

Senator Bender moved the following amendments be considered and adopted simultaneously:

On page 3, on line 17, after "if" strike "a reasonable degree of" and insert "substantial"

On page 3, on line 19, after "applies," strike everything through "rendered." on line 27

On page 3, on line 31, beginning with "(4)" strike everything through "policy." on page 4, line 1

On page 4, on line 3, after "that" strike everything through "of" on line 4 and insert "substantial"

On page 4, on line 6, after "unless" strike "rescinded earlier" and insert "renewed"

On page 4, on line 6, after "by the commissioner," strike everything through "act." on line 8

On page 4, on line 8, after "that" insert "substantial"

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Bender, would you explain the difference between the substance--the difference between a reasonable degree of competition and substantial competition?"

Senator Bender: "Senator Hemstad, I don't have that definition. All I know is that I talked to the Insurance Commissioner's office and he is very much concerned about that. His concern is that you could have a very slight difference with two insurance companies both charging excessive rates and you have tied his hands. He can do nothing about that because there is that differential. His concern is that by putting this language in you give him more flexibility and leeway in making that interpretation. I think that because he represents that consumer out there, we should give him that leeway."

Senator Hemstad: "Well, I'm trying to decide how I'm going to vote on this amendment because, at least with regard to the first amendment, I'm not sure if we are not arguing about a distinction on top of difference. I'm not sure that's the difference between reasonable degree competition and the substantial competition."

REMARKS BY SENATOR WOODY

Senator Woody: "Senator Hemstad, on line 19, after 'applies.' A reasonable degree of competition is defined as existing if you have more than one insurer placing any risk, so the problem with reasonable degree is if you have two rates that are different in any line of risk, then you have competition. With that definition of competition, no two cents difference would qualify and the Insurance Commissioner's problem is that that is really not a reasonable definition of competition. I would assume that substantial degree of competition would be something more than a few cents difference between two offerings."

Further debate ensued.

Senator Bender demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bender.

ROLL CALL

The Secretary called the roll and the motion by Senator Bender failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 27; absent, 02; excused, 01.

Voting yea: Senators Bender, Conner, Gaspard, Goltz, Hansen, Hemstad, Lee, McDermott, Metcalf, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Woody, Zimmerman - 19.

Voting nay: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Guess, Haley, Hayner, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Warnke - 27.

Absent: Senators Deccio, Granlund - 2.

Excused: Senator Benitz - 1.

MOTIONS

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

On page 13, line 35, after "January 31," strike "1986" and insert "1987"

On page 14, line 8, after "this" strike "1983" and insert "1984"

On page 15, beginning on line 1, strike "1984" and insert "1985"

Senator Shinpoch moved adoption of the following amendment:

On page 3, line 11, after "RCW" and before the period, insert " PROVIDED, That real or personal property insurance for individuals, including owner-occupied residential fire insurance, private passenger auto insurance, and professional liability insurance shall be regulated under chapter 48.19 RCW, unless the commissioner otherwise provides by regulation"

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Shinpoch.

ROLL CALL

The Secretary called the roll and the motion by Senator Shinpoch failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 30; absent, 02; excused, 01.

Voting yea: Senators Bender, Conner, Fleming, Gaspard, Hansen, McDermott, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Woody, Zimmerman - 16.

Voting nay: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Craswell, Fuller, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Warnke - 30.

Absent: Senators Deccio, Lee - 2.

Excused: Senator Benitz - 1.

MOTIONS

Senator Bottiger moved adoption of the following amendment:
On page 3, line 22, strike "one" and insert "three"

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

On page 3, line 22, after "than" strike "one insurer" and insert "three insurers"

The President Pro Tempore declared the question before the Senate to be adoption of the amendment to the amendment.

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

The President Pro Tempore declared the question before the Senate to be adoption of the amendment, as amended.

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

President Cherberg assumed the chair.

MOTION

On motion of Senator Moore, Engrossed Senate Bill No. 4170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Bender: "Senator Moore, I was wondering if I could read your flammable speech for this body?"

Senator Moore: "Mr. President, I would like to move the previous question."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4170.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4170, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Goltz, Granlund, Guess, Haley, Hayner, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Vognild, von Reichbauer, Warnke, Woody - 29.

Voting nay: Senators Bender, Fleming, Gaspard, Hansen, Hemstad, McDermott, Metcalf, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn, Zimmerman - 17.

Absent: Senators Deccio, Lee - 2.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4170, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woody served notice that she would, on the next working day, move to reconsider the vote by which Senate Bill No. 4170 passed the Senate.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4329 and the pending amendment by Senators Bluechel, Bender and Guess, proposed earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Barr, the President finds that Substitute Senate Bill No. 4329 is a measure which gives jurisdiction over the Milwaukee Road corridor to the State Parks and Recreation Commission and the Department of Natural Resources, with 17 miles to be used as a recreational trail.

"The amendment proposed by Senator Bluechel would give jurisdiction over all the Milwaukee Road corridor to the State Parks and Recreation Commission, with the entire corridor to be used as a recreational trail.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled to be out of order.

MOTION

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 4329 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4329.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4329, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hughes, McCaslin, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Vogtild, von Reichbauer, Warnke, Wojahn, Woody - 29.

Voting nay: Senators Bender, Bluechel, Bottiger, Guess, Haley, Hemstad, Hurley, Kiskaddon, Lee, McDonald, Metcalf, Owen, Quigg, Rinehart, Thompson, Williams, Zimmerman - 17.

Absent: Senators Hayner, Pullen - 2.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4329, having received the constitutional was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4402, which was deferred on February 4, 1984.

MOTIONS

On motion of Senator Shinpoch, the following amendment was adopted:
On page 1, line 17, after "to" strike "thirty" and insert "ten"

On motion of Senator Bluechel, Senators Hayner and Pullen were excused.

Senator Kiskaddon moved adoption of the following amendment:

On page 1, line 18, after RCW 84.52.0531" insert ", reduced by that amount allowable under RCW 84.52.0531(6) above the maximum dollar amount which may be levied by or for any school district for maintenance and operation support."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon.

The motion by Senator Kiskaddon failed and the amendment was not adopted on a rising vote.

MOTION

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

On page 3, line 8, after "(a)" strike everything down through "developments" and insert: "Teacher excellence awards, which shall provide for paid release time for course development or special professional projects;

(b) Inservice training;

(c) Curriculum development;

(d) Instruction in or teaching of the latest technological developments; and

(e) Training other school employees."

MOTION

Senator Kiskaddon moved the following amendments be considered and adopted simultaneously:

On page 1, line 16, beginning with the word "However", delete the remainder of subsection (1) and insert the following:

"However, the board of directors may use monies from the Washington State Teacher Excellence Compensation Fund to grant additional compensation or other benefits as provided under a teacher excellence plan. Any compensation increases or other benefits provided from the Washington State Teacher Excellence Compensation Fund in accordance with a teacher excellence plan shall not be calculated by the state when determining average employee compensation levels for purposes of the basic education allocation under RCW 28A.41.130 and 28A.41.140."

On page 2, beginning on line 20, delete all of subsection (5) and insert the following:

"(5) "Teacher excellence plan" means a written plan developed in cooperation with students, parents, teachers and members of the general public. The object of the plan shall be to provide additional compensation or other benefits for certificated staff who are judged to be excellent in their field, who require retraining, or who need additional teaching skills. A teacher excellence plan shall be restricted to one or more of the following:

(a) additional compensation for the additional responsibility of assisting in the training of other certificated staff or student teachers, or

(b) additional compensation pursuant to a supplemental contract for service performed outside of the regularly contracted work day or year in the areas of curriculum development, special professional projects or in-service training."

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

"NEW SECTION, Sec. 3. There is hereby created the Washington State Teacher Excellence Compensation Fund. Grants may be authorized from such fund by the Washington State Board of Education upon application from school districts. The grant applications shall be based upon teacher excellence plans developed by the districts in cooperation with students, parents, teachers and members of the general public. The grants shall be awarded on the basis of the likelihood that the grants will result in such improved professional skills that student learning will be enhanced. Grants shall be renewed only upon a showing of improved performance by students and teachers. The State Board of Education shall develop such criteria and standards as it deems necessary to judge the applications for grants and grant renewals. No grant shall exceed one-tenth of the state's average annual classroom teacher salary times the number of teachers to be involved in the plan. The State Board of Education shall award grants to districts that submit the most promising teacher excellence plans. The board shall also endeavor to award grants to the maximum number of districts permitted by available funds."

Implementation of NEW SECTION 3 is subject to funds being appropriated or available for such purpose or purposes.

POINT OF ORDER

Senator McDermott: "Mr. President, a point of order. I would raise the question of scope and object on these amendments. These establish a new agency, a new fund, a teacher excellence compensation fund and it then gives language as to how that should be administered and expended and, essentially, it is taking a whole new direction from the original thrust of the bill, which was to use levy money."

Debate ensued.

MOTIONS

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4402 was deferred.

At 4:05 p.m., on motion of Senator Bottiger, the Senate recessed until 4:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:43 p.m.

MOTION

At 4:43 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 4:47 p.m.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4402 and the pending amendments, proposed by Senator Kiskaddon earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator McDermott, the President finds that Substitute Senate Bill No. 4402 is a measure which authorizes school boards to establish a teacher excellence plan, to be agreed upon by the teachers and the school district, and funded by school district cash reserves and a portion of excess levy capacity.

"The amendments proposed by Senator Kiskaddon, while dealing with the general subject of a teacher excellence plan, provides for an entirely different method of funding the plan and adds students, parents and members of the general public to those who must agree on the plan.

"The President, therefore, finds that that proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendments were ruled out of order.

MOTION

On motion of Senator McDermott, Engrossed Substitute Senate Bill No. 4402 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator McDermott, this bill is generally assumed to apply to improvement of classroom teachers by returning them to school for advanced or graduate work. My question is, will instructors in voc-tech institutes and occupational skill centers be able to return to industry to learn developments in the trades and industries which have been developed since they started teaching?"

Senator McDermott: "Yes, some of the voc-tech institutes and occupational skill centers have separate bargaining agreements. These agreements could provide, for example, that a skilled machinist instructor can return to industry on a sabbatical leave to learn about electronic programming of machine tools which have been developed since the machinist left the trade. The agreement could also provide for special payment for an instructor to come into the voc-tech institute to teach such new developments."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4402.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4402, and the bill passed the Senate by the following vote: Yeas, 25; nays, 20; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Absent: Senator von Reichbauer - 1.

Excused: Senators Benitz, Hayner, Pullen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 6, 1984

Mr. Sid Snyder, Secretary of the Senate
306 Legislative Building
Olympia, Washington 98504

Dear Sid:

I wish to insert in the Journal of the Senate that it was my intention to vote "no" on Engrossed Substitute Senate Bill No. 4402 which passed the Senate on February 6, 1984.

With the plethora of bills passing on the last two days before the cutoff and with my responsibility as committee chairman to get my committee bills on the calendar passed, my attention was diverted and I inadvertently voted "aye" when it was my intention to vote "no."

Thank you for your consideration of this request.

Sincerely,
Barbara Granlund

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 977 by Committee on Judiciary (originally sponsored by Representatives Armstrong and Isaacson)

Delaying the effective date of administrative revocation of driver's licenses for DWI violations and instituting an interim system of temporary licenses.

Referred to Committee on Transportation.

ESHB 1125 by Committee on Social and Health Services (originally sponsored by Representatives McClure, Lewis, Sayan, Smitherman, Braddock, Niemi, Dellwo, Ballard, Wang, Brough, Ebersole, Fisher, Jacobsen, J. King, Patrick, Tanner, Vekich, Brekke, Ellis, Barrett, Miller, Halsan and L. Smith)

Mandating a study of children's mental health services.

Referred to Committee on Social and Health Services.

E2SHB 1137 by Committee on Ways and Means (originally sponsored by Representatives Kreidler, Fiske, Dellwo, Stratton, Wang, McClure, Braddock, Ballard, Niemi, Belcher, Broback, Johnson, R. King, Lewis, Mitchell, Silver, Van Dyken, West, Wilson, Long, Brekke, Barrett, Lux, Miller and Addison)

Authorizing demonstration projects on respite care services.

Referred to Committee on Ways and Means.

ESHB 1165 by Committee on Natural Resources (originally sponsored by Representatives Haugen, Wilson, R. King, Moon, Stratton, Allen and Kaiser)

Restricting bottom trawling for food fish in certain areas of Puget Sound.

Referred to Committee on Natural Resources.

EHB 1258 by Representatives Ebersole, Walk, Smitherman, Broback, Monohon, Fuhrman, Johnson, Long, Powers, Sanders, Todd, Wang, Sayan and Schoon

Revising the definition of veterans eligible for certain benefits.

Referred to Committee on State Government.

SHB 1266 by Committee on State Government (originally sponsored by Representatives Kreidler, Van Dyken, Van Luven, Braddock, Belcher,

Miller, Allen, Lewis, Long, Patrick, Vander Stoep, Zellinsky, Fisher, Powers, Sanders, McMullen, Barrett, Dellwo, O'Brien, Struthers, Taylor, Wang, Hastings, P. King, Fuhrman, Mitchell, Ebersole, Betzoff, Schmidt, Halsan, Todd, Tanner and Schoon) (by Secretary of State, Department of Veterans Affairs request)

Creating a memorial honoring Washington residents who died or are missing in action in southeast Asia.

Referred to Committee on State Government.

HB 1292 by Representatives Appelwick, Padden and Jacobsen

Repealing the requirement that World War II veterans be given certain law school credits.

Referred to Committee on Judiciary.

SHB 1297 by Committee on State Government (originally sponsored by Representatives Kreidler and Betzoff)

Permitting replacement of inactive members of the state centennial commission and establishing financial procedures for the commission.

Referred to Committee on State Government.

ESHB 1302 by Committee on Agriculture (originally sponsored by Representatives Sutherland, Ellis, Nealey, Dickie, Prince, Barrett, Egger, Lewis, Fuhrman, C. Smith and Clayton)

Extending trespass violations to land devoted to commercial production of livestock or agricultural commodities.

Referred to Committee on Agriculture.

SHB 1367 by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Garrett, Hankins, Kreidler, Lux, Sayan and Hine)

Authorizing health insurance coverage for local government retirees and dependents.

Referred to Committee on Financial Institutions.

HB 1378 by Representatives Niemi, O'Brien, Johnson, Belcher, Kreidler and Walk

Changing provisions relating to state civil service.

Referred to Committee on State Government.

ESHB 1380 by Committee on Local Government (originally sponsored by Representatives Hine, Brough, Moon, Charnley and Todd)

Modifying provisions relating to boundary review boards.

Referred to Committee on Local Government.

EHB 1408 by Representatives Grimm, Fisher, Ebersole, Smitherman, Wang, Brough, Johnson, Crane and Powers

Authorizing cities and towns to conduct and fund historic preservation activities.

Referred to Committee on Local Government.

EHB 1409 by Representative Prince

Including driving records of owner-operators within the employment driving record.

Referred to Committee on Transportation.

ESHB 1435 by Committee on Local Government (originally sponsored by Representative Hankins)

Providing for classification of certain consolidations of noncharter code cities.

Referred to Committee on Local Government.

HB 1517 by Representatives McMullen, Appelwick, Niemi and Armstrong

Modifying provisions relating to executive conflicts of interest.

Referred to Committee on Judiciary.

SHB 1542 by Committee on Local Government (originally sponsored by Representatives P. King and Moon)

Establishing procedures for declaratory judgments on local government ordinances.

Referred to Committee on Local Government.

SHB 1548 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Miller, Wang and D. Nelson) (by Secretary of State request)

Making voter registration services available in state offices.

Referred to Committee on Judiciary.

EHB 1562 by Representatives Kreidler, Lewis, Holland and Clayton (by Department of Social and Health Services request)

Modifying provisions relating to collection of child support assigned to the department of social and health services.

Referred to Committee on Social and Health Services.

E2SHB 1600 by Committee on Ways and Means (originally sponsored by Representatives Brekke, O'Brien, Braddock, Sayan, Fisch, Rust, Todd and Grimm)

Revising provisions relating to the veterans' home and the soldiers' home.

Referred to Committee on Ways and Means.

SHB 1605 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Isaacson, Miller and Hankins)

Requiring the secretary of social and health services to investigate certain persons and agencies regarding care and treatment of children, expectant mothers, and developmentally disabled persons.

Referred to Committee on Social and Health Services.

ESHB 1652 by Committee on Commerce and Economic Development (originally sponsored by Representatives Jacobsen, Locke, Brough, Belcher, Betrozoff, Lux, Ballard, D. Nelson, Armstrong, Pruitt, Allen, Fisher, Miller, McClure, Cantu, Rust, Vander Stoep, Sayan, Charnley, Patrick, Niemi, Wang, Kreidler, Hine, Grimm, Broback, Johnson, Crane, Todd, Brekke, Powers, Long and Haugen)

Modifying the regulation of fireworks.

Referred to Committee on Commerce and Labor.

ESHB 1666 by Committee on Local Government (originally sponsored by Representative Allen)

Authorizing professionally designated real estate brokers to appraise certain public properties before the properties are sold.

Referred to Committee on Local Government.

SHB 1700 by Committee on Transportation (originally sponsored by Representatives Schmidt, Zellinsky, Hankins and Wilson)

Providing standards for federal employees in state emergency medical care and transportation.

Referred to Committee on Transportation.

MOTION

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

SECOND READING

SENATE BILL NO. 4696, by Senator Lee

Establishing an equalized calculation formula for levies by certain school districts.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, Senate Bill No. 4696 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4696.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4696, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Hurley, McCaslin, Metcalf, Shinpoch - 4.

Excused: Senators Benitz, Hayner, Pullen - 3.

SENATE BILL NO. 4696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4788, by Senators Woody, Haley, Hughes, Lee, Rinehart and Goltz

Authorizing the creation of habitat buffer zone to protect endangered and threatened species.

MOTIONS

On motion of Senator Hughes, Substitute Senate Bill No. 4788 was substituted for Senate Bill No. 4788 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hughes, Substitute Senate Bill No. 4788 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hansen: "Is it the intent of this bill to interfere with the current farm practice where the eagle population has been co-existing with the present farm use?"

Senator Woody: "It is not, Senator Hansen."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4788.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4788, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Haley - 1.

Excused: Senators Benitz, Pullen - 2.

SENATE BILL NO. 4788, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4325, by Senators Wojahn, McCaslin and Vognild

Modifying provisions relating to cigarette sales.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4325 was substituted for Senate Bill No. 4325 and the substitute bill was placed on second reading and read the second time.

Senator Hayner moved the following amendments be considered and adopted simultaneously:

On page 5, line 17, after "January 1," strike "1986" and insert "1985"

On page 5, line 18, after "February 15," strike "1986" and insert "1985"

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Vognild: "A point of parliamentary inquiry, Mr. President. I think we still have confusion on the floor. We are acting on amendments on page 5, line 17, and page 5, line 18, and those two only?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Vognild."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Hayner.

The motion by Senator Hayner carried and the amendments were adopted.

MOTION

Senator Haley moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 2, Laws of 1983 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Person" means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) "Wholesaler" includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a "wholesaler" and "retailer" under the applicable provisions of this chapter.

(3) "Retailer" means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) "Cigarettes" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) "Sale" means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

~~(6) ("Sell at wholesale", "sale at wholesale" and "wholesale" sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.~~

~~(7) "Sell at retail", "sale at retail" and "retail sales" mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.~~

~~(8) "Basic cost of cigarettes" means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, less all trade discounts except customary discounts for cash, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price.~~

~~(9) (a) The term "cost to the wholesaler" means the "basic cost of cigarettes" to the wholesaler plus the "cost of doing business by the wholesaler" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers "cost of doing business" bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said "cost of doing business by the wholesaler" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.~~

~~(b) For the purposes of this chapter the "cost of doing business" may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the "cost of doing business by the wholesaler" shall be presumed to be four percent of the "basic cost of cigarettes" to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the "basic cost of cigarettes" to the wholesaler.~~

~~(10) (a) The term "cost to the retailer" means the "basic cost of cigarettes" to the retailer plus the "cost of doing business by the retailer" which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers "cost of doing business" bears to said retailers dollar volume per annum, and said "cost of doing business by the retailer" shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the "basic cost of cigarettes". PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining "cost to the retailer", pursuant to this subdivision, add the "cost of doing business by the wholesaler," as defined in subdivision (9) of this section, to the "basic cost of cigarettes" to said retailer, as well as the "cost of doing business by the retailer". Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.~~

~~(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the "cost of doing business by the retailer" shall be presumed to be ten percent of the "basic cost of cigarettes" to the retailer.~~

(c) in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the "cost of doing business by the retailer", who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ten percent of the sum of the "basic cost of cigarettes" and the "cost of doing business by the wholesaler".

(11) "Business day" means any day other than a Sunday or a legal holiday.

(12)) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 2. Section 18, chapter 286, Laws of 1957 as last amended by section 4, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.180 are each amended to read as follows:

(1) ~~((in addition to the penalties and rights imposed and set forth in RCW 19.91.020 and 19.91.110;))~~ The department of revenue may enforce the provisions of this chapter. The department of revenue shall have the power to adopt, amend and repeal rules and regulations necessary to enforce and administer the provisions of this chapter. The department of revenue is given full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state of Washington upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee or permittee to comply with any of the provisions of this chapter.

(2) No license or licenses shall be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by said department of revenue. The said department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule or regulation promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the said licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend said license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the said department of revenue finds the offender has been guilty of wilful and persistent violations, it may revoke said person's license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of his license or licenses. Such license or licenses may be reinstated by the department of revenue if it shall appear to the satisfaction of said department of revenue that the licensee will comply with the provisions of this chapter and the rules and regulations promulgated thereunder.

(4) No person whose license has been suspended or revoked shall sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by him or upon other premises controlled by him or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county in and for the state of Washington. Said superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter, and the duties imposed upon the department of revenue. Said review by the superior court, and any order entered thereon by said superior court, shall be appealable under and by virtue of the procedural law of this state.

NEW SECTION, Sec. 3. This act shall take effect on January 1, 1985.

NEW SECTION, Sec. 4. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 286, Laws of 1957 and RCW 19.91.020;
- (2) Section 3, chapter 286, Laws of 1957 and RCW 19.91.030;
- (3) Section 4, chapter 286, Laws of 1957 and RCW 19.91.040;
- (4) Section 5, chapter 286, Laws of 1957 and RCW 19.91.050;
- (5) Section 6, chapter 286, Laws of 1957 and RCW 19.91.060;
- (6) Section 7, chapter 286, Laws of 1957 and RCW 19.91.070;
- (7) Section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080;
- (8) Section 9, chapter 286, Laws of 1957 and RCW 19.91.090;
- (9) Section 10, chapter 286, Laws of 1957 and RCW 19.91.100;
- (10) Section 11, chapter 286, Laws of 1957 and RCW 19.91.110; and
- (11) Section 21, chapter 286, Laws of 1957, section 5, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.910."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 34; absent, 00; excused, 01.

Voting yea: Senators Clarke, Craswell, Goltz, Guess, Haley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Rasmussen, Shinpoch, Zimmerman - 14.

Voting nay: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 34.

Excused: Senator Benitz - 1.

MOTION

Senator Hayner moved the following amendment be adopted:

On page 1, beginning with line 5, strike all material down to and including "Sec. 2." on page 4, line 32 and insert "NEW SECTION, Sec. 1."

Debate ensued.

Senator Moore demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Hayner.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendment was not adopted by the following vote: Yeas, 14; nays, 33; absent, 01; excused, 01.

Voting yea: Senators Barr, Clarke, Guess, Hayner, Hemstad, Hurley, Kiskaddon, Lee, Metcalf, Moore, Rasmussen, Shinpoch, Williams, Zimmerman - 14.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, McCaslin, McDermott, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody - 33.

Absent: Senator McDonald - 1.

Excused: Senator Benitz - 1.

MOTION

Senator Rasmussen moved the following amendment be adopted:

On page 1, after line 4, strike everything after the enacting clause and insert: "NEW SECTION, Sec. 1. RCW 19.91.010 through RCW 19.91.910 are each repealed." Amend the title accordingly.

PARLIAMENTARY INQUIRY

Senator Vognild: "Mr. President, a point of parliamentary inquiry, this amendment does exactly the same in different words as the Haley amendment we have already acted on."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Vognild, the President does believe that the amendment is in order."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was not sustained.

The President declared the question before the Senate to be adoption of the amendment by Senator Rasmussen.

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

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator Vognild, Engrossed Substitute Senate Bill No. 4325 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4325.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4325, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Hayner, McManus, Moore, Rasmussen, Shinpoch - 6.

Excused: Senators Benitz, von Reichbauer - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4325, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

MOTION

Senator Bottiger moved that the following resolution be adopted:

SENATE RESOLUTION

1984-142

By Senator Bottiger

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

Amend Senate Rule 61 as follows:

"Reading of Bills

Rule 61. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote."

(See also Rule 58)

POINT OF ORDER

Senator Newhouse: "Mr. President, a point of order. The last time we were on the eighth order of business, there was a motion before the body that the bill be drawn from the Commerce and Labor Committee and I believe that bill is before us. It was unfinished business under the eighth order the last time we were on the eighth order. The bill number was Senate Bill No. 3995 from the Commerce and Labor Committee."

PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry. Would the record not show at the time Senator Newhouse's motion was before the body that there was a motion to adjourn, which took precedence and that this is the first time that we have reached the eighth order since that motion to adjourn and that, therefore, this is unfinished business under the eighth order?"

REPLY BY THE PRESIDENT

President Cherberg: "Your statement is correct, at least partially, Senator Clarke. There's no question, the President believes that the records would show that Senator Newhouse had made such a motion. However, the Senate advanced to the eighth order of business this morning in considering the Boy Scout Resolution. Do you have the record, Senator?"

"The records show that approximately at 8:09 a.m., this morning, that the Senate was on the eighth order--Resolution 1984-140, the Boy Scout Resolution."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Does the record show, Mr. President, that a motion was made and who made the motion?"

REPLY BY THE PRESIDENT

President Cherberg: "It would be necessary to listen to the tape, but the record indicates that at approximately 8:09 a.m., this morning, the Senate was on the eighth order of business. The President is sure that he announced that the Senate was on the eighth order of business to consider the Boy Scout Resolution.

"The President doesn't know of any such occurrence before, but does believe that once intervening business has taken place, you lose whatever prerogative you may have had."

*(Editor's Note: The journal tape for the day indicated that at approximately 8:09 a.m., there being no objection, the President advanced the Senate to the eighth order of business).

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "There was no intervening business on the eighth order of business to my recollection and I've watched very closely for the two days intervening."

REPLY BY THE PRESIDENT

President Cherberg: "The President regards the consideration of the Boy Scout Resolution as being intervening business."

Debate followed on consideration of Senate Resolution 1984-142.

Senators Bottiger, Peterson and Conner demanded the previous question and the demand was not sustained.

Senator Bottiger demanded a division of the vote.

POINT OF ORDER

Senator Metcalf: "A point of order, Mr. President. I thought that you rapped the gavel and announced the vote."

REPLY BY THE PRESIDENT

President Cherberg: "You're correct, Senator Metcalf."

Senators Bottiger, Peterson and Conner demanded the previous question.

POINT OF ORDER

Senator Clarke: "A point of order, Mr. President. I think it's against the rules to make the identical motion immediately after without any intervening business when it's a point--"

REPLY BY THE PRESIDENT

President Cherberg: "Your point is well taken."

MOTION

At 6:13 p.m., Senator Bottiger moved that the Senate adjourn.

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger has moved that the Senate adjourn."
Debate ensued.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "No, No, we wouldn't want to do that. I'm not sure that anybody would want to take technical advantage. I move that we adjourn until 9:00 a.m. tomorrow morning."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I just want the record to show that the Senator has suggested that no one would want to take any technical advantage. I would just like to review the record a little bit to see what kind of technical advantages have

recently been taken. However, as far as we're concerned, we do not wish to take that particular technical advantage and we will permit the motion to be made."

REPLY BY THE PRESIDENT

President Cherberg: "If there is no objection, the Senate is now adjourned until 9:00 a.m., Tuesday, February 7, 1984."

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

THIRTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 7, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Pullen, Talmadge and Warnke. On motion of Senator McDermott, Senator Talmadge was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kerry MacGregor and Krista Zylstra, presented the Colors. Reverend Dean Hackett, senior pastor of the Cathedral of Praise Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 6, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1250,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1363,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660,

HOUSE JOINT MEMORIAL NO. 37, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 6, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1153,

SUBSTITUTE HOUSE BILL NO. 1246,

HOUSE BILL NO. 1295,

SECOND SUBSTITUTE HOUSE BILL NO. 1344,

SUBSTITUTE HOUSE BILL NO. 1365,

SUBSTITUTE HOUSE BILL NO. 1438,

SUBSTITUTE HOUSE BILL NO. 1531,

HOUSE JOINT MEMORIAL NO. 34, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 6, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 69,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 229,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 914,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1227,

SUBSTITUTE HOUSE BILL NO. 1234,

SUBSTITUTE HOUSE BILL NO. 1415,

SUBSTITUTE HOUSE BILL NO. 1539,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1558,

SUBSTITUTE HOUSE BILL NO. 1565,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,

SUBSTITUTE HOUSE BILL NO. 1668,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

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

SECOND READING

SENATE BILL NO. 4537, by Senators McManus, Lee, Bender, Shinpoch and Deccio

Licensing mental health counselors.

MOTIONS

On motion of Senator McManus, Substitute Senate Bill No. 4537 was substituted for Senate Bill No. 4537 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended. Substitute Senate Bill No. 4537 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4537.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4537 and the bill passed the Senate by the following vote: Yeas, 33; nays, 08; absent, 07; excused, 01.

Voting yea: Senators Bauer, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Gulgg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Craswell, Granlund, Haley, Hurley, McCaslin, McDonald, Metcalf - 8.

Absent: Senators Bender, Benitz, Clarke, Lee, Owen, Pullen, Warnke - 7.

Excused: Senator Talmadge - 1.

SUBSTITUTE SENATE BILL NO. 4537, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bluechel, Senators Benitz and Pullen were excused.

PERSONAL PRIVILEGE

Senator Haley: "Thank you, Mr. President. I just talked with Max Benitz on the phone and I said that we were all pretty mad at him pulling this at this particular time. I said that if he didn't get out of there and come peacefully back here by himself, we were all going to go over as a body and get him and drag him out of there. He said, 'well you had better do it right now, because I'm feeling better and better all the time and I'll take you all on pretty quickly--you won't have a chance.' I just wanted to report that his condition is good, his pulse is back to normal and the doctor is getting him up in a chair three times today. So that's a pretty good report."

SECOND READING

SENATE BILL NO. 4432, by Senators Fleming, McDermott and Wojahn

Establishing a mathematics, engineering and science achievement program for underrepresented groups.

The bill was read the second time.

MOTIONS

Senator Gaspard moved the following Committee on Education amendment be adopted:

On page 1, line 12, after "finds" insert "that attitudes and knowledge acquired during the kindergarten through eighth grade prepare students to succeed in high school science and mathematics programs and"

On motion of Senator Bottiger, further consideration of Senate Bill No. 4432 and the pending Committee on Education amendment was deferred.

At 9:22 a.m., on motion of Senator Bottiger, the Senate recessed until 10:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 10:31 a.m.

SECOND READING

SENATE BILL NO. 4503, by Senators Hansen and Benitz

Providing for a bonded wine warehouse license.

MOTIONS

On motion of Senator Hansen, Substitute Senate Bill No. 4503 was substituted for Senate Bill No. 4503 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Hansen, the rules were suspended, Substitute Senate Bill No. 4503 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4503.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4503 and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Craswell - 1.

Excused: Senators Benitz, Pullen, Talmadge - 3.

SUBSTITUTE SENATE BILL NO. 4503, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 4448 and the pending eight amendments proposed by Senators McManus, Deccio and Moore on February 1, 1984.

The President declared the question before the Senate to be adoption of the amendments by Senators McManus, Deccio and Moore.

The motion by Senator McManus carried and the amendments were adopted.

MOTION

Senator Bottiger moved adoption of the following amendment:

On page 2, line 34, after "her" strike "office" and insert "immediate presence"

POINT OF INQUIRY

Senator Newhouse: "Senator Bottiger, often times the doctors operate as a group. Perhaps that particular doctor isn't there, but in the office complex there is at least one capable doctor, would this comply? I'm afraid your amendment isn't properly drafted to that."

Senator Bottiger: "I think that it would comply. It's in his or her office. If there were four doctors sharing the office, there would be a doctor in the office."

Further debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Bottiger, if in a hospital when the doctor, presumably the pathologist, has sent the lab tech around to draw blood from the various patients in the various rooms--as they commonly do--and section 1 says, 'invasive procedures to withdraw blood.' Would that mean that the pathologist would have to walk with the lab tech as he goes from room to room? How would you explain that particular provision?"

Senator Bottiger: "Senator, I didn't amend the hospital section. I'm not talking about the hospital. I'm not talking about the clinic. I'm not talking about the paramedic vehicle. I'm not talking about anything. I'm just saying when you're doing this in the doctor's office--you don't want to use an RN, you don't want to use an LPN, you want to use a receptionist, then the doctor ought to be there."

Further debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Deccio, I'm noting the effect of the proposed substitute. It says that the Department of Licensing is to provide a report to the Legislature, January 3, 1985, on rules and standards established to implement the act. Now, in the event that we're not satisfied with the standards and rules, what recourse do we have?"

Senator Deccio: "Senator Patterson, then the Legislature--I assume the appropriate committee would, then, take a look at those and find out what they do. That was the purpose of having them report back and if we don't like what they've done, I'd expect we would probably give them some direction."

Senator Patterson: "This bill does not give them direction at this time?"

Senator Deccio: "This bill directs the Department of Licensing to set up standards for these people to follow and the training--whether it be institutional or whether it's informal--they will set up those procedures and those standards, so that the bill would bring about what we want it to do."

Senator Patterson: "Could the Department of Licensing establish, as part of the procedure, the amendment that we're discussing right now with Senator Bottiger? Could they say that even after these standards are established, that there must be a doctor available in the office where the blood is going to be taken?"

Senator Deccio: "I think if they did that, Senator Patterson, they wouldn't be following the intent of the legislation."

Senator Patterson: "The intent of the legislation then is not for the Department to use this as a standard in implementing the bill?"

Senator Deccio: "Right, it's to set up standards for those people whom I guess you refer to as medical assistants. That's what it started out as--to, in effect, legalize what the doctors are doing already and what these people are doing already. This is to set up a course of standard. In effect, we would have another level of health care practitioners known as medical assistants or whatever it ends up being."

POINT OF INQUIRY

Senator Rinehart: "Senator Bottiger, I'm trying to fit your amendment into the definition section, particularly on page 1 where a definition of supervision is given. Could you explain to me how your amendment departs from that definition of supervision?"

Senator Bottiger: "That definition applies to everybody. When we talk about where the person can perform these services, I'm just talking about one small section that it would not be permitted to do unless the doctor says. Supervision is very broad. It would include a nurse practitioner in the town of Orting, who was under the supervision of a doctor at Tacoma General Hospital."

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

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

MOTION

On motion of Senator McManus, the rules were suspended, Engrossed Substitute Senate Bill No. 4448 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4448.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4448 and the bill passed the Senate by the following vote: Yeas, 44; nays, 03; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 44.

Voting nay: Senators Bottiger, Rinehart, Wojahn - 3.

Absent: Senator Quigg - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4448, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Senate Bill No. 4430, which was on the second reading calendar, was referred to the Committee on Social and Health Services.

SECOND READING

SENATE BILL NO. 4435, by Senators Talmadge, Hemstad and Gaspard

Enacting provisions relating to racketeering.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4435 was substituted for Senate Bill No. 4435 and the substitute bill was placed on second reading and read the second time.

Senator Quigg moved the following amendment be adopted:

On page 4, line 2, after "Prostitution;" strike "or (x) Arson" and insert "(x) Violence or the threat of violence, or property damage or the threat of property damage occurring during a labor dispute; or (y) Arson"

Senator Talmadge moved the following amendment by Senators Talmadge, Bottiger and Vognild to the Quigg amendment:

On page 4, line 2, after "damage;" strike "or (y)" and insert:

"(y) hiring consultants with the intent to violate the National Labor Relations Act;

(z) the use of surveillance equipment to monitor the activities of people on public land or in public buildings;

(aa) acts by employers designed to incite reaction from employees lawfully participating in a labor dispute;

(bb) criminal violations of chapter 49.17 RCW (WISHA);

(cc) criminal violations of chapter 49.24 RCW (Health and Safety Standards for Underground Workers);

(dd) criminal violations of chapter 49.44 (Prohibited Labor Practices);

(ee) criminal violations of chapter 49.46 RCW (Minimum Wage Law);

(ff) criminal violations of chapter 49.48 RCW (Wage Collection Law);

(gg) criminal violations of chapter 49.52 RCW (Wage Deductions Law);

(hh) criminal violations of chapter 49.60 RCW (Law Against Discrimination); or

(ii)"

Debate ensued.

MOTION

On motion of Senator Bottiger, and there being no objection, "(z) the use of surveillance equipment to monitor the activities of people on public land or in public buildings," was deleted, and the remaining items were renumbered.

Further debate ensued.

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. The amendment to the amendment does not make any sense the way it's stated here. There is apparently some kind of error in the citation."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, replying to the point of order, the amendment is to the Quigg amendment, strike "~~or (y)~~" and insert to the Quigg amendment. Now, I don't see anything unclear about that."

Senator Pullen: "Well, it says here, 'inserting after damage.' That doesn't make any sense at all."

Senator Bottiger: "Senator Quigg has brought me the question. It should be after 'dispute.'"

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 4435 was deferred.

SECOND READING

SENATE BILL NO. 4530, by Senators Peterson, Hansen and Patterson

Exempting state highways from the state building code.

The bill was read the second time.

MOTIONS

Senator Vognild moved the following amendments be considered and adopted simultaneously:

On page 2, line 16, after "code" strike "do not" and insert "shall"

On page 2, line 20, after "lots" insert "PROVIDED, That provisions of the state building code which exceed federal highway standards shall be installed following negotiations with affected local governments for payment of such installations on a shared cost basis"

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Vognild.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the amendments were adopted by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Bender, Bluechel, Clarke, Craswell, Fleming, Granlund, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 25.

Voting nay: Senators Barr, Bauer, Bottiger, Conner, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, McCaslin, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Williams - 23.

Excused: Senator Benitz - 1.

MOTION

Senator Talmadge moved the following amendment be adopted:

On page 2, line 22, after "highways" insert ", functional parts of state highways under such buildings,"

POINT OF INQUIRY

Senator Hansen: "Senator Talmadge, is the Highway Department going to have a vote on whether to place the convention center over their facility?"

Senator Talmadge: "Senator, I don't think they do."

Senator Hansen: "I was afraid you'd answer that."

Debate ensued.

MOTION

Senator Peterson moved adoption of the following amendment to the Talmadge amendment:

On the last line of the Talmadge amendment, after "buildings", insert "all cost be borne by local government"

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, if your amendment is adopted without the oral amendment that has been proposed who would be responsible for payment of the additional cost of the freeway under the convention center? Would it

be for the account of the Department of Transportation or would it be for the account of the convention center, itself?"

Senator Talmadge: "Senator, we're presuming that there would, in fact, be additional cost for compliance at that particular section of the highway. We've had much discussion about the Mercer Island section of I-90 and I frankly don't know about that. With respect to this particular portion of I-5, it's already constructed, it's already in place and presumably it's already met the state building code for fire purposes. I'm simply saying you can't have anything less than what apparently has already been applied to that particular location. As to who would pay for it, the state Department of Transportation or the convention and trade center, I simply don't know. I would presume, however, that it's probably already been paid for by the state Department of Transportation."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment to the amendment.

The motion by Senator Peterson failed and the amendment to the amendment was not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

The motion by Senator Talmadge carried and the amendment was adopted on a rising vote.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woody moved that the Senate immediately reconsider the vote by which the amendments on page 2, line 16, and on page 2, line 20, by Senator Vognild passed the Senate.

The President declared the question before the Senate to be the motion by Senator Woody to reconsider the vote by which the amendments by Senator Vognild passed the Senate.

The motion by Senator Woody failed on a rising vote.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 4530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4530.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4530 and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Craswell, Deccto, Fuller, Gaspard, Goltz, Granlund, Hemstad, Kiskaddon, Lee, McDonald, McManus, Patterson, Peterson, Rasmussen, Warnke, Williams, Woody, Zimmerman - 23.

Voting nay: Senators Clarke, Conner, Fleming, Guess, Haley, Hansen, Hayner, Hughes, Hurley, McDermott, Metcalf, Moore, Newhouse, Owen, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn - 24.

Absent: Senator McCaslin - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4530, having failed to receive the constitutional majority, was declared lost.

MOTION

At 12:04 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

SECOND READING

SENATE BILL NO. 3238, by Senators Zimmerman, Fleming and Bluechel (by Governor Spellman request)

Changing the planning and community affairs agency to the office of community programs.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 3238 was substituted for Senate Bill No. 3238 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 3238 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3238.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3238 and the bill passed the Senate by the following vote: Yeas, 34; nays, 03; absent, 11; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McManus, Metcalf, Newhouse, Owen, Quigg, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Craswell, McCaslin, Pullen - 3.

Absent: Senators Conner, Granlund, Hughes, McDermott, McDonald, Moore, Patterson, Peterson, Rasmussen, Shinpoch, von Reichbauer - 11.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3238, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Sellar served notice that he would move to reconsider the vote by which Engrossed Senate Bill No. 4530 failed to pass the Senate earlier today.

SECOND READING

SENATE BILL NO. 4306, by Senator Warnke

Modifying provisions relating to public health.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4306 was substituted for Senate Bill No. 4306 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended, Substitute Senate Bill No. 4306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4306.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4306 and the bill passed the Senate by the following vote: Yeas, 41; nays, 02; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senators Pullen, Quigg - 2.

Absent: Senators Craswell, Rasmussen, Woody - 3.

Excused: Senators Benitz, Hughes, McDermott - 3.

SUBSTITUTE SENATE BILL NO. 4306, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4561, by Senators Thompson and Fuller (by Governor Spellman request)

Modifying emergency service provisions.

MOTIONS

On motion of Senator Warnke, Substitute Senate Bill No. 4561 was substituted for Senate Bill No. 4561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Warnke, the rules were suspended. Substitute Senate Bill No. 4561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Thompson, the name change from Department of Emergency Services to Department of Emergency Management--the reasons behind that kind of escape me. It seems to me the former title is quite satisfactory. Would you mind stating the reasons why you feel this Emergency Management is a better name?"

Senator Thompson: "The agency is now related to its responsibility in carrying out the purposes of what is identified as a comprehensive emergency management plan. A good deal of other obsolete references and terminology has also been eliminated from its new charter--the old language relating to civil defense and disaster and the like. It's simply a modernization of the statutes in relation to its responsibilities and its relationship to the Federal Emergency Management Agency."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4561.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4561 and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Rasmussen - 1.

Excused: Senators Benitz, McDermott - 2.

SUBSTITUTE SENATE BILL NO. 4561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 4432 and the pending Committee on Education amendment to page 1, line 12.

The President declared the question before the Senate to be adoption of the Committee on Education amendment.

The motion by Senator Gaspard carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 4, after "education" insert ", the superintendent of public instruction"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, beginning on line 24, strike all material through "act" on line 28, and insert "Implementation of this act shall be subject to funds being appropriated or otherwise available for such purposes"

On motion of Senator Gaspard, the following title amendment was adopted:
On page 1, line 3 of the title, after "section" strike all material through "appropriation"

On motion of Senator Gaspard, the rules were suspended, Engrossed Senate Bill No. 4432 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4432.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4432 and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 30.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Quigg, Zimmerman - 17.

Absent: Senator Woody - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of personal privilege. My unjudicious remarks were a result of this bill having been recommended for the consent calendar. I thought we were using it as an attendance taker. I apologize to the members of the Senate for forecasting so inaccurately the result of the vote."

POINT OF ORDER

Senator Peterson: "A point of order, Mr. President. I am finding, on my desk, propaganda or whatever it is I don't know--there's something from the federal reserve bank. I thought there was a rule in the Senate that if material was distributed, it would have to be identified. I don't know where this came from and I don't know the validity or the accuracy, but I don't see any Senator's name on this material."

REPLY BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President. In answer to Senator Peterson, this is my fault. I had intended this material to be passed out while I was speaking and was going to identify it at that time. It did come from me, Senator Peterson."

MOTION

On motion of Senator Bottiger, Senate Bill No. 4407 held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 4778, by Senator Metcalf

Requiring actions to examine the federal reserve system.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 4778 was substituted for Senate Bill No. 4778 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Moore, the rules were suspended, Substitute Senate Bill No. 4778 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4778.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4778 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Conner, Craswell, Deccio, Fuller, Granlund, Guess, Haley, Hansen, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Bluechel, Bottiger, Clarke, Fleming, Gaspard, Goltz, Hayner, Hemstad, Hughes, McDermott, McDonald, Shinpoch - 12.

Absent: Senator Newhouse - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4778, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SENATE BILL NO. 3243, by Senators Granlund, Fuller, Owen, McCaslin, Woody and Craswell

Exempting state correctional facilities from the requirements that a percentage of funds be used for public art.

The bill was read the second time.

MOTIONS

Senator Granlund moved that the following Committee on Institutions amendments be considered simultaneously and not be adopted:

On page 1, line 26, strike "adult"

On page 1, line 26, after "facilities" insert "from the effective date of this 1984 act until June 30, 1989"

The President declared the question before the Senate to be not to adopt the Committee on Institutions amendments.

The motion by Senator Granlund carried and the committee amendments were not adopted.

MOTION

On motion of Senator Granlund, the following amendment by Senators Granlund, Rasmussen and Owen was adopted.

On page 1, line 6, after "follows:" strike the balance of the section down through "nature," on line 25, and insert:

"All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature. This section does not apply to the construction of state adult correctional facilities."

On motion of Senator Granlund, the rules were suspended, Reengrossed Senate Bill No. 3243 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3243.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3243 and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Granlund, Haley, Hansen, Hayner, Hughes, Hurley, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Woody, Zimmerman - 29.

Voting nay: Senators Bluechel, Conner, Fleming, Goltz, Guess, Hemstad, Kiskaddon, McDermott, McManus, Moore, Patterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn - 19.

Excused: Senator Benitz - 1.

REENGROSSED SENATE BILL NO. 3243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4407, by Senators Hurley, Woody, Thompson, Hansen, McDermott and Granlund

Modifying provisions relating to the compensation of school district administrators.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 14, commencing with the word "No" strike the underlined material down to and including "act." on line 17 and insert:

"No school district administrative group or administrative bargaining unit, or other non-bargaining unit employees as defined in RCW 41.59.020 (4), and 41.56.030 may receive a total annual salary and compensation increase in excess of the amount and/or percentage as set forth in the state operating appropriations act."

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 2, after line 9, insert:

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

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

On page 1, line 2 of the title, after "administrators;" strike "and" and on line 3, after "28A-58.095" insert "; and declaring an emergency"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4407 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Shinpoch: "Senator Hurley, I thought I heard you say that this would prevent any individual administrator from getting a raise above the average provided for the certificated personnel."

Senator Hurley: "I guess that's the way I interpreted the words 'no administrator.' If you have some other interpretations, maybe it could be explained."

Senator Shinpoch: "No, that's the part, I guess, that bothers me. In effect, we're saying that no administrator--WEA, if you will, generally negotiates for all the teachers as a block and they all accept some percentage raise and the salary schedule changes, and those kinds of things. That seems to be the way that they want to handle theirs. I guess it bothers me that we're going into administration and say that all administrators are worth exactly the same amount of increase--"

that some of them are not worth ten percent increase and some of them three percent increase, as an example--and I have a problem with that."

POINT OF INQUIRY

Senator Goltz: "Senator Hurley, I call your attention to line 16 where the 'and/or' provision is stated. As I read the 'and' and 'or', it sounds like an administrator could receive the amount in the bill and the percentage in the bill, or is the 'and/or' amended out?"

Senator Hurley: "No, the 'and/or' is still in there and I think this wording was put in by the Ways and Means Committee. Maybe Senator McDermott will explain the 'and/or' provision."

Senator Goltz: "It would seem to me that if you wanted to be sure that the administrator was controlled by the amount or the percentage, then it would be clear, but I think the 'and/or' is at least confusing."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4407.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4407 and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 01; excused, 01.

Voting yea: Senators Barr, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Peterson, Rasmussen, Sellar, Talmadge, Thompson, Vogtild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Bauer, Bender, Bluechel, Conner, Goltz, Guess, Haley, Hansen, McManus, Patterson, Pullen, Quigg, Rinehart, Shinpoch, Warnke - 15.

Absent: Senator Hughes - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4379, by Senators McManus, Moore, Deccio, Sellar and Guess

Adopting the dietetics practice act.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 4379 was substituted for Senate Bill No. 4379 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McManus, the rules were suspended, Substitute Senate Bill No. 4379 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Clarke: "Senator McManus, in reading this bill, I see on page 2, section 4, 'no person may practice dietetics without a license', then the definition on the top under (c) and (d) as to what may constitute practicing dietitians says 'providing nutrition counseling and education as conforms with preventative, curative and restorative health care and developing, implementing, managing and evaluating nutrition care assistance.' Now, does this mean that you can't prescribe chicken soup as an overall health care or can my wife collaborate with various other women in preparing cookbooks and sending them out for donations for small charges in a charitable way?"

"I can conceive that if you restricted this definition to those who were practicing for compensation that perhaps there would be some sense to it, but as I read the broadness of this language, it would seem to me that technically you are prohibiting a whole lot of things that you don't intend to prohibit."

Senator McManus: "Well, Senator Clarke, the bill is not intended to do this at all and I would be in real trouble with my mother if she couldn't prescribe chicken soup for me, I'll tell you that right now. There's all kinds of people that are

excluded from this without being penalized. As I said, this bill does not restrict licensed or certified persons, dietitians employed by the federal government, cooperative extensions, home economists, anybody studying for a degree in dietetics, and it goes on and on to make darn sure that we don't exclude these people who are interested and practicing in this field."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4379.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4379 and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Haley, McCaslin, McDonald, Metcalf, Owen, Pullen, Quigg - 11.

Absent: Senator Lee - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4379, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3240, by Senator Lee (by Joint Administrative Rules Review Committee request)

Conforming lobbyist employer reporting requirements with lobbyist reporting requirements.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Senate Bill No. 3240 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 3240.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 3240 and the bill passed the Senate by the following vote: Yeas, 38; nays, 09; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Sellar, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Bender, Fleming, Granlund, Hughes, Hurley, McDermott, Rinehart, Talmadge, Williams - 9.

Absent: Senator Shinpoch - 1.

Excused: Senator Benitz - 1.

SENATE BILL NO. 3240, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4313, by Senators Thompson, Zimmerman, Hemstad and Moore

Authorizing the formation of combined city and county municipal corporations under Article XI, section 16 of the Constitution.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4313 was substituted for Senate Bill No. 4313 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4313.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4313 and the bill passed the Senate by the following vote: Yeas, 43; nays, 05; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Böttiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, McCaslin, Metcalf, Pullen, Guigg - 5.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4313, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4722, by Senators Thompson, Zimmerman and Barr

Modifying the qualifications for the office of county sheriff.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4722 was substituted for Senate Bill No. 4722 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4722 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, I noted that there was no fiscal note requested. Now, with the educational requirements in this bill, I would hope and is it your understanding that all the costs of the annual training of the sheriff and additional training that might be required, will be borne by the sheriff's office or was it the intent that the state legislature would appropriate money for this purpose?"

Senator Thompson: "Senator Patterson, this legislation would not require any state expenditure. Some of the educational requirements will have been obtained and the monies probably expended before a candidacy ever occurs, if in the course of the professional development of the candidate that those that are required following incumbency will be borne by the local unit of government."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4722.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4722 and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Barr, Bender, Böttiger, Conner, Deccio, Fuller, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Talmadge, Thompson, Vognild, Wojahn - 26.

Voting nay: Senators Bauer, Bluechel, Clarke, Craswell, Fleming, Gaspard, Guess, Hayner, Kiskaddon, Lee, McDonald, McManus, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 22.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Senate Bill No. 4519 and the pending Committee on Energy and Utilities amendment to page 3, line 6.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Energy and Utilities amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad carried and the committee amendment was adopted by the following vote: Yeas, 30; nays, 18; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bluechel, Clarke, Craswell, Deccio, Fleming, Fuller, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Woody, Zimmerman - 30.

Voting nay: Senators Bender, Bottiger, Conner, Gaspard, Goltz, Hansen, Hurley, McDermott, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 18.

Excused: Senator Benitz - 1.

MOTIONS

On motion of Senator Hemstad, the following Committee on Energy and Utilities amendment was adopted:

On page 3, after line 6, insert the following:

"NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Hemstad, the following amendment by Senators Hemstad and Williams was adopted:

On page 3, after line 6, insert the following:

"Sec. 3. Section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 49, Laws of 1977 and RCW 19.86.170 are each amended to read as follows:

Nothing in this chapter shall apply to actions or transactions otherwise permitted, prohibited or regulated under laws administered by the insurance commissioner of this state, the Washington utilities and transportation commission, the federal power commission or actions or transactions permitted by any other regulatory body or officer acting under statutory authority of this state or the United States: PROVIDED, HOWEVER, That actions and transactions prohibited or regulated under the laws administered by the insurance commissioner shall be subject to the provisions of RCW 19.86.020 and all sections of chapter 216, Laws of 1961 and chapter 19.86 RCW which provide for the implementation and enforcement of RCW 19.86.020 except that nothing required or permitted to be done pursuant to Title 48 RCW shall be construed to be a violation of RCW 19.86.020: PROVIDED, FURTHER, That actions or transactions specifically permitted within the statutory authority granted to any regulatory board or commission established within Title 18 RCW shall not be construed to be a violation of chapter 19.86 RCW: PROVIDED, FURTHER, That this chapter shall apply to actions and transactions in connection with the disposition of human remains: PROVIDED FURTHER, That this chapter applies to any actions and transactions of any telephone company operating in the state when such actions and transactions are conducted on a detariffed basis or by an unregulated affiliate.

RCW 9A.20.010(2) shall not be applicable to the terms of this chapter and no penalty or remedy shall result from a violation of this chapter except as expressly provided herein."

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

On page 1, line 1 of the title, after "telecommunications;" insert "amending section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16.010:"

On page 1, line 1 of the title, strike "a new section" and insert "new sections"

On page 1, line 1 of the title, after "telecommunications;" insert "amending section 17, chapter 216, Laws of 1961 as last amended by section 1, chapter 49, Laws of 1977 and RCW 19.86.170:"

On page 1, line 1 of the title, strike "a new section" and insert "new sections"

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Senate Bill No. 4519 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Williams, I would like to clarify one point on the detariffing provisions of Senate Bill 4519. Is it correct to say that the bill does not amend RCW 80.36.130, but instead gives the Commission new discretionary authority to detariff on a selective basis?"

Senator Williams: "That is correct."

Senator Hemstad: "Is it correct to say that telephone companies will continue to file tariffs as they have done in the past unless the WUTC orders detariffing pursuant to the procedures set forth in the bill?"

Senator Williams: "That is correct."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4519.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4519 and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McDonald, McManus, Metcalif, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Bender, Bottiger, Gaspard, Granlund, Hansen, Hurley, McCaslin, McDermott, Moore, Rasmussen, Rinehart, Shinpoch, Taimadge, Thompson, Williams, Wojahn - 17.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3561, by Senator Vognild

Relating to unemployment compensation.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 3561 was substituted for Senate Bill No. 3561 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 3561 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3561.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3561 and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Hayner, Warnke - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 3561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Senate Bill No. 4403 was made a special order of business for 4:50 p.m.

SECOND READING

SENATE BILL NO. 4275, by Senator Shinpoch

Changing provisions concerning the teachers' retirement.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 4, line 17, after "1," delete "1983" and insert "1985"

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

On page 2, line 26, after "~~(legislature:))~~" insert "However, a school district for the 1985-86 school year shall not be required to pay to the department of retirement systems for the employer contribution to the teachers retirement system, any amount in excess of the funds received by such school district from the state through the office of the superintendent of public instruction for such purpose, and for the 1986-87 school year and thereafter, a school district shall not be required to pay at a rate exceeding the rate that the director sets for the employer contribution for each employee."

On page 4, line 17, strike "July 1, 1983" and insert "September 1, 1985"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4275 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4275.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4275 and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Granlund, Hayner, Hughes, Moore, Sellar - 5.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, consideration of Senate Bill No. 4577 and Senate Bill No. 4798 was deferred and the bills held their place on the second reading calendar.

SECOND READING

SENATE BILL NO. 4477, by Senator McDermott

Authorizing employer payment of employee contributions under public retirement systems.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4477 was substituted for Senate Bill No. 4477 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4477 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4477.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4477 and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Vognil - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE SENATE BILL NO. 4477, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4798, by Senators Granlund and McManus

Extending prison overcrowding reform act.

The bill was read the second time.

MOTIONS

Senator Granlund moved adoption of the following amendment by Senators Granlund and Hemstad:

On page 1, after line 7, insert the following:

***NEW SECTION.** Sec. 2. The legislature finds and declares that:

(1) The sentencing reform act of 1981 which established the sentencing guidelines commission and directed the commission to devise a system of recommended standard sentence ranges for all felony offenses, required the commission, in setting the standards, to emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(2) There is a need to plan and develop a system through which alternatives to total confinement can be used to serve nonviolent offenders who have been convicted of crimes but who, in the judgment of the courts and appropriate corrections personnel, can best serve their sentences without substantial danger to the community in local community programs rather than in state prisons or local jails.

(3) The department of corrections, which, under RCW 72.09.060 and 72.09.100(5), is charged with developing, establishing, and administering community service programs state-wide, has the expertise, and personnel to enable the development of a comprehensive system of alternative programs for nonviolent offenders.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Alternatives to total confinement" means residential and nonresidential programs that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW and that are operated by the department or local government entities to serve nonviolent offenders who have been convicted of crimes, in lieu of incarceration in state prisons or local jails.

(4) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION. Sec. 4. The department shall formulate a comprehensive plan for the development, implementation, and operation of alternatives to total confinement for nonviolent offenders, that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW.

The plan shall be submitted to the appropriate standing committee of the house of representatives and the senate for review by December 1, 1984. The plan shall include, but is not limited to:

(1) The establishment of goals and objectives for the development, implementation, and expansion of alternatives to total confinement;

(2) An identification and evaluation of current state and local alternatives to total confinement, including, but not limited to, probation-type services and court-ordered community service programs authorized under RCW 72.09.100(5);

(3) An evaluation of the existing organizational structure and of the services provided by the department's division of community services and its role in providing or administering programs that are alternatives to total confinement after July 1, 1984;

(4) The establishment of policies and procedures to improve and expand existing alternatives to total confinement including, but not limited to, probation-type services and court-ordered community service, and to develop new alternatives to total confinement. Policies and procedures on program site selection, offender intake assessment, program and offender monitoring, and evaluating and reporting the effectiveness of alternatives to total confinement should be included;

(5) The identification of the projected numbers of nonviolent offenders who may be eligible for alternatives to total confinement;

(6) A delineation of the role and functions of affected state and local government entities and state and local service providers with respect to the administration and operation of programs that are alternatives to total confinement;

(7) The identification of funding sources, funding responsibility, and costs associated with alternatives to total confinement and how funding for such programs can occur within state and local budget limitations;

(8) An analysis of the legal liability of state and local government entities and private sector service providers, and a determination of what types of insurance or other mechanisms are available to provide legal and financial safeguards; and

(9) An identification of the statutory changes which may be necessary to permit full implementation of the plan.

NEW SECTION. Sec. 5. The department, in developing the plan, shall consult with and receive input from representatives of affected state and local government entities, correctional organizations and associations, prosecuting attorneys, the defense bar, the legislature, private nonprofit agencies, and private citizens.

NEW SECTION. Sec. 6. The department's plan for the development, implementation, operation, and expansion of alternatives to total confinement shall reflect regional differences. The department shall consult with and receive input from affected agencies, organizations, service providers, and individuals working at the regional level.

NEW SECTION. Sec. 7. The department, in developing the plan, may request from the office of financial management, the board of prison terms and paroles, the administrator for the courts, the sentencing guidelines commission, the corrections standards board, and the department of social and health services such data, information, and data processing assistance as it may need to accomplish its task, and such services shall be provided without cost to the department.

NEW SECTION. Sec. 8. There is appropriated from the general fund to the department of corrections for the period ending December 30, 1984, the sum of twenty-six thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 2 through 7 of this act.

NEW SECTION. Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 2 through 7 of this act shall expire December 30, 1984."

On motion of Senator Granlund, the following amendments to the amendment were considered and adopted simultaneously:

On page 5, line 4 after "entities," insert "including the governor's interagency criminal justice work group."

On page 5, line 9 after the "." insert "The plan shall be submitted to the governor's interagency criminal justice work group for review prior to the submission of such plan to the legislature."

The President declared the question before the Senate to be adoption of the amendment by Senators Granlund and Hemstad, as amended.

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

MOTION

On motion of Senator Owen, the following amendment by Senators Owen and Grundl was adopted:

On page 1, after line 7, insert the following:

*Sec. 2. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$4,054,000 is provided for intensive parole.

(v) \$16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	206,860,000
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General Fund Appropriation—Federal	\$	700,000
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Total Appropriation	\$	207,560,000
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The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$	13,278,000
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General Fund—Institutional Impact Account Appropriation	\$	865,000
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Total Appropriation	\$	14,143,000
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The appropriations in this subsection are subject to the following conditions and limitations:

\$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	5,463,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

NEW SECTION. Sec. 3. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

MOTION

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

On page 1, line 1 of the title, after "overcrowding;" strike "and"

On page 1, line 2 of the title, after "(uncodified)" insert "; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency"

On page 1, line 2 of the title, after "(uncodified)" insert "; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); and declaring an emergency"

MOTION

On motion of Senator Granlund, the rules were suspended, Engrossed Senate Bill No. 4798 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4798.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4798 and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Gaspard, Guess, McDonald, Patterson, Pullen - 6.

Absent: Senator Sellar - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE BILL NO. 4798, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, consideration of Senate Bill No. 4430 was deferred and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 4731, by Senators Bottiger, Hayner and Conner

Providing membership in the retirement system to otherwise eligible persons enrolled in volunteer firemen's relief and pensions.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4731.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4731 and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Granlund - 1.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4342, by Senators Vognild and Newhouse (by Employment Security Department request)

Making an appropriation to the employment security department to implement its automation plan.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Senate Bill No. 4342 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4342.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4342 and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Hayner, Sellar - 2.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4300, by Senators Peterson and Vognild

Authorizing participation by members of affiliated nonprofit organizations in chapter's gambling activities.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Senate Bill No. 4300 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4300.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4300 and the bill passed the Senate by the following vote: Yeas, 32; nays, 13; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Granlund, Haley, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Shipoch, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 32.

Voting nay: Senators Bluechel, Craswell, Goltz, Guess, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Rasmussen, Rinehart, Zimmerman - 13.

Absent: Senators Fleming, Sellar, Talmadge - 3.

Excused: Senator Benitz - 1.

SENATE BILL NO. 4300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4626, by Senators Goltz, Bauer, Quigg and Thompson

Modifying the prohibition against ex parte communications in quasi-judicial land use proceedings.

MOTIONS

On motion of Senator Thompson, Substitute Senate Bill No. 4626 was substituted for Senate Bill No. 4626 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Thompson, the rules were suspended, Substitute Senate Bill No. 4626 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rinehart: "Senator Goltz, would the record simply be recording the fact that a conversation occurred or would the content of the conversation be also reported?"

Senator Goltz: "On line 10 of the bill, the answer appears. It is that the person would place on the record the substance of any written or oral communications concerning the decision of the action. So, it is the substance of the conversation as well. Then, at any time, when a hearing is held the content—the substance of that communication—would also be brought to the hearing and the public would have the opportunity to rebut that conversation if they wish to."

Senator Rinehart: "Mr. President, if I might ask one further question. I understand the intent and agree with the intent of the bill. My concern is that perhaps this occurred too soon in the process. In other words, it seems to me that someone coming into any one of our jurisdictions is not prohibited from immediately contacting local officials when there's no proceeding in effect. It seems to me that at the time the doctrine should come into play is when some proceeding is in the offing."

Senator Goltz: "You are correct. That is when the doctrine goes into effect. However, there are many public officials who aren't really sure that that apparently goes into effect, but you're technically correct that the doctrine goes into effect once there is an application or a proceeding in progress in the process."

Senator Rinehart: "So, that as a matter of fact were it not for the question in the mind of a local official, this kind of communication could already occur."

Senator Goltz: "It could occur prior to the time of the proceeding being in effect, but not after that. This allows it also to appear after that."

POINT OF INQUIRY

Senator Rasmussen: "Senator Goltz, I've been in a position, both in the city and county, where matters would be scheduled to come up and people who have had contact with you would like to take you to lunch to explain their views. This would permit you to go to lunch with them and they could explain their views at that time?"

Senator Goltz: "Yes, this would permit contact between elected officials and investors or developers who have an application pending, as long as they had the responsibility of recording the substance of that conversation."

Senator Rasmussen: "That brings my next question, Senator Goltz. At what stage and when do you make that declaration that you have had this conversation over lunch with the individual, whomever it may be? My concern is this—the average citizen out in the hinterlands that has an elected official doesn't hear of anything unless it be handled in a regular council meeting—city council or county council, whatever—does he make a declaration then and it goes into the minutes? I have had lots of conversations with this individual."

Senator Goltz: "I believe I would have to, perhaps, defer to the exact way in which that is done to someone who is on the Local Government Committee, but I suppose that the place on the record—the fact that it occurred—would be to place it in the minutes of the organization or the council where that would occur."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4626.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4626 and the bill passed the Senate by the following vote: Yeas, 39; nays, 08; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Bender, Hughes, Moore, Pullen, Rasmussen, Rinehart, Talmadge, Williams - 8.

Excused: Senators Benitz, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 4626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection the Senate resumed consideration of Substitute Senate Bill No. 4435 and the pending amendment by Senators Bottiger, Talmadge and Vognild on page 4, line 2, to the Quigg amendment.

MOTIONS

On motion of Senator Talmadge, and there being no objection, the amendment to the amendment was withdrawn.

Senator Talmadge moved adoption of the following amendment to the Quigg amendment:

On page 4, line 5 of the amendment, after "dispute;" strike "or (y) Arson" and insert:

"(y) Hiring consultants with the intent to violate the National Labor Relations Act;

(z) Acts by employers designed to incite reaction from employees lawfully participating in a labor dispute;

(aa) Criminal violations of chapter 49.17 RCW (WISHA);

(bb) Criminal violations of chapter 49.24 RCW (Health and Safety Standards for Underground Workers);

(cc) Criminal violations of chapter 49.44 RCW (Prohibited Labor Practices);

(dd) Criminal violations of chapter 49.46 RCW (Minimum Wage Law);

(ee) Criminal violations of chapter 49.48 RCW (Wage Collection Law);

(ff) Criminal violations of chapter 49.52 RCW (Wage Deductions Law);

(gg) Criminal violations of chapter 49.60 RCW (Law Against Discrimination); or

(hh) Arson."

Senator Quigg demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bottiger, Talmadge and Vognild to the Quigg amendment.

ROLL CALL

The secretary called the roll and the motion by Senator Talmadge carried and the amendment to the amendment was adopted by the following vote: Yeas, 27; nays, 19; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 19.

Absent: Senator von Reichbauer - 1.

Excused: Senators Benitz, Deccio - 2.

The President declared the question before the Senate to be adoption of the Quigg amendment, as amended.

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

MOTIONS

On motion of Senator Pullen, the following amendment was adopted:
On page 3, line 5, after "punishable" and before "by" insert "as a felony and"

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

On page 18, after line 32, insert the following:

"NEW SECTION. Sec. 21. This act shall take effect on January 1, 1985."

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

On page 1 line 4 of the title, strike "and"

On page 1, line 4 of the title, after "penalties" and before the period insert "; and providing an effective date"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4435 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4435.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4435 and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Guess - 1.

Excused: Senators Benitz, Deccio - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3223, by Senators Talmadge, Hemstad, Hughes, Bender and Fleming (by Attorney General request)

Establishing the Antitrust/Consumer Protection Improvements Act.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 3223 was substituted for Senate Bill No. 3223 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Talmadge, the rules were suspended, Substitute Senate Bill No. 3223 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3223.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3223 and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Craswell - 1.

Excused: Senators Benitz, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 3223, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4343, by Senators Peterson, Hansen and Patterson (by Department of Transportation request)

Revising restrictions on state highway work by state forces.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 4343 was substituted for Senate Bill No. 4343 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 4343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4343.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4343 and the bill passed the Senate by the following vote: Yeas, 40; nays, 07; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Bluechel, Craswell, Haley, Lee, McCaslin, Metcalf, Quigg - 7.

Excused: Senators Benitz, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 4343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4814, by Senator Granlund

Relating to children and family services.

MOTIONS

On motion of Senator Granlund, Substitute Senate Bill No. 4814 was substituted for Senate Bill No. 4814 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Granlund, the rules were suspended, Substitute Senate Bill No. 4814 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4814.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4814 and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 4814, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4661, by Senators Craswell, Granlund, McManus and Deccio
Protecting disabled persons assisted by service dogs.

The bill was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Bill No. 4661 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4661.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4661 and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Lee - 1.

Excused: Senators Benitz, Deccio - 2.

SENATE BILL NO. 4661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4220, by Senators Wojahn, Jones, Vognild, Bender, Moore, Williams, Warnke, Bauer and Zimmerman

Ensuring the payment of wages in theatrical enterprises.

MOTIONS

On motion of Senator Vognild, Substitute Senate Bill No. 4220 was substituted for Senate Bill No. 4220 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Senator Wojahn, how does this apply to existing theaters like ACT or Empty Space and--"

Senator Wojahn: "It would not apply to any nonprofit community theater and if the theater had been in operation for two years, they should know legally where the problems are and would not bring this particular type of person in, so they are exempt. The bill has been endorsed by the Arts Commission and the lobbyist for the arts. I think it's a secure bill now and it's had intensive study."

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4220.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4220 and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Quigg, Rasmussen, Sellar - 14.

Absent: Senator Newhouse - 1.

Excused: Senators Benitz, Deccio - 2.

SUBSTITUTE SENATE BILL NO. 4220, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4490, by Senators McDermott, Rasmussen, Woody, Talmadge, Hurley, Gaspard, Rinehart, Vognild, Peterson and Fleming

Restricting termination of utility service for residential space heating.

MOTION

On motion of Senator McDermott, Substitute Senate Bill No. 4490 was substituted for Senate Bill No. 4490 and the substitute bill was placed on second reading and read the second time.

POINT OF ORDER

Senator Hemstad: "A point of order, Mr. President. I thought there were a series of amendments on the desk on Senate Bill No. 4490."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, I move that Senate Bill No. 4490 be made a special order of business immediately following Senate Bill No. 4403. In making that motion, the amendments were prepared and it did not look like we were getting to the bill, so they were not xeroxed. It's not fair to the offerors of the amendments to deny them that opportunity because of the time schedule. So, unless there is some rabid objection, I move to defer Senate Bill No. 4490."

POINT OF ORDER

Senator Woody: "Mr. President, it is seriously the intent of this body to address Senate Bill No. 4490, and barring the amendments being ready, we would have been able to have done that by now. My concern is that if we are not able to get through with 4403--that we've made a special order of business--by 5 o'clock, will we have an opportunity to complete our work on Senate Bill No. 4490? In other words, if 4403 runs us past five, will we still be able to deal with 4490?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Woody, inasmuch as the Senate has begun consideration on Substitute Senate Bill No. 4490 and the amendments are not ready, even if deliberation on 4403 goes past five o'clock, the Senate will still be entitled to consider Substitute Senate Bill No. 4490."

The motion by Senator Bottiger carried and Substitute Senate Bill No. 4490 was made a special order of business after consideration of Senate Bill No. 4403.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate commenced consideration of Senate Bill No. 4403.

SECOND READING

SENATE BILL NO. 4403, by Senators McDermott, Zimmerman, Talmadge, Patterson, Fleming, Hughes and Peterson

Revising provisions relating to health care costs.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4403 was substituted for Senate Bill No. 4403 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the following amendments by Senators McDermott, Talmadge and Warnke were considered and adopted simultaneously:

On page 4, line 2 after "include" insert "beds utilized by a comprehensive cancer center for cancer research, or"

On page 5, after line 4, insert:

"(11) "Comprehensive cancer center" means an institution and its research programs as recognized by the National Cancer Institute prior to April 20, 1983."

On motion of Senator McDermott, the following amendment by Senators McDermott, McDonald and Talmadge was adopted.

On page 4, line 26, after "commission" insert ": PROVIDED, That the first \$250 of any deductible or co-insurance amount payable by a patient shall not be considered a part of the cost of charity care under sections 14 and 15 of this 1984 act"

MOTIONS

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

On page 12, line 22, after "area," insert "The commission's report for 1985, to be submitted in January 1986, shall include an analysis of the impacts of sections 14 and 15 of this 1984 act on (1) the use by indigent persons of health care settings other than hospitals and (2) the case-loads and costs associated with the limited casualty program for medical indigents under RCW 74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of sections 14 and 15."

On motion of Senator Rinehart, the following amendments by Senators Rinehart, Bluechel and McDermott were considered simultaneously and adopted:

On page 13, line 26, after "groups," insert "In the event any hospital reimbursement control system is implemented, children's hospitals shall be exempted until such time as a pediatric based classification system which reflects the unique resource consumption by patients of a children's hospital is perfected. For the purposes of this exemption, children's hospitals are defined as hospitals whose patients are predominantly under eighteen years of age."

On page 21, line 32, strike "and" and insert "((and)) ;"

On page 21, line 32, after "services" insert "and children's hospitals"

On motion of Senator McDonald, the following amendment by Senators McDonald, McDermott, Rinehart and Lee was adopted:

On page 14, line 4, after "approval" strike all matter through the end of line 5 and insert "for implementation of any hospital reimbursement control system developed pursuant to this section."

On motion of Senator McDonald, the following amendment by Senators McDonald, McDermott and Lee was adopted:

On page 17, line 8, strike "January 1, 1986" and insert "July 1, 1985"

Senator Lee moved the following amendment be adopted:

On page 25, after line 7, insert a new section to read as follows:

"NEW SECTION, Sec. 21. There is added to chapter 70.39 RCW a new section to read as follows:

Every commercial health insurer registered and doing business in the state under title 48 RCW, every health care service contractor as defined in RCW 48.44.010, and the department of social and health services shall, upon request by the commission but not more frequently than annually, furnish to the commission such information as is readily available which may assist the commission in developing cost containment proposals with respect to the fees of licensed health care practitioners. The commission may request such information from the entities identified in this section, and from the federal department of health and human services, if and when the commission deems appropriate."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Haley: "Senator Lee, are you saying that this amendment applies to positions to work within the hospital only?"

Senator Lee: "This would be only those services that are provided while a patient is really within the hospital itself. It does not require any additional reporting by physicians. It is only anticipated to be the kind of information that would already be available--that persons in the medical insurance, for example, have this as a part of the information they have submitted--in any case that the hospital commission could simply gather that and report it to us. It does not require any additional reporting beyond what is already required of physicians or any other health care practitioners."

Senator Haley: "Now, are you referring to a private physician--say during a piece of surgery on a patient in the hospital--and rendering a fee through his private office? Is that covered by your amendment?"

Senator Lee: "It would only be if that particular kind of fee were already reported as part of the Medicare/Medicaid bill or through the insurance provider."

Senator Haley: "In other words, if he reports that or the patient reports it, depending on which option they take, is what you're stating?"

Senator Lee: "That's correct."

The President declared the question before the Senate to be adoption of the amendment by Senator Lee.

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

MOTION

Senator McManus moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010 are each amended to read as follows:

The primary purpose of this chapter is to promote the economic delivery of high quality, necessary, and effective hospital health care services to the people by establishing a hospital commission with authority over financial disclosure ~~((and))~~, budget ~~((and))~~, prospective rate ~~((review))~~ approval, and other related matters, including authority to develop a hospital reimbursement control system, which will assure all purchasers of ~~((hospital))~~ health care services that total hospital costs are reasonably related to total services, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that hospital rates are reasonably related to aggregate costs, and that such rates are set equitably among all purchasers of these services without undue discrimination.

The legislature finds and declares that rising hospital costs are a vital concern to the people of this state because of the danger which is posed that hospital and health care services are fast becoming out of the economic reach of the majority of our population. It is further declared that health care is a right of the people and one of the primary purposes for which governments are established, and it is, therefore, essential that an effective cost control program be established ~~((which will both enable and motivate hospitals to control their spiraling costs))~~. It is the legislative intent, in pursuance of this declared public policy, to provide for uniform measures on a state-wide basis to control hospital ~~((costs))~~ rates without the sacrifice of quality of service or reasonable access to necessary health care.

Sec. 2. Section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020 are each amended to read as follows:

As used in this chapter:

(1) "Commission" means the hospital commission of the state of Washington as created by this chapter;

(2) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(4) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria, an example of which has been adopted as the basis for prospective payment under the federal medicare program by the social security amendments of 1983, Public Law 98-21.

(5) "Medical technology" means the drugs, devices, and medical or surgical procedures used in the delivery of health care, and the organizational or supportive systems within which such care is provided.

(6) "Technology assessment" means a comprehensive form of policy research that examines the technical, economic, and social consequences of technological applications, including the indirect, unintended, or delayed social or economic impacts. In health care, such analysis must evaluate efficacy and safety as well as efficiency.

(7) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the commission.

(8) "Rate" means the maximum revenue which a hospital may receive for each unit of service, as determined by the commission.

Sec. 3. Section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030 are each amended to read as follows:

(1) There is hereby created a hospital commission, which shall be a separate and independent commission of the state. The commission shall be composed of ~~((five))~~ nine members appointed by the governor ~~(- and generally representative of the public as consumers, labor, business, and hospitals, and shall be individuals concerned with the delivery of quality health care; but in no event shall more than two members have any fiduciary obligation to a health facility or other health agency, nor any direct financial interest in the rendering of health services. In cases when proposed rate increases for osteopathic hospitals are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace a hospital representative on the commission))~~ as follows:

(a) Three members representing consumers of health care services, at least one of whom represents the interests of low-income persons;

(b) One member representing private employers;

(c) One member representing labor;

(d) One member representing hospitals, but in cases in which rates for an osteopathic hospital are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace the hospital representative on the commission;

(e) One member representing health care professionals licensed under Title 18 RCW;

(f) One member representing commercial health insurers or health care service contractors; and

(g) The secretary of social and health services, or the secretary's designee, representing the interests of the state as a major purchaser of health care services.

(2) Except for the members designated in subsections (1) (d) and (e) of this section, members shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

Sec. 4. Section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040 are each amended to read as follows:

Except for the secretary of social and health services or the secretary's designee, members of the commission shall serve for four-year terms (- PROVIDED, That upon the expiration of the initial four-year terms, two persons shall be appointed for three-year terms and three persons for four-year terms and thereafter all members of the commission shall serve for four-year terms). Appointments shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes. Of the three additional members, other than the secretary, appointed after the effective date of this 1984 act, two shall initially be appointed for two-year terms and one for a three-year term.

Sec. 5. Section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050 are each amended to read as follows:

(The) A member representing consumers of health care services and designated by the governor shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

(Three) Five members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless ((three)) five members concur therein.

The members of the commission shall receive no compensation for their service as members but, with the exception of the secretary of social and health services or the secretary's designee, the members shall be reimbursed for their expenses while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44.04.120.

Sec. 6. Section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070 are each amended to read as follows:

In order to assist the commission in carrying out its duties, the governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of ~~((eleven))~~ seventeen members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable in the financial affairs of hospitals.

(2) ~~((One))~~ Two members who shall be ~~((α))~~ health care practitioners, one of whom shall be a physician, licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) ~~((Five))~~ Six members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, ~~((and))~~ university, and rural hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of the department of social and health services, or ~~((his))~~ the secretary's designee, to provide continuing liaison, data and support from

those functions of the department which may affect the responsibilities of the commission and to represent the department as a purchaser of health care services.

(6) One member who shall be ~~((the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council))~~ the executive director of the state health coordinating council established under RCW 70.38.055.

(7) One member of the commission, elected by the commission.

(8) One member who shall be representative of private employers.

(9) One member who shall be representative of commercial health insurers registered and doing business in the state under Title 48 RCW.

(10) One member who shall be representative of health care service contractors, as defined in RCW 48.44.010.

(11) One member who shall be representative of health maintenance organizations, as defined in RCW 48.46.030.

Except for the members designated in subsections (2), (3), (10), and (11) of this section, members of the committee shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

With the exception of members designated in subsections (5) and (6) of this section, the members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without compensation for their service as members but, except for those designated in subsections (5) and (6) of this section, shall be reimbursed for their expenses in the same manner as members of the commission.

Sec. 7. Section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080 are each amended to read as follows:

The committee shall have the duty upon the request of the commission to consult with and make recommendations to the commission:

(1) On matters of public policy related to the delivery of hospital care services;

(2) On rules and regulations proposed by the commission to implement this chapter;

(3) On analyses and studies of hospital health care costs and related matters which may be undertaken by the commission; ~~((and))~~

(4) On any issue related to medical technology or technology assessment in the area of hospital care; and

(5) On such other matters as the commission may refer.

Sec. 8. Section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090 are each amended to read as follows:

To further the purposes of this chapter, the commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, the delivery of hospital care services, economic issues concerning hospital care, technology assessment, and such other subjects as it deems necessary, to supplement the resources provided by the technical advisory committee.

Sec. 9. Section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100 are each amended to read as follows:

(1) The commission, after study and in consultation with advisory committees, if any, shall establish by the promulgation of rules and regulations pursuant to the Administrative Procedure Act, chapter 34.04 RCW, a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals shall record and report to the commission their revenues, expenses, other income, other outlays, assets and liabilities, and units of service. All hospitals shall adopt the system for their fiscal year period to be effective at such time and date as the commission shall direct. In determining the effective date for reporting requirements, the commission shall be mindful both of the immediate need for uniform hospital reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals may encounter in conversion, but in no event shall such effective date be later than two and one-half years from the date of the formation of the commission.

(2) In establishing such accounting systems and uniform reporting procedures, the commission shall take into consideration:

(a) Existing systems of accounting and reporting presently utilized by hospitals;

(b) Differences among hospitals according to size; financial structure; methods of payment for services; and scope, type, and method of providing services; and

(c) Other pertinent distinguishing factors.

(3) The commission shall, where appropriate, provide for modification, consistent with the purposes of this chapter, of reporting requirements to correctly reflect these differences among hospitals, and to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of accounting and financial reporting.

(4) The accounting system, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred with reference to educational research and other nonpatient-related activities including but not limited to charitable activities of such hospitals.

(5) The commission shall collect and maintain patient discharge data, including data necessary for identification of discharges by diagnosis-related groups. So far as possible, the data collection procedures shall be coordinated with any similar procedures or requirements of the federal department of health and human services for the medicare program and the needs of the department of social and health services in gathering public health statistics, in order to minimize any unduly burdensome reporting requirements imposed on hospitals.

Sec. 10. Section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110 are each amended to read as follows:

(1) Each hospital shall file annually, at such time as the commission may prescribe, its proposed budget for the next fiscal year, showing projected revenues and expenses and including such further information as the commission may require to implement the purposes of this chapter.

(2) Each hospital shall file annually with the commission after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A statement of income and expenses; and

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

~~((2))~~ (3) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

~~((3))~~ (4) The commission shall require certification of specified financial reports by the hospital's certified public accountant, and may require attestation as to such statements from responsible officials of the hospital that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

~~((4))~~ (5) All reports, except privileged medical information, filed under this chapter shall be (open to) available for public inspection and copying under RCW 42.17.250 through 42.17.340.

~~((5))~~ (6) The commission shall ~~((have the right of inspection of))~~ inspect hospital books, audits, and records as reasonably necessary to ~~((verify hospital reports))~~ implement the policies and purposes of this chapter.

Sec. 11. Section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120 are each amended to read as follows:

(1) The commission shall from time to time undertake analyses and studies relating to ~~((hospital))~~ the need for and delivery of health care services, the availability of such services, hospital rates, health care costs, and ~~((to))~~ the financial status of any hospital or hospitals subject to the provisions of this chapter, and may publish and disseminate such information as it deems desirable in the public interest. It shall further ~~((require the filing of))~~ publish information concerning the ~~((total financial needs of each hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide and state comprehensive health planning agencies))~~ need for health care services identified by area-wide and state comprehensive health planning agencies under chapter 70.38 RCW and the extent to which such needs are being met.

(2) The commission shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the commission hereunder as will advance the purposes of this chapter.

(3) The commission shall furnish a copy of any report regarding any hospital to the chief executive officer of the hospital and the presiding officer of the hospital's governing body.

Sec. 12. Section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130 are each amended to read as follows:

The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include such findings and recommendations as the commission ~~((deems necessary))~~ believes will further the legislative goal of cost containment in the delivery of good quality hospital care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital and shall identify any hospital whose level of charity care appears to contribute to a disproportionate level of charity care in other hospitals in the same community or geographic area.

Sec. 13. Section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140 are each amended to read as follows:

From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that the hospital's ((aggregate revenues as expressed by)) rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates ((other than)) exceeding those established in accordance with the procedures established hereunder. After June 30, 1985, rates for inpatient care shall be expressed using an appropriate measure of hospital efficiency, such as that based on diagnosis-related groups, and, if necessary for federal medicare participation in a hospital reimbursement control system, hospitals shall charge for such care at rates prospectively established and expressed in terms of a comparable unit of total payment, such as diagnosis-related groups.

In the interest of promoting the most efficient and effective use of hospital health care service, and providing greater promise of hospital cost containment, the commission may ((promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter)) develop a hospital reimbursement control system in which all payers or purchasers participate, that includes procedures for establishing prospective rates, that deals equitably with the costs of providing charity care, and that includes the participation of the federal medicare program under the social security amendments of 1983, Public Law 98-21. The commission may seek approval, concurrence, or participation in such a system from any federal agency, such as the department of health and human services, prior to securing legislative approval of any statutory modification that might be necessary to implement such a system.

The commission shall serve as the state agency responsible for coordinating state actions and otherwise responding and relating to the efforts of the ((cost of living council, or its successor,)) federal department of health and human services in planning and implementing federal cost containment programs with respect to hospitals and related health care institutions as authorized by the ((Federal Economic Stabilization Act of 1970)) social security amendments of 1983, as now or hereafter amended, or other federal law, and any rules or regulations promulgated thereto. In carrying out this responsibility, the commission may ((serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the cost of living council, or its successor, may apply to the cost of living council for authorization to administer a control program in Washington state in lieu of the federal controls established and otherwise administered by the cost of living council, may)) assume ((another)) any function or role authorized by appropriate federal regulations implementing the ((Federal Economic Stabilization Act of 1970)) social security amendments of 1983; or assume any combination of such roles or functions as it may determine will most effectively contain the rising costs of the varying kinds of hospitals and related health care institutions in Washington state. In determining its functions or roles in relation to ((the)) federal efforts ((to the cost of living council, or its successor)), the commission shall seek to ensure coordination, and the reduction of duplicatory cost containment efforts; by the state and federal governments, as well as the diligent fulfillment of the purposes of this chapter and declared public policy and legislative intent herein((-PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to review pursuant to the provisions of the Federal Economic Stabilization Act of 1970 or any rules or regulations promulgated thereto, the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such review only)).

Nothing in this chapter limits the ability of the department of social and health services to establish hospital payment rates pursuant to RCW 74.09.120 or in accord with a federally approvable state plan under Title XIX of the federal social security act.

NEW SECTION. Sec. 14. By January 1, 1986, a select committee of the legislature shall develop legislative recommendations for programs that will promote the state-wide development of comprehensive cost-effective health care systems and shall recommend programs that will promote use of such managed health care systems. The select committee shall be composed of ten members of the legislature, five appointed by the speaker of the house of representatives and five appointed by the president of the senate, upon recommendation of the majority and minority caucuses of their respective bodies.

Sec. 15. Section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150 are each amended to read as follows:

To properly carry out its authority the commission shall:

(1) Compile and maintain all relevant financial ((and)), accounting, and patient discharge data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for charity care and for rendering services to patients who ((cannot or)) do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39.160 and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. So far as possible, the commission shall compile and maintain the same patient discharge data with respect to all patients as that required under the federal medicare program and the uniform billing procedures applicable to third-party payers.

(2) Permit any ((nonprofit)) hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render necessary, effective, and efficient service in the public interest ((and on a solvent basis)).

~~(3) ((Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment on the effective date of this section: PROVIDED: That once the election is made it may not be changed without the approval of the commission.~~

(4)) Take into account, in the determination of reasonable rates under this section, that it is its obligation to assure necessary, effective, economically viable, and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital subject to this chapter.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

~~((5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter:))~~

(5) Permit any hospital, whether proprietary, district, public, or not-for-profit, to retain the excess of its revenues, if any, that exceed the actual cost of providing services, generated as a result of cost-effective practices, if the hospital charges do not exceed rates permitted by the commission.

Sec. 16. Section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160 are each amended to read as follows:

From and after the date determined by the commission pursuant to RCW 70.39.140, no hospital subject to the provisions of this chapter shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for in subsection (4) of this section, no hospital shall establish such changes except after publication and notice to the commission of at least thirty days from the time the rate is intended to go into effect. All proposed changes shall be plainly indicated on the schedule effective at that time and shall be open to public inspection. Upon receipt of notice, the commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the commission shall promptly, but in any event within thirty days, institute proceedings as to the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the change would otherwise go into effect: PROVIDED: That should it be necessary, the commission may extend the suspension for an additional thirty days. After the expiration of ninety days from the date the rate is intended to go into effect the new rate will go into effect, if the commission does not approve, disapprove, or modify the request by that time.

(3) Such proposed changes shall be considered at a public hearing, the time and place of which shall be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the

hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out in this section shall be conducted by the commission as soon thereafter as is practicable.

(5) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature.

Sec. 17, Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) The need that the population served or to be served by such services has for such services;

(c) The availability of less costly or more effective alternative methods of providing such services;

(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible;

(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(g) The special needs and circumstances of osteopathic hospitals and nonallopathic services;

(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; ~~(and)~~

(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

(k) In the case of hospital certificate of need applications subject to concurrent review, preference may be given to hospitals which meet or exceed the state-wide average for the provision of charity care as determined by the state hospital commission.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

(11) The department may establish procedures and criteria for reconsideration of decisions.

(12) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service;
- (b) An expansion of a service beyond that originally approved;
- (c) An increase in bed capacity;
- (d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

(13) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

NEW SECTION. Sec. 18. There is added to chapter 70.39 RCW a new section to read as follows:

Each hospital under this chapter shall print and make available for public inspection as prescribed by the commission by rule a schedule of its rates as approved by the commission.

Sec. 19. Section 9, chapter 223, Laws of 1982 and RCW 43.131.253 are each amended to read as follows:

The hospital commission and its powers and duties shall be terminated on June 30, ~~((1984))~~ 1989, as provided in RCW 43.131.254.

Sec. 20. Section 10, chapter 223, Laws of 1982 and RCW 43.131.254 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1985))~~ 1990:

(1) Section 2, chapter 5, Laws of 1973 1st ex. sess., section 1 of this 1984 act and RCW 70.39.010;

(2) Section 3, chapter 5, Laws of 1973 1st ex. sess., section 2 of this 1984 act and RCW 70.39.020;

(3) Section 4, chapter 5, Laws of 1973 1st ex. sess., section 3 of this 1984 act and RCW 70.39.030;

(4) Section 5, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 36, Laws of 1977, section 4 of this 1984 act and RCW 70.39.040;

(5) Section 6, chapter 5, Laws of 1973 1st ex. sess., section 5 of this 1984 act and RCW 70.39.050;

(6) Section 7, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 35, Laws of 1977 and RCW 70.39.060;

(7) Section 8, chapter 5, Laws of 1973 1st ex. sess., section 6 of this 1984 act and RCW 70.39.070;

(8) Section 9, chapter 5, Laws of 1973 1st ex. sess., section 7 of this 1984 act and RCW 70.39.080;

(9) Section 10, chapter 5, Laws of 1973 1st ex. sess., section 8 of this 1984 act and RCW 70.39.090;

(10) Section 11, chapter 5, Laws of 1973 1st ex. sess., section 9 of this 1984 act and RCW 70.39.100;

(11) Section 12, chapter 5, Laws of 1973 1st ex. sess., section 10 of this 1984 act and RCW 70.39.110;

(12) Section 13, chapter 5, Laws of 1973 1st ex. sess., section 11 of this 1984 act and RCW 70.39.120;

(13) Section 14, chapter 5, Laws of 1973 1st ex. sess., section 82, chapter 75, Laws of 1977, section 12 of this 1984 act and RCW 70.39.130;

(14) Section 15, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 163, Laws of 1974 ex. sess., section 13 of this 1984 act and RCW 70.39.140;

(15) Section 16, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 154, Laws of 1977 ex. sess., section 15 of this 1984 act and RCW 70.39.150;

(16) Section 17, chapter 5, Laws of 1973 1st ex. sess., section 17 of this 1984 act and RCW 70.39.160;

(17) Section 18, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.170;

(18) Section 19, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.180;

(19) Section 20, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.190;

(20) Section 21, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.200;

(21) Section 22, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.900; ~~((and))~~

(22) Section 23, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.910; and

(23) Section 18 of this 1984 act and RCW 70.39.---

NEW SECTION. Sec. 21. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. There is appropriated to the state hospital commission from the general fund, for the biennium ending June 30, 1985, the sum of hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator McManus moved the following amendment to the amendment:

On page 18, after line 19 of the amendment, insert the following:

"This chapter does not preclude any hospital from charging any particular payer or purchaser rates that are less than those approved by the commission, provided that the discounted rates shall not adversely affect rates paid by its other payers or purchasers in the current or any subsequent year, and that the amount discounted shall not exceed ten percent

of the hospital's rate without approval by the commission. Such discounts, including the terms thereof, shall be filed with the commission within ten working days and be made available for public inspection."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment to the amendment.

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

The President declared the question before the Senate to be adoption of the McManus amendment.

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

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4403 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, can you tell me whether or not the hospitals in Spokane are on the negative side of the balance or on the positive side?"

Senator McDermott: "Senator Guess, are you talking in the area of charity care?"

Senator Guess: "Yes."

Senator McDermott: "In the area of charity care, the range in the Eastern Washington Health Care Service District and most of the hospitals that would be working together--they range from some that are giving practically no charity care to some that give quite a bit. There is a range in each part of the state and we allowed each local area on a regional basis to deal with the charity bed trust fund."

Further debate ensued.

MOTION

On motion of Senator Zimmerman, Senator McCaslin was excused.

The President declared the question before the Senate to be roll call on final passage of Engrossed Substitute Senate Bill No. 4403.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Yeas, 32; nays, 13; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Granlund, Haley, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Bluechel, Craswell, Goltz, Guess, Hansen, Hayner, Kiskaddon, Metcalf, Newhouse, Patterson, Quigg, Sellar - 13.

Absent: Senator Pullen - 1.

Excused: Senators Benitz, Deccio, McCaslin - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

SPECIAL ORDER OF BUSINESS

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 4490.

MOTION

Senator Bottiger moved the following amendment be adopted:

On page 2, line 12, after "if" strike everything down through "programs," on line 31 and insert:

"(i) The department of social and health services has certified to the company that the income of the customer's household does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 USC 8624;

(ii) The customer has notified the company of the customer's inability to pay for such service during such period promptly after the company's bill is delivered;

(iii) The customer applies for financial assistance offered by the company or by other private or governmental programs which provide financial assistance to pay for residential space heating bills promptly after being advised of such programs by the company; and

(iv) The customer promptly requests and agrees to a payment plan which will result in the customer's account for such services being current by the following October 15 and under which all financial assistance for residential space heating is paid directly to the company. However, the monthly amount to be paid by the customer under such payment plan shall not exceed during the period November 15 through March 15 a maximum of five percent of the customer's estimated average monthly income (excluding financial assistance for residential space heating) unless the customer agrees to a higher monthly amount.

(b) Whenever a customer notifies a utility of the customer's inability to pay for service rendered between November 15 and March 15, the company shall refer the customer to its own programs, if any, as well as to other private and governmental programs which provide financial assistance to pay residential space heating bills and shall advise the customer of the procedures in this section.

(c) The procedures in this section shall be described in any notice of delinquency or of termination delivered to a person certified by the department pursuant to clause (a) (i) of this section."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

MOTIONS

On motion of Senator Zimmerman, Senators Clarke and Pullen were excused.

Senator Bottiger moved adoption of the following amendment:

On page 4, line 30, after "(a)" strike everything down through "programs." on line 31 and insert:

"Except in accordance with tariff schedules subject to this chapter and regulations adopted by the commission, a gas company or an electrical company shall not terminate residential space heating service between November 15 through March 15 for a customer who fails to pay rates or charges for such service rendered during such period if:

(i) The department of social and health services has certified to the company that the income of the customer's household does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 USC 8624;

(ii) The customer has notified the company of the customer's inability to pay for such service during such period promptly after the company's bill is delivered;

(iii) The customer applies for financial assistance offered by the company or by other private or governmental programs which provide financial assistance to pay for residential space heating bills promptly after being advised of such programs by the company; and

(iv) The customer promptly requests and agrees to a payment plan which will result in the customer's account for such services being current by the following October 15 and under which all financial assistance for residential space heating is paid directly to the company. However, the monthly amount to be paid by the customer under such payment plan shall not exceed during the period November 15 through March 15 a maximum of five percent of the customer's estimated average monthly income (excluding financial assistance for residential space heating) unless the customer agrees to a higher monthly amount.

(b) Whenever a customer notifies a utility of the customer's inability to pay for service rendered between November 15 and March 15, the company shall refer the customer to its own programs, if any, as well as to other private and governmental programs which provide financial assistance to pay residential space heating bills and shall advise the customer of the procedures in this section.

(c) The procedures in this section shall be described in any notice of delinquency or of termination delivered to a person certified by the department pursuant to clause (a) (i) of this section."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bottiger.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 25; absent, 01; excused, 05.

Voting yea: Senators Barr, Bluechel, Bottiger, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Craswell - 1.

Excused: Senators Benitz, Clarke, Deccio, McCaslin, Pullen - 5.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved to immediately reconsider the vote by which the amendment by Senator Bottiger on page 2, line 12, was adopted.

The President declared the question before the Senate to be the motion by Senator Bottiger to reconsider the vote by which the first amendment was adopted.

The motion by Senator Bottiger carried and the Senate reconsidered the amendment to page 2, line 12.

The President declared the question before the Senate to be adoption of the amendment on page 2, line 12, on reconsideration.

The amendment was not adopted, on reconsideration.

MOTION

Senator Sellar moved adoption of the following amendment:

On page 5, after line 26, insert:

"(f) If a customer is unable to meet the conditions of a payment plan to which a customer has agreed, the customer may apply to the department of social and health services for assistance to prevent termination of residential space heating service. If the department approves such request, the amount of such assistance shall be the amount necessary to bring current the customer's account with the company plus an amount reasonably estimated by the department to be sufficient to pay for service until the end of the November 15-March 15 period. The department shall certify the total amount to the company and the company shall credit that amount to the customer's account. The company shall not thereafter terminate service for failure to make payments until the balance of the account becomes delinquent. The company shall deduct the total amount certified by the department from the amount of tax owing by the company under chapter 82.16 RCW.

NEW SECTION, Sec. 1. There is added to chapter 82.16 RCW a new section to read as follows:

There shall be deducted from the tax computed under this chapter the total amount certified by the department of social and health services pursuant to RCW 82.28.010."

Renumber the remaining sections accordingly.

POINT OF INQUIRY

Senator Shinpoch: "Senator Sellar, as I understand it, it really doesn't come into play until such time as you can't pay your utility bill. It is my understanding, the matter in which the income maintenance--whether it's general assistance or whatever works--that we cannot pay back something that's owed before. When you come on the system, you become eligible then, but we don't go back and pick up anything. If my understanding is correct, then how would this work?"

Senator Sellar: "Well, this is a new section. At the time that you determined that you could not pay this utility bill, you would make application at that time. I suppose you could certainly go into the firm and say 'I'm expecting this utility bill and I can't pay it' and be eligible under this section."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "I assume, Senator Hemstad, that there are losses now of people who do not pay their bills and which the utility company absorbs and then bills it into their rate base and it gets paid for in that way now. Is that not correct? And what you're doing, you're really changing what is the practice now to another way for the utility company to recover."

Senator Hemstad: "In answer to your question, Senator, there is no question that the utility is going to have a certain amount of losses from customers who haven't paid. Ultimately, that as a loss gets translated, presumably, into the rate base. But what this is going to do--say if those losses are now one percent of the customer's charges now--maybe it'll go to three or four percent and so, of course, that has to get translated into significant increases in the rates that other well-meaning, responsible, responsive customers are going to have to pay."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Sellar.

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

MOTIONS

On motion of Senator Bottiger, the following amendment was adopted:
On page 5, line 31, strike all of new section 5.

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

On page 6, after line 35, insert:

"NEW SECTION. Sec. 1. Until 1986, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction (1) the extent to which this chapter benefits low income persons and (2) the costs and benefits to other customers.

Utilities not subject to the commission's jurisdiction shall provide information to the legislature annually and shall include in the report (1) the extent to which this chapter benefits low income persons and (2) the costs and benefits to other customers."

On motion of Senator Zimmerman, Senators Quigg and Patterson were excused.

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4490 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4490.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate final passage of Engrossed Substitute Senate Bill No. 4490.

Bill No. 4490, and the bill passed the Senate by the following vote: Yeas, 27; nays, 15; absent, 00; excused, 07.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McDonald, Metcalf, Newhouse, Sellar, von Reichbauer, Zimmerman - 15.

Excused: Senators Benitz, Clarke, Deccio, McCaslin, Patterson, Pullen, Quigg - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE HOUSE

February 6, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1134,

SUBSTITUTE HOUSE BILL NO. 1282,

HOUSE BILL NO. 1395,

SUBSTITUTE HOUSE BILL NO. 1400,

HOUSE BILL NO. 1416,

ENGROSSED HOUSE BILL NO. 1462,

ENGROSSED HOUSE BILL NO. 1507,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 69 by Committee on State Government (originally sponsored by Representatives Wang, Johnson, Burns, Niemi, Allen, Locke, Patrick, Smitherman, O'Brien, Fisher, D. Nelson, Belcher, Lux, Egger, Powers, Rust, Addison, Charnley, McClure and Lewis)

Providing for Martin Luther King, Jr.'s birthday as a state and school holiday.

Referred to Committee on Education.

ESHB 229 by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Dellwo, Allen, Rust, Pruitt, Burns, Patrick, Walk, Sanders, Kaiser, D. Nelson, Lux, Long, Jacobsen, Sommers, Brekke, Appelwick, Miller, Haugen, Brough, Silver, Addison and Todd)

Restricting smoking in public areas.

Referred to Committee on State Government.

ESHB 914 by Committee on Judiciary (originally sponsored by Representatives West and Dellwo)

Changing the mechanics' and materialmen's lien laws to provide increased protection for subcontractors and lien claimants.

Referred to Committee on Judiciary.

ESHB 1134 by Committee on Local Government (originally sponsored by Representatives Haugen, Broback, Todd, Moon, Charnley and Wilson)

Revising voting and election procedures for special districts.

Referred to Committee on Local Government.

SHB 1153 by Committee on Environmental Affairs (originally sponsored by Representatives Ellis and Lewis)

Modifying provisions on radioactive materials.

Referred to Committee on Energy and Utilities.

ESHB 1227 by Committee on Environmental Affairs (originally sponsored by Representatives Jacobsen, Allen, Charnley, Rust and Belcher)

Providing for management of state park land.

Referred to Committee on Parks and Ecology.

SHB 1234 by Committee on Energy and Utilities (originally sponsored by Representatives Jacobsen, Tilly, Charnley, Allen, Niemi, Belcher, Pruitt, Zellinsky, Lux, Ballard, Mitchell and Silver)

Restricting the use of automated telephone dialing and message devices.

Referred to Committee on Energy and Utilities.

SHB 1246 by Committee on Education (originally sponsored by Representatives Galloway, P. King and Taylor)

Providing programs for educational excellence.

Referred to Committee on Education.

EHB 1250 by Representatives Belcher, Rust, Locke, Allen, Wang, Jacobsen, Charnley, Vander Stoep, Sayan, Galloway, Burns, Lux, Halsan and Powers

Requiring a management program for the Nisqually river system.

Referred to Committee on Natural Resources.

SHB 1282 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Zellinsky, L. Smith, Pruitt, Barnes, Taylor, Tilly, Dellwo, Johnson, Wilson, Ballard, Mitchell, G. Nelson, Ebersole, Miller, Schmidt, Long, Schoon, Todd and Van Dyken) (by Governor Spellman request) (by Secretary of State request)

Revising qualifying procedures for indigent candidates.

Referred to Committee on Judiciary.

HB 1295 by Representatives Dellwo, Ballard, Fisch, Vander Stoep, Tilly, Charnley, Wang and Miller (by Governor Spellman request)

Requiring a report on dam safety.

Referred to Committee on Parks and Ecology.

ESHB 1311 by Committee on Education (originally sponsored by Representatives Galloway, Sayan, Charnley, Holland, Tilly, Miller, D. Nelson and Halsan)

Requiring preschool education for handicapped children.

Referred to Committee on Education.

2SHB 1344 by Committee on Ways and Means (originally sponsored by Representatives McMullen, Zellinsky, P. King, Egger, Schoon, Powers, Brough, Long and Mitchell)

Establishing requirements and providing programs to enhance teaching.

Referred to Committee on Education.

ESHB 1363 by Committee on Ways and Means (originally sponsored by Representatives Sommers, Vander Stoep, Heck, Dellwo, Burns, Barrett, Rust, Grimm, Sanders, Cantu, Sayan, Allen, McClure, Ellis, Tilly and Stratton)

Authorizing coordination study between WSU and EWU.

Referred to Committee on Education.

SHB 1365 by Committee on Social and Health Services (originally sponsored by Representatives Zellinsky, Haugen, Moon, Vekich, Smitherman, Fisher, Powers, Ebersole and Todd)

Establishing penalties for violations relating to design, construction, or operation of public water supply systems.

Referred to Committee on Local Government.

HB 1395 by Representatives Sayan and Powers

Providing certain documents from county auditors to veterans without charge.

Referred to Committee on Local Government.

SHB 1400 by Committee on Education (originally sponsored by Representatives Galloway, Dickie, Schoon, P. King, Heck, Taylor, Holland, Long, Egger, Betrozoff and Powers)

Revising the laws governing associated student bodies in the common schools.

Referred to Committee on Education.

SHB 1415 by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Miller, Heck, Pruitt, Allen, Vander Stoep, Johnson, Patrick and Long (by Secretary of State request)

Authorizing local voters' pamphlets.

Referred to Committee on Local Government.

HB 1416 by Representatives P. King, Dickie, Ebersole and Long (by Superintendent of Public Instruction) (by State board of Education request)

Revising physical education requirements.

Referred to Committee on Education.

SHB 1438 by Committee on Environmental Affairs (originally sponsored by Representatives Brekke, Patrick, Rust and Allen)

Modifying provisions relating to dangerous wastes.

Referred to Committee on Parks and Ecology.

EHB 1462 by Representatives R. King, O'Brien, Belcher, Niemi, Miller, Locke, Fisch and Galloway

Modifying provisions relating to unemployment compensation.

Referred to Committee on Commerce and Labor.

EHB 1507 by Representatives Hine, Barnes, Pruitt, Garrett, Addison, Lux and Long

Prescribing minimum penalties for prostitution.

Referred to Committee on Judiciary.

SHB 1531 by Committee on Local Government (originally sponsored by Representative Grimm)

Modifying provisions on flooding.

Referred to Committee on Local Government.

SHB 1539 by Committee on Judiciary (originally sponsored by Representatives Crane and Addison)

Providing for the payment of costs of legal services for juveniles represented by publicly-funded counsel.

Referred to Committee on Judiciary.

ESHB 1558 by Committee on Judiciary (originally sponsored by Representatives Armstrong and West)

Prohibiting teaching, exhibiting or demonstrating the use of or using firearms in civil disorders.

Referred to Committee on Judiciary.

SHB 1565 by Committee on Judiciary (originally sponsored by Representatives Belcher, Locke, Armstrong, Niemi, Fisher, Jacobsen, Tanner and Powers)

Modifying provisions relating to strip searches.

Referred to Committee on Judiciary.

ESHB 1627 by Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, Long, Barnes, Wang, Belcher, Tanner, Lux, Isaacson, Miller, Brekke and Addison)

Revising child support provisions and providing new collection mechanism.

Referred to Committee on Judiciary.

ESHB 1655 by Committee on State Government (originally sponsored by Representatives Belcher, Kreidler, Lewis, Allen, Miller, Wang, Galloway, Halsan and Jacobsen)

Establishing a child care demonstration project for state employees.

Referred to Committee on State Government.

E2SHB 1660 by Committee on Ways and Means (originally sponsored by Representatives Grimm, Dickie, Isaacson and Clayton)

Improving the quality of education.

Referred to Committee on Education.

SHB 1668 by Committee on Transportation (originally sponsored by Representatives Isaacson, Ellis, Hankins, Walk, Barnes, Clayton, Bond, Egger and Zellinsky)

Prohibiting the sale of motor vehicle fuel containing alcohol unless the dispensing device is labeled.

Referred to Committee on Transportation.

ESHB 1687 by Committee on Judiciary (originally sponsored by Representatives Locke, Padden, Belcher and Tanner)

Penalizing custodial interference.

Referred to Committee on Judiciary.

HJM 34 by Representatives Tilly and Armstrong

Petitioning Congress to adopt the "Taxpayer Antitrust Enforcement Act of 1983".

Referred to Committee on Judiciary.

HJM 37 by Representatives D. Nelson, Kreidler, Belcher, Allen, Niemi, Miller, Pruitt, Lux, Locke, Lewis, Dellwo, Wang, Ellis and Jacobsen

Requesting the United States grant safe haven status to refugees from El Salvador and Guatemala.

Referred to Committee on State Government.

MOTION

At 6:13 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, February 8, 1984.

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

THIRTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 8, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Clarke, Deccio, Fleming, Guess, Hughes, Pullen and Woody. On motion of Senator Bluechel, Senators Benitz, Clarke, Guess and Pullen were excused. On motion of Senator Vognild, Senators Fleming, Hughes and Woody were excused.

The Sergeant at Arms Color Guard, consisting of Pages Steven Johnson and Patricia Miller, presented the Colors. Reverend Dean Hackett, senior pastor of the Cathedral of Praise Church of Olympia, offered the prayer.

MOTION

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

**MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS**

February 7, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Captain M. R. Flavel reappointed January 30, 1984, for a term ending December 26, 1987, as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

February 7, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Burt A. Shearer reappointed January 30, 1984, for a term ending December 26, 1987, as a member of the Board of Pilotage Commissioners.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Transportation.

MESSAGES FROM THE HOUSE

February 4, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1174, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 7, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 271,

HOUSE BILL NO. 739,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1341,

ENGROSSED HOUSE BILL NO. 1361,

SUBSTITUTE HOUSE BILL NO. 1407,

SUBSTITUTE HOUSE BILL NO. 1514,
 SUBSTITUTE HOUSE BILL NO. 1624,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625,
 HOUSE BILL NO. 1649, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 7, 1984

Mr. President:

The House has passed:

ENGROSSED HOUSE BILL NO. 1171,
 SUBSTITUTE HOUSE BILL NO. 1238,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1241,
 ENGROSSED HOUSE BILL NO. 1346,
 HOUSE BILL NO. 1419,
 ENGROSSED HOUSE BILL NO. 1493,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1584,
 SUBSTITUTE HOUSE BILL NO. 1589, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 7, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

SECOND READING

SENATE BILL NO. 4430, by Senators Talmadge, Hemstad and Hughes

Modifying provisions relating to courts.

MOTIONS

On motion of Senator Talmadge, Substitute Senate Bill No. 4430 was substituted for Senate Bill No. 4430 and the substitute bill was placed on second reading and read the second time.

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

On page 55, line 2, after "courts," insert the following:

"Sec. 91. Section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040 are each amended to read as follows:

The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. All decisions of the court having precedential value shall be published as opinions of the court. Each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Decisions determined not to have precedential value shall not be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in such of the following cities as may be designated by rule: Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland, Wenatchee, and Walla Walla.

No judge of the court shall be entitled to per diem or mileage for services performed at either his legal residence or the headquarters of the division of the court of which he is a member.

The court may establish rules supplementary to and not in conflict with rules of the supreme court."

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch, Newhouse and Woody were considered and adopted simultaneously:

On page 141, line 26, strike all of NEW SECTION, Sec. 901 and renumber the remaining sections accordingly.

On page 142, line 31, strike all of subsection (4).

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

On page 1, line 1, after "courts," insert "amending section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040."

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute Senate Bill No. 4430 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Thank you, Mr. President. I have a point of parliamentary inquiry, I guess--just so we know what the ground rules are and what are the rules of the bills that survived the cut-off. If we could have a statement on that, it would help at this time to determine--I would just like to know for the record."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Metcalf, this is a court measure involving fees. Fees are revenue-related and, therefore, the bill is properly before the Senate."

FURTHER REMARKS BY SENATOR METCALF

Senator Metcalf: "Mr. President, then if it involves revenue, it can be taken up as surviving the cut-off?"

President Cherberg: "Yes."

Senator Metcalf: "But, not if it is just an appropriation--that wouldn't be good enough to make it survive the cut-off? Is that correct?"

President Cherberg: "Be it further resolved, that commencing at 5:00 p.m. on Tuesday, February 7, 1984, the thirtieth day, except for the supplemental budget and matters relating to revenue."

Senator Metcalf: "Thank you very much. That is the point that I wanted to know in my own mind."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4430.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4430, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 41.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Clarke, Fleming, Guess, Hughes, Pullen, Woody - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4430, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President announced the presence on the rostrum of the Honorable Robert Dawson, Deputy Commissioner General for Expo '86.

With permission of the Senate, business was suspended to permit Deputy Commissioner General Dawson to address the Senate.

PERSONAL PRIVILEGE

Senator Hayner: "Mr. President, I rise to a point of personal privilege. Ladies and gentlemen of the Senate, I want to recognize an award that was given to one of our own last night. Senator Pat Patterson received the distinguished service award for 1984 for District 8, from the Council of American Secondary Education. Pat, as you know, was the alumni director of WSU for twenty-seven years. He is instrumental in organizing an association of alumni directors among the Pacific

Athletic Conference and he is attributed the honor of having created the scholarship development fund at WSU which is now known as the WSU Foundation. Pat has worked very hard in this field and I think it was a distinguished award and I would like to congratulate him, as I'm sure we all would."

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "Thank you very much, Senator Hayner, and heartiest congratulations to you, Senator Patterson."

SECOND READING

SENATE BILL NO. 4678, by Senators Rinehart, Guess, Wojahn and Zimmerman

Redefining site at which retail sale occurs.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 12, after "occurred" insert ": PROVIDED, That where the goods are delivered from a central warehouse or other storage facility of the seller, the sale shall be deemed to have occurred at the retail outlet where the consumer's order was taken"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4678 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4678.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4678, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 00; excused, 06.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Voting nay: Senator Barr - 1.

Excused: Senators Benitz, Clarke, Guess, Hughes, Pullen, Woody - 6.

ENGROSSED SENATE BILL NO. 4678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President announced the presence on the rostrum of The Honorable Mary Belle Minkler Bratlie, a guest of Senator Lowell Peterson. Mrs. Bratlie, a resident of Ridgefield, Washington, celebrated her 99th birthday on February 7, and was accompanied by members of her family.

SECOND READING

SENATE BILL NO. 4643, by Senator McDermott

Licensing acupuncturists.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Social and Health Services amendment was adopted:

On page 4, line 23, strike "advisory committee" and insert "board"

On motion of Senator McDermott, the following Committee on Social and Health Services amendment was adopted:

On page 6, line 28, strike "advisory committee" and insert "board"

On motion of Senator McDermott, the following Committee on Social and Health Services amendment was adopted:

On page 7, line 13, after "EXPENSES," strike everything down to and including "director." on line 25 and insert "(1) The acupuncture board is hereby created. The board shall be composed of one physician licensed under chapter 18.71 or 18.57 RCW, three acupuncturists licensed under this chapter, and one public member who has no financial interest in the rendering of health services.

(2) The governor shall appoint the members of the board, the initial terms shall be staggered. Thereafter, the terms shall be for five years.

(3) The members of the board shall select the chairperson from among the members. The board shall meet regularly at the call of the chairperson.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060."

On motion of Senator McDermott, the following Committee on Social and Health Services amendment was adopted:

On page 7, line 29, strike "this act" and insert "this chapter"

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 4643 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. Under what section is this properly before us--having passed the thirtieth day?"

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, if I may direct your attention to section eleven--'Annual registration and renewal fee and delinquent renewals--(1) Every person licensed to practice shall register and pay an annual renewal registration fee.'"

REPLY BY THE PRESIDENT

President Cherberg: "Thank you, Senator McDermott. Senator McDermott is correct. 'Every person licensed to practice acupuncture shall register with the director annually and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.086 on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year.' Payment of fees, in the opinion of the President, is related to revenue as provided for in the cut-off resolution."

FURTHER REMARKS BY SENATOR McDONALD

Senator McDonald: "Mr. President, then, am I to assume that anything related to revenue whether it is in the general fund, whether it is up or down as far as revenue, then it still would be alive?"

REPLY BY THE PRESIDENT

President Cherberg: "That is the President's opinion."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4643.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4643, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; absent, 01; excused, 05.

Voting yea: Senators Bauer, Bender, Bluechel, Conner, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Bottiger, Craswell, Deccio, Haley, Hayner, Hurley, McCaslin, McDonald, Newhouse, Rasmussen, Sellar - 12.

Absent: Senator Goltz - 1.

Excused: Senators Benitz, Clarke, Guess, Hughes, Pullen - 5.

ENGROSSED SENATE BILL NO. 4643, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 271 by Committee on Ways and Means (originally sponsored by Representatives Vekich, Fiske, Charnley and Zellinsky) (by Washington State Patrol request)

Modifying provisions relating to survivors' benefits under the state patrol retirement system.

Referred to Committee on Ways and Means.

HB 739 by Representatives Clayton, Ellis, Wilson, Martinis, Hankins, C. Smith, Dickie and Barrett

Authorizing special operating permits to be granted for antique boilers.

Referred to Committee on Commerce and Labor.

EHB 1171 by Representatives Sayan, Powers, Zellinsky, Smitherman, Vekich and Schmidt

Requiring that certain conditions be met prior to receiving a grant or loan for sanitary sewage facilities.

Referred to Committee on Parks and Ecology.

2SHB 1174 by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Kreidler, Van Dyken, Lux, Fisher, Todd, Charnley and Jacobsen)

Regulating acid deposition pollution

Referred to Committee on Parks and Ecology.

SHB 1238 by Committee on Education (originally sponsored by Representatives Galloway, Dickie, Holland, J. King, Long, Belcher, Ebersole, Tanner, Sutherland, Heck, Barrett, Dellwo, Fuhrman, L. Smith and Stratton)

Revising the laws regulating schools for the deaf and blind.

Referred to Committee on Education.

ESHB 1241 by Committee on Local Government (originally sponsored by Representatives Haugen, Wilson and Egger)

Establishing provisions for protection of property buyers when water supply is not potable.

Referred to Committee on Local Government.

ESHB 1341 by Committee on Social and Health Services (originally sponsored by Representatives Todd, Johnson, Miller, Fiske, Lewis, Barrett, Tanner, Sanders and Ballard)

Authorizing energy retrofittings as an allowable cost in nursing home cost reimbursement.

Referred to Committee on Social and Health Services.

EHB 1346 by Representatives Moon, Miller and Ballard

Modifying jurisdiction of water and sewer districts by city acquisition.

Referred to Committee on Local Government.

- EHB 1361 by Representatives Sutherland, Long, Pruitt, Brough, Schoon, Ebersole, Tanner and Sanders
Establishing a program for voluntary low-income assistance contributions for P.U.D. customers.
Referred to Committee on Energy and Utilities.
- SHB 1407 by Committee on Natural Resources (originally sponsored by Representatives Tanner, L. Smith and B. Williams)
Granting the department of natural resources various duties relating to forest products.
Referred to Committee on Natural Resources.
- HB 1419 by Representative Lux
Modifying provisions relating to state employee group insurance programs.
Referred to Committee on Financial Institutions.
- EHB 1493 by Representatives McMullen, Padden, Dellwo and Ebersole
Modifying provisions relating to interest payments on workers' compensation awards and benefits.
Referred to Committee on Commerce and Labor.
- ESHB 1511 by Committee on Commerce and Economic Development (originally sponsored by Representatives Smitherman, J. King, Barrett, Halsan, Dellwo and Powers)
Providing for tourism development.
Referred to Committee on Commerce and Labor.
- SHB 1514 by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Niemi, J. Williams, Lewis, Long, Miller, Dellwo, Clayton and Powers)
Removing juveniles from adult jails.
Referred to Committee on Institutions.
- ESHB 1584 by Committee on Local Government (originally sponsored by Representatives Grimm, Gallagher, Powers, Ebersole, Broback, Walk, Fisher, Johnson, Wang and Schoon)
Authorizing access restrictions to certain public lands for the protection of municipal water supplies.
Referred to Committee on Local Government.
- SHB 1589 by Committee on Social and Health Services (originally sponsored by Representatives Brekke, Smitherman, J. King, O'Brien, Braddock, Wang, Haugen, Todd, Tanner, Tilly, Addison and Powers)
Developing a work incentive program demonstration project proposal.
Referred to Committee on Social and Health Services.
- SHB 1624 by Committee on Transportation (originally sponsored by Representatives Cantu, Patrick, J. Williams, Bond, Chandler, C. Smith, Dickie, West, Fuhrman, L. Smith and Johnson)
Restricting access to drivers license records.
Referred to Committee on Transportation.
- ESHB 1625 by Committee on Energy and Utilities (originally sponsored by Representatives Jacobsen, Nealey, Barrett, Lewis, Belcher, Ballard, Haugen, Ellis, Lux, Dellwo, Burns, Crane, Fisher, Braddock, Moon, Fisch, Halsan, Scott, Zellinsky, Stratton, Garrett, Galloway, J. King, Todd, Ebersole, Wilson, McClure, Sommers, Vekich, Appelwick,

Sayan, Wang, Isaacson, Charnley, Allen, McMullen, Powers and Kaiser)

Prohibiting mandatory measured telephone service rates.

Hold.

ESHB 1637 by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Sutherland, Locke, Rust and Brekke)

Providing for agreements with the federal government on the long-term disposal of high-level radioactive waste.

Referred to Committee on Energy and Utilities.

HB 1649 by Representatives J. King, Ellis, Silver and Heck

Expanding ex parte communications in quasi-judicial proceedings.

Referred to Committee on Local Government.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Engrossed Substitute House Bill No. 1625 was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:07 a.m., on motion of Senator Shinpoch, the Senate adjourned until 11:00 a.m., Thursday, February 9, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 9, 1984

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz, Hughes, Patterson and Rinehart. On motion of Senator Zimmerman, Senators Benitz and Patterson were excused. On motion of Senator Vognild, Senators Bauer and Hughes were excused.

The Sergeant at Arms Color Guard, consisting of Pages Martha Diesner and Erik Mott, presented the Colors. Reverend Dean Hackett, senior pastor of the Cathedral of Praise Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 1984

HB 1103 Prime Sponsor, Representative Wang: Modifying health insurance coverage for newborn infants. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1984

SHB 1136 Prime Sponsor, Committee on Transportation: Allowing an abandoned junk motor vehicle to remain at the site for the required notification period. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 1162 Prime Sponsor, Representative Stratton: Correcting double amendments and making other technical corrections in the fisheries code. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Conner, Fuller, Metcalf, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 8, 1984

SHB 1179 Prime Sponsor, Committee on Social & Health Services: Providing assessment procedures for the cost analysis of mandated health coverages. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1984

SHB 1188 Prime Sponsor, Committee on Financial Institutions & Insurance: Revising the credit union laws. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 1192 Prime Sponsor, Representative Walk: Requiring notice to the department of transportation of short plats next to highway right of way. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Conner, Granlund, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 8, 1984

SHB 1210 Prime Sponsor, Committee on Transportation: Adding twelve civil service exempt positions for ferry management. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Conner, Granlund, Guess, Owen, Patterson, Sellar.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 1423 Prime Sponsor, Representative Sanders: Prohibiting requirement for over-insuring property. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Deccio, Warnke, Wojahn

Passed to Committee on Rules for second reading.

February 8, 1984

2SHJR 29 Prime Sponsor, Committee on Education: Removing forty percent validation requirement for excess levy elections. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Kiskaddon, Lee, McDermott.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

February 8, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Elizabeth N. Metz appointed January 24, 1984, for a term ending September 30, 1988, succeeding Robert E. Stead as a member of the Board of Trustees for Community College District No. 9.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

February 8, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

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

Charles T. Collins reappointed January 31, 1984, for a term ending January 15, 1987, as a member of the Pacific Northwest Electric Power and Conservation Planning Council.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Energy and Utilities.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Walter E. White as a member of the Personnel Appeals Board was confirmed.

APPOINTMENT OF WALTER E. WHITE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 02; excused, 05.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Rinehart, Woody - 2.

Excused: Senators Bauer, Benitz, Hughes, McDonald, Patterson - 5.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, by Committee on Energy and Utilities (originally sponsored by Representatives Jacobsen, Nealey, Barrett, Lewis, Belcher, Ballard, Haugen, Ellis, Lux, Dellwo, Burns, Crane, Fisher, Braddock, Moon, Fisch, Halsan, Scott, Zellinsky, Stratton, Garrett, Galloway, J. King, Todd, Ebersole, Wilson, McClure, Sommers, Vekich, Appelwick, Sayan, Wang, Isaacson, Charnley, Allen, McMullen, Powers and Kaiser)

Prohibiting mandatory measured telephone service rates.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, Senator McDonald was excused.

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1625 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1625, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 38.

Voting nay: Senators Craswell, Guess, Haley, McCaslin, Quigg, Zimmerman - 6.

Absent: Senators Newhouse, Woody - 2.

Excused: Senators Benitz, Hughes, McDonald - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 1984

HB 217 Prime Sponsor, Representative Moon: Modifying provisions on liens on public works. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 531 Prime Sponsor, Representative Hine: Authorizing certain studies by groups of local government entities formed for joint insurance purposes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1984

2SHB 713 Prime Sponsor, Committee on Social and Health Services: Providing procedures for contributions by cities and towns to county or city-county health departments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1984

SHB 791 Prime Sponsor, Committee on Local Government: Modifying provisions concerning county hospitals. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 1128 Prime Sponsor, Representative Charnley: Filling vacancies of special purpose district representatives. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Hayner: "I had the opportunity to talk to Senator Benitz this morning on the telephone from his private room and he is out of intensive care. He is feeling much better. He says he's ready to take any of you on and so I thought that you would like to know that he's making very good progress."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you very much for the good news, Senator Hayner."

MOTION

At 11:26 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn moved to reconsider the vote by which Senate Bill No. 4422 failed to pass the Senate on February 6, 1984.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Hansen, the bill on line 28, page 2, indicates that the facilities would go to any associated fishery, recreational or other beneficial use. My question--would it be the intention of this legislation that we would direct the Department of Ecology in its implementation of this bill that a very first or a very high priority would go to the maintenance and rehabilitation of the existing water supply irrigation systems?"

Senator Hansen: "I believe so, but if you are referring that the number one list should be Yakima, I think that is up to the Bureau. In the Odessa sub area, there is a great need there and I think that this should work throughout the state, whether it is the Basin, the Yakima or in Klickitat or up in the Sequim area. If there is a need, I think this money should be available on a priority basis for any one of these projects."

Senator Deccio: "Thank you, Senator Hansen. Mr. President, I think that indicates the intention of the legislature, which I think is very important. Thank you."

MOTION

On motion of Senator Zimmerman, Senator Quigg was excused.

The President declared the question before the Senate to be the motion by Senator Wojahn to reconsider the vote by which Senate Bill No. 4422 failed to pass the Senate.

The motion by Senator Wojahn carried and the Senate resumed consideration of Senate Bill 4422, on reconsideration.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4422, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4422, on reconsideration, and the bill passed the Senate by the following vote: Yeas, 31; nays, 15; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, McDermott, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Bluechel, Clarke, Craswell, Fuller, Haley, Hemstad, Hurley, Kiskaddon, Lee, McCastlin, McDonald, Metcalf, Pullen, Rasmussen, von Reichbauer - 15.

Excused: Senators Benitz, Hughes, Quigg - 3.

SENATE BILL NO. 4422, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, the Committee on State Government was relieved of further consideration of House Bill No. 229.

On motion of Senator Shinpoch, House Bill No. 229 was referred to the Committee on Social and Health Services.

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

REPORT OF STANDING COMMITTEE

February 8, 1984

chapters or units with gambling activities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

MOTION

At 12:06 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, February 10, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 10, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Deccio, Guess, Haley, Hughes, Lee, McDermott, McDonald, Quigg, Warnke and Wojahn. On motion of Senator Bluechel, Senators Benitz, Guess, Haley and McDonald were excused. On motion of Senator Vognild, Senators Hughes, McDermott and Wojahn were excused.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Phillips and Steve Manger, presented the Colors. Sister Virginia Forte, pastoral minister with the sick and elderly of the Sisters of Charity of the Blessed Virgin Mary, Everett, Washington, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 8, 1984

ESHB 1083 Prime Sponsor, Committee on Ways and Means: Establishing the state economic and revenue forecasting council. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Hayner, Lee, McDonald, Shinpoch, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 8, 1984

HB 1147 Prime Sponsor, Representative Haugen: Authorizing bed and breakfast facilities to serve beer and wine. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

February 9, 1984

SHB 1170 Prime Sponsor, Committee on Higher Education: Establishing a career executive program for higher education personnel. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Lee, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 9, 1984

HB 1254 Prime Sponsor, Representative Monohon: Defining earnable compensation for part-time teachers' retirement. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1984

EHB 1304 Prime Sponsor, Representative Smitherman: Defining teachers eligible under the teachers' retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Peterson, the appointment of David P. Haworth as a member of the Marine Employees' Commission was confirmed.

APPOINTMENT OF DAVID P. HAWORTH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 00; absent, 05; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 37.

Absent: Senators Deccio, Lee, McCaslin, Quigg, Warnke - 5.

Excused: Senators Benitz, Guess, Haley, Hughes, McDermott, McDonald, Wojahn - 7.

MOTION

On motion of Senator Peterson, the appointment of Bernice Stern as a member of the State Transportation Commission was confirmed.

APPOINTMENT OF BERNICE STERN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; nays, 00; absent, 05; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Woody, Zimmerman - 38.

Absent: Senators Deccio, Lee, Metcalf, Moore, Warnke - 5.

Excused: Senators Benitz, Guess, Haley, McDermott, McDonald, Wojahn - 6.

MOTION

On motion of Senator Peterson, the appointment of Leo B. Sweeney as a member of the State Transportation Commission was confirmed.

APPOINTMENT OF LEO B. SWEENEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; nays, 01; absent, 04; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 38.

Voting nay: Senator Newhouse - 1.

Absent: Senators Deccio, Hayner, Warnke, Woody - 4.

Excused: Senators Benitz, Guess, Haley, McDermott, McDonald, Wojahn - 6.

MOTION

On motion of Senator Bottiger, Senate Bills Nos. 3778, 4106, 4364, 4366, 4434, 4461, 4476, 4577, 4646 and 4698, which were on the second reading calendar, were

returned to the Committee on Rules; and Senate Concurrent Resolution No. 142 and Senate Bill No. 4831 remained on the second reading calendar.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Second Substitute Senate Bill No. 4831, which was deferred on February 5, 1984.

MOTION

Senator Bluechel, moved the following amendments be considered and adopted simultaneously:

On page 3, line 32, after "employs" strike "one" and insert "ten"

On page 3, line 32, after "with" strike "one" and insert "ten"

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

MOTION

On motion of Senator Zimmerman, Senator Deccio was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendments were not adopted by the following vote: Yeas, 12; nays, 32; absent, 00; excused, 05.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Fuller, Hansen, Hayner, Lee, McCaslin, McDonald, Moore, Patterson - 12.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalf, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 32.

Excused: Senators Benitz, Deccio, Guess, Haley, Wojahn - 5.

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 4831 was deferred.

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

REPORTS OF STANDING COMMITTEES

February 8, 1984

SHB 843 Prime Sponsor, Committee on Ways and Means: Modifying provisions relating to retirement from public services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Bauer, Bottiger, Deccio, Lee, McDonald, Talmadge, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1984

SHB 1200 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild.

Hold.

MOTION

On motion of Senator Bottiger, the rules were suspended and Substitute House Bill No. 1200 was advanced to second reading and placed on the second reading calendar.

PERSONAL PRIVILEGE

Senator Hayner: "One of our staff members spent an hour and a half with Senator Max Benitz yesterday. Tomorrow he's being released and will go home to his doctor in Prosser. We are assuming that he'll probably be home for a week or ten days. He's making very good progress. We hope he will return at the end of that time, but I wanted to give you that progress report."

MOTION

At 10:48 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, February 13, 1984.

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

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 13, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Hayner, Lee, McDonald, McManus and Metcalf. On motion of Senator Bluechel, Senators Benitz, Hayner and Lee were excused.

The Sergeant at Arms Color Guard, consisting of Pages Erin Witte and Frank Seeberger, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 9, 1984

SB 4767 Prime Sponsor, Senator Rasmussen: Modifying the salaries of elected public officials. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4767 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 10, 1984

ESHB 342 Prime Sponsor, Committee on Social & Health Services: Authorizing limited access to state records for research purposes. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Craswell, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 9, 1984

2SHB 448 Prime Sponsor, Committee on Social & Health Services: Modifying the disabled parking laws. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1984

HB 1107 Prime Sponsor, Representative Ebersole: Extending the bond allocation formula for the housing finance commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1984

HB 1108 Prime Sponsor, Representative Heck: Repealing the veterans' loan insurance program. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 9, 1984

ESHB 1187 Prime Sponsor, Committee on Commerce and Economic Development: Regulating the practice of cosmetology. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 9, 1984

SHB 1205 Prime Sponsor, Committee on Commerce and Economic Development: Establishing a provisional center for international trade in forest products. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 9, 1984

SHB 1207 Prime Sponsor, Committee on Commerce and Economic Development: Establishing a provisional international marketing program for agricultural commodities and trade. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 9, 1984

HB 1248 Prime Sponsor, Representatives Vekich: Modifying procedures for discipline of state patrol officers. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 9, 1984

GA 134 CATHERINE MAY HAAS, to the position of Member of the Human Rights Commission, appointed by the Governor on November 1, 1983, for the term ending June 17, 1988, succeeding Joseph G. Trimm. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 137 BERNARD COLLIGAN, to the position of Member of the Juvenile Disposition Standards Commission, appointed by the Governor on September 14, 1983, for the term ending November 2, 1986, succeeding Chief H. M. Vandiver. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 152 DONALD C. BROCKETT, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on October 11, 1983, for the term ending August 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 153 HAROLD D. CLARKE, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on October 11, 1983, for the term ending August 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 154 CHARLES V. JOHNSON, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on October 11, 1983, for the term ending August 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 186 MANUEL E. COSTA, to the position of Member of the Sentencing Guidelines Commission, appointed by the Governor on October 11, 1983, for the term ending August 2, 1986. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

February 9, 1984

GA 198 HUGH R. McGOUGH, to the position of Member of the Public Disclosure Commission, appointed by the Governor on January 23, 1984, for the term ending December 31, 1988. Reported by Committee on Judiciary

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Talmadge, Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 10, 1984

Mr. President:

The House has passed:

SUBSTITUTE HOUSE BILL NO. 1118,

SUBSTITUTE HOUSE BILL NO. 1309, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 9, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1625, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1625.

INTRODUCTION AND FIRST READING OF HOUSE BILLS

SHB 1118 by Committee on Ways and Means (originally sponsored by Representatives Heck, B. Williams, Kreidler, Johnson, Sutherland, Tanner, Dellwo, Ebersole, Galloway, J. King, McClure, Silver, Taylor, Tilly, West, Stratton, Egger, P. King, Barrett, Ballard, Braddock, Holland, Clayton, Cantu, L. Smith and Struthers)

Authorizing pollution control tax credits for certain approved pollution control facilities.

Hold.

SHB 1309 by Committee on Natural Resources (originally sponsored by Representatives Egger, P. King, Zellinsky, Stratton, Sanders and West

Providing for a migratory waterfowl stamp.

Referred to Committee on Natural Resources.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Substitute House Bill No. 1118 was advanced to second reading and placed on the second reading calendar.

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

MOTION

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

SENATE RESOLUTION 1984-146

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

WHEREAS, Athletics is the proving ground on which fair play, sportsmanship, determination and leadership are developed; and

WHEREAS, Athletics teaches the concepts of cooperation, trust in others, and it takes many parts to support the whole; and

WHEREAS, Athletic competition keeps people humble yet results in building of self-confidence, and teaches more than victory -- the ultimate goal; and

WHEREAS, The SEATTLE PACIFIC UNIVERSITY FALCONS exhibited great athletic prowess in their 1983 Soccer Season which culminated at the University of Tampa, Florida, last December 2 when the FALCONS beat the University of Tampa for the National Collegiate Athletic Association (NCAA) Division II 1983 Soccer Championship; and

WHEREAS, The FALCONS have demonstrated to the nation their determination, cooperation and teamwork while exhibiting fair play and the best of sportsmanship -- the hallmark of true Champions; and

WHEREAS, The two coaches and twenty players of the SEATTLE PACIFIC UNIVERSITY FALCON CHAMPIONSHIP SOCCER TEAM are today visiting the State Legislature;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, assembled in the 1984 Regular Session of the 48th Legislature, That we honor Coach C. Clifford

McCrath and Athletic Director Keith R. Phillips for their continued devotion to the athletic and personal development of the young men of the SPU FALCON Soccer Team; and

BE IT FURTHER RESOLVED, That we honor the dedication, sportsmanship and determination of the twenty young men who comprised the FALCONS team that was victorious at Tampa;

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach McCrath, Athletic Director Phillips, and the players of the FALCONS who have made the students, faculty, staff and administration of SPU proud of the SPU commitment to both athletics and higher education.

MOTION

On motion of Senator Moore, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-146.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Seattle Pacific University Falcon Championship Soccer Team and their coach, C. Clifford McCrath, their assistant coach, Sergie Soriano, and athletic director, Keith R. Phillips, the guests of Senator Ray Moore.

MOTION

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of J. H. "Jack" Blosser as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF J. H. "JACK" BLOSSER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators McDonald, McManus, Metcalf - 3.

Excused: Senators Benitz, Hayner, Lee - 3.

MOTION

At 10:27 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:00 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:29 a.m.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of Brian R. Duff as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF BRIAN R. DUFF

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, Hayner, Lee - 3.

SECOND READING

HOUSE BILL NO. 1423, by Representatives Sanders, Lux, Zellinsky, Kreidler, Hankins, West, Wang, Ballard, Crane, Galloway, Monohon, Johnson, Dickie, P. King, Garrett, Broback, Van Luven and Long

Prohibiting requirement for over-insuring property.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1423 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Vognild: "Senator Moore, we have a problem in insuring at least in houses and buildings, if you're not insured at eighty percent of value or more, sometimes you will not get a replacement. Will this bill, in any way, interfere with the ability to insure up to a hundred percent and thus assure replacement in the event of loss?"

Senator Moore: "You would be able to insure for the full replacement value of the property. Now, whether a hundred percent is critical or not, I do not know, but as far as this legislation is concerned it does assure that the person can insure for the replacement value."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1423.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1423, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, Hayner, Lee - 3.

HOUSE BILL NO. 1423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1146, by Committee on Transportation (originally sponsored by Representatives Walk, Wilson, Van Luven and Clayton)

Correcting obsolete references to agencies consolidated in the department of transportation.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1146 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1146.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1146, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson,

Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Clarke, Metcalf - 2.

Excused: Senators Benitz, Hayner, Lee - 3.

SUBSTITUTE HOUSE BILL NO. 1146, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 217, by Representatives Moon and Gallagher

Modifying provisions on liens on public works.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 1, line 22, after "contractor" strike "and for the protection of the owner or owners of such public improvement"

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 4, after line 19, insert the following:

"(7) On projects commenced after the effective date of this 1984 act, the trust fund established pursuant to subsection (1) of this section may be reserved for the protection of the owner or owners of such public improvements when specifically required by regulations of the farmers home administration for the provision of grant or loan funds administered by that agency."

On motion of Senator Thompson, the rules were suspended, House Bill No. 217, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 217, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 217, as amended by the Senate, the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Benitz, Hayner, Lee - 3.

HOUSE BILL NO. 217, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1254, by Representatives Monohon, Barnes, Ebersole, Powers, Todd and Sayan

Defining earnable compensation for part-time teachers' retirement.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the rules were suspended, House Bill No. 1254 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Metcalf was excused.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1254.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1254, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Hayner, Lee, Metcalf - 4.

HOUSE BILL NO. 1254, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1103, by Representatives Wang, Lux, Sanders, Ballard, Kreidler, Brough, Lewis, Mitchell, Van Luven, Barrett and Schoon

Modifying health insurance coverage for newborn infants.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1103 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1103.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1103, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Paterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Sellar - 1.

Excused: Senators Benitz, Hayner, Lee, Metcalf - 4.

HOUSE BILL NO. 1103, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:59 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, February 14, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 14, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz and Metcalf. On motion of Senator Zimmerman, Senators Benitz and Metcalf were excused.

The Sergeant at Arms Color Guard, consisting of Pages Michele DeWalt and Betsy Ackley, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1984

SHB 699 Prime Sponsor, Committee on Constitution, Elections and Ethics: Facilitating citizen participation in the political process. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 13, 1984

HB 739 Prime Sponsor, Representative Clayton: Authorizing special operating permits to be granted for antique boilers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, Moore, Newhouse, Williams.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 827 Prime Sponsor, Committee on Constitution, Elections and Ethics: Prohibiting counterfeit voters' and candidates' pamphlets. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1101 Prime Sponsor, Committee on Constitution, Elections and Ethics: Permitting persons hospitalized on election day to vote by absentee ballot. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 13, 1984

HB 1110 Prime Sponsor, Representative Heck: Abolishing the governor's council on criminal justice. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 10, 1984

HB 1120 Prime Sponsor, Representative Armstrong: Requiring release of juvenile records under certain circumstances. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 10, 1984

HB 1121 Prime Sponsor, Representative Armstrong: Revising penalties for crimes involving explosives. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 10, 1984

HB 1166 Prime Sponsor, Representative Locke: Authorizing courts to set conditions on probation and specifying length of term. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Newhouse, Williams, Woody.

Passed to Committee on Rules for second reading.

February 10, 1984

ESHB 1213 Prime Sponsor, Committee on Judiciary: Reorganizing and revising Washington trust law. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 13, 1984

EHB 1361 Prime Sponsor, Representative Sutherland: Establishing a program for voluntary low-income assistance contributions for P.U.D. customers. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, Moore.

Passed to Committee on Rules for second reading.

February 13, 1984

EHB 1402 Prime Sponsor, Representative Powers: Establishing a training program for liquor licensees to recognize and prevent intoxication. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, Moore, Newhouse, Quigg, Williams.

Referred to Committee on Ways and Means.

February 9, 1984

HJM 30 Prime Sponsor, Representative D. Nelson: Petitioning Congress to designate the Hanford Reservation as a National Energy Center. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Fuller, Goltz, McManus, Moore.

Passed to Committee on Rules for second reading.

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

MOTION

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

SENATE RESOLUTION 1984-145

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

WHEREAS, The Future Business Leaders of America - Phi Beta Lambda (FBLA-PBL) is a nonprofit, vocational education organization for students interested in business or business education careers; and

WHEREAS, The goals of FBLA-PBL are to strengthen the confidence of the students in themselves and their work, to develop character, and to prepare them for useful citizenship; and

WHEREAS, The FBLA-PBL creates interest in, and understanding of, American business enterprise and develops competent, aggressive business leadership; and

WHEREAS, The FBLA-PBL assists students in the establishment of occupational goals and facilitates the transition from school to careers in business;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the efforts of the Future Business Leaders of America - Phi Beta Lambda contribute to the improvement of home, business, and community life and should be recognized; and

BE IT FURTHER RESOLVED, That February 14, 1984, is declared to be Future Business Leaders of America - Phi Beta Lambda Day.

MOTION

On motion of Senator Gaspard, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-145.

MOTION

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

MESSAGES FROM THE HOUSE

February 13, 1984

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4287,

ENGROSSED SENATE BILL NO. 4289,

SENATE BILL NO. 4304, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 13, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1103,

HOUSE BILL NO. 1254,

HOUSE BILL NO. 1423, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 13, 1984

Mr. President:

The House has adopted:

SENATE CONCURRENT RESOLUTION NO. 143, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 13, 1984

Mr. President:

The House has adopted:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 40, and the same is here-with transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1103,

HOUSE BILL NO. 1254,

HOUSE BILL NO. 1423.

MESSAGE FROM THE HOUSE

February 9, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3074 with the following amendments:

On page 10, strike section 17 and renumber the remaining sections consecutively.

On page 10, after line 7 insert a new section as follows:

*NEW SECTION. Sec. 17. There is added to chapter 18.____ RCW (SSB 3074, Laws of 1984) a new section to read as follows: The board of occupational therapy practice may elect to adopt the uniform disciplinary act (Sections 1 through 24 of SHB 1178) in lieu of the disciplinary procedures outlined under this chapter."

Renumber the remaining sections accordingly.

On page 10, after line 7 insert a new section to read as follows:

*Sec. 18. Section 2, chapter 168, Laws of 1983 and RCW 18.120.020 are each amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Applicant group' includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks.

(3) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) 'Health professions' means and includes the following licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; midwifery under chapter 18.50 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; ~~((and))~~ registered nurses under chapter 18.88 RCW; and occupational therapists licensed pursuant to chapter 18. RCW (SSB 3074, Laws of 1984).

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) 'License', 'licensing', and 'licensure' mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or

approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) 'Public member' means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency."

On page 1, line 1 of the title after the semicolon insert "amending section 2, Laws of 1983 and RCW 18.120.020;"

On page 1, line 1 after the semi-colon strike all language to the semicolon on line 2,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3074.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 3074, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3074, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 09; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Boltiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 38.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Haley, McCaslin, Pullen, Quigg, Zimmerman - 9.

Excused: Senators Benitz, Metcalf - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3074, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

EHCR 40 by Representatives Sutherland, L. Smith, Tanner, Galloway, J. King, Heck, Monohon, McMullen, B. Williams, Locke and Dellwo

Directing the Attorney General to initiate legal action for relief from Oregon's income tax laws.

Hold.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Engrossed House Concurrent Resolution No. 40 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of D. G. "Jerry" Hendricks as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF D. G. "JERRY" HENDRICKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Benitz, Metcalf - 2.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1200, by Committee on Transportation (originally sponsored by Representatives Walk, Cantu and Wilson) (by Governor Spellman request)

Adopting the supplemental transportation budget.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following amendment:

On page 3, after line 15, insert:

"(5) The department of transportation shall not expend any funds for substantial improvements at the site of the Fauntleroy ferry terminal."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Talmadge.

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

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1200 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, this letter, that is on our desk, would indicate that somebody issued a warrant for three million three hundred and twenty-five thousand with just a simple request from an attorney that they issue the warrant and they already had the warrant and then they say 'well, give us our money now.' Is this the usual procedure of handling things over in the Department?"

Senator Bottiger: "Senator Rasmussen, first of all to clarify for everybody, our caucus had Secretary of Transportation Berentson in to explain the emergent nature of this measure. He was requested to supply the caucus members with a letter. Unfortunately, it wasn't distributed to the "R" side. It was a direct request from our caucus. I have given a copy to Senator Newhouse.

"Back to Senator Rasmussen's question--Secretary Berentson explained to me that there was a misunderstanding between the audit division or the people in the Department that issue the warrants and his office as to whether a supplemental appropriation was necessary. Apparently there was confusion or misunderstanding. They have now determined that it is necessary to transfer the funds from one unit to another so they can pick up the federal money. Actually, the federal government will end up paying this, but I think Duane, if I may say so, was embarrassed by the error that was made and asked us to take this action, so that we can get the federal government to replace the money to make up that warrant."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1200.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1200, and the bill passed the Senate by the following vote: Yeas, 37; nays, 10; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Sellar, Thompson, Vogndild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Fleming, Hughes, McDermott, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Williams - 10.

Excused: Senators Benitz, Metcalf - 2.

SUBSTITUTE HOUSE BILL NO. 1200, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Second Substitute Senate Bill No. 4831, which was deferred on February 10, 1984.

Senator Zimmerman moved adoption of the following amendment:

On page 3, line 36, after "organizations" insert ", but does not include employers primarily engaged in agriculture or retail sales"

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 28; absent, 01; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Lee, McCaslin, McDonald, Newhouse, Owen, Patterson, Sellar, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn - 28.

Absent: Senator Woody - 1.

Excused: Senators Benitz, Metcalf - 2.

MOTIONS

Senator Barr moved the following amendments be considered and adopted simultaneously:

On page 9, line 1, after "substances" insert "; (e) Five or less full-time agricultural employees working for a single agricultural employer"

On page 4, line 19, after "research," insert "directly involved in the agricultural industry where five or less agricultural employees are working for a single agricultural employer"

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

Amend the Barr amendment to page 9, line 1 as follows: Strike "Five or less" and insert "Three or fewer"

Amend the Barr amendment to page 9, line 19 as follows: Strike "five or less" and insert "three or fewer"

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Senator Barr, is it your understanding then that a farmer with one employee, if your amendment is not adopted, the fellow with one employee would have to comply with the conditions of this law?"

Senator Barr: "Yes, that's my understanding and these employees--one, two or three--they know more about the operation out there than the farmer himself.

They're full time. We're talking about full-time, year-round employees that would come under this. The answer is 'yes' it would be for one employee."

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the amendments, as amended, by Senator Barr.

ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendments, as amended, were not adopted by the following vote: Yeas, 22; nays, 25; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Owen, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 22.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 25.

Excused: Senators Benitz, Metcalf - 2.

MOTION

On motion of Senator Newhouse, the following amendments by Senator Benitz were considered and adopted simultaneously:

On page 10, line 18, after "days" insert "except when employer receives an extension from the department"

On page 10, line 35, after "language" insert "as provided by the department"

MOTION

Senator Zimmerman moved adoption of the following amendment:

On page 13, line 30, after "department" strike "shall" and insert "may"

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, do you have any count as to the number of reports that would be required, not only to be prepared and submitted by the employee or the workplace, and how many would have to be examined and filed or responded to by the Department?"

Senator Talmadge: "Senator, do you mean how many the individual employer must do? One work-place survey per year."

Senator Deccio: "As I say, how many reports are you talking about?"

Senator Talmadge: "Statewide?"

Senator Deccio: "Yes."

Senator Talmadge: "Several hundred thousand."

Senator Deccio: "Can you translate it in terms of impact on the employer or the workplace that you put it and the impact, also, upon the Department of Agriculture?"

Senator Talmadge: "Department of Labor and Industries, Senator. That's why the fee is in the bill to provide the money to enforce this bill. That was the fee that they suggested they needed in order to do the enforcement that we're talking about. They're not talking about reviewing, obviously, each one of those several hundred thousand workplace surveys every year. They'll have to do with what they do in normal enforcement practices which is to selectively audit certain employers to see if compliance is present."

Senator Deccio: "So that selectivity, then, does not mean that they are going to examine everyone, but yet in not going along with the amendment changing 'shall' to 'may' does not give the same relief, so to speak, to the business person or the farmer that you're giving to the Department because you're only going to selectively review these reports when they come in?"

Senator Talmadge: "They're going to selectively audit, but the key feature of the workplace survey is not only for the Department of Labor and Industries and the individual employer, but also I remind you, the fire departments, the police departments and health departments who are going to rely on that kind of information to assist them. Part of the reason we have this bill here is the community right-to-know aspect of the bill and the workplace survey needs to be updated

annually so that firefighters when they go into a burning warehouse, or they have a difficulty at a particular location--have some reasonable expectations about what they're going to encounter in that burning building or in that difficult area."

Further debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman carried and the amendment was adopted by the following vote: Yeas, 29; nays, 17; absent, 01; excused, 02.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Woody, Zimmerman - 29.

Voting nay: Senators Bauer, Fleming, Granlund, Hughes, Hurley, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 17.

Absent: Senator Conner - 1.

Excused: Senators Benitz, Metcalf - 2.

MOTION

Senator Quigg moved adoption of the following amendment:

On page 13, line 30, after "employer" insert "during the month of October"

Debate ensued.

Senator Quigg demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Quigg.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment was not adopted by the following vote: Yeas, 15; nays, 31; absent, 01; excused, 02.

Voting yea: Senators Barr, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Newhouse, Quigg, Sellar, von Reichbauer - 15.

Voting nay: Senators Bauer, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Absent: Senator Bender - 1.

Excused: Senators Benitz, Metcalf - 2.

MOTION

On motion of Senator Newhouse, the following amendment by Senator Benitz was adopted:

On page 14, line 5, after "requests," insert "The department shall advise the employer when requests for information pertaining to his workplace have been made by persons or organizations other than employees working for the employer."

MOTION

Senator Haley moved adoption of the following amendment:

On page 13, line 31, after "workplace," strike all language through line 10 on page 14.

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendment was not adopted by the following vote: Yeas, 13; nays, 35; absent, 00; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hayner, McCaslin, Metcalf, Newhouse, Quigg, Sellar - 13.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Excused: Senator Benitz - 1.

MOTION

Senator Fuller moved adoption of the following amendment:

On page 14, line 12, after "workplace" insert: "or at a central office within the state"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Fuller.

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

MOTIONS

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 4831 was deferred.

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

REPORTS OF STANDING COMMITTEES

February 13, 1984

RESHB 480 Prime Sponsor, Committee on Natural Resources: Modifying the provisions regulating surface mines. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Patterson, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1247 Prime Sponsor, Committee on Judiciary: Revising criminal sentencing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Hemstad, Williams, Woody.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1407 Prime Sponsor, Committee on Natural Resources: Granting the department of natural resources various duties relating to forest products. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Patterson, Quigg, Rasmussen, Vognild.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1418 Prime Sponsor, Committee on Financial Institutions and Insurance: Prohibiting discriminatory practices by health maintenance organizations. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, McDonald, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1984

ESHB 1435 Prime Sponsor, Committee on Local Government: Providing for classification of certain consolidations of noncharter code cities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1564 Prime Sponsor, Committee on Financial Institutions and Insurance:
Regulating a continuation and conversion of insurance coverage.
Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Deccio, McDonald, Sellar, Wojahn.

Passed to Committee on Rules for second reading.

February 13, 1984

EHJM 33 Prime Sponsor, Representative Vekich: Memorializing Congress to proceed with the Grays Harbor navigation improvement project.
Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Owen, Chairman; Peterson, Vice-Chairman; Conner, Fuller, Patterson, Quigg, Rasmussen, Shinpoch, Vognild.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4287,

SENATE BILL NO. 4289,

SENATE BILL NO. 4304,

SENATE CONCURRENT RESOLUTION NO. 143.

PERSONAL PRIVILEGE

Senator Hurley: Mr. President, I'd like to speak on a point of personal privilege. Because the ladies of the Senate have love in our hearts for all of you, we wanted you to share this lovely Valentine box of candy on the birthday of St. Valentine--the day of love and laughter and song. We hope you enjoy it."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: Thank you very much. All the members will enjoy it."

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

MOTION

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

SENATE RESOLUTION 1984-148

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

WHEREAS, For many years, European competitors have dominated women's alpine skiing events in the Winter Olympic Games; and

WHEREAS, The United States women's ski team captured gold and silver medals in the giant slalom event at the 1984 Winter Olympic Games in Sarajevo, Yugoslavia, on February 13, 1984; and

WHEREAS, Debbie Armstrong of Seattle, a graduate of Garfield High School, attacked the race course in Sarajevo with power and confidence, and became the first American woman to win an Olympic gold medal in the giant slalom since 1952 and the one-thousandth American to win a gold medal in the modern Olympic Games; and

WHEREAS, Debbie Armstrong's accomplishment brings honor and recognition to her commitment to excellence, to the City of Seattle, to the State of Washington, and to the United States;

NOW, THEREFORE, BE IT RESOLVED. By the Senate of the State of Washington, That congratulations be expressed to Debbie Armstrong as an outstanding example of American youth, and an invitation extended to her to attend a joint session of the Senate and the House of Representatives to be recognized for her outstanding accomplishments.

MOTION

On motion of Senator McDermott, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-148.

MOTION

At 12:03 p.m., on motion of Senator Bottiger, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

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

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

REPORTS OF STANDING COMMITTEES

February 14, 1984

SHB 915 Prime Sponsor, Representative Burns: Establishing procedures and providing certain immunities to faculty peer review committees. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 13, 1984

SHB 1164 Prime Sponsor, Representative Heck: Revising solid waste management procedures. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Haley, Hansen, Hurley, McDermott, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

February 13, 1984

2SHB 1174 Prime Sponsor, Representative Rust: Regulating acid deposition pollution. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hurley, McDermott, Rasmussen, Williams.

Referred to the Committee on Ways and Means.

MOTION

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

MESSAGES FROM THE HOUSE

February 14, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4287,

SENATE BILL NO. 4289,

SENATE BILL NO. 4304,

SENATE CONCURRENT RESOLUTION NO. 143, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 14, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1146, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 14, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1200, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1200.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1146.

MOTION

At 2:02 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Wednesday, February 15, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 15, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Hemstad, McDonald and McManus. On motion of Senator Bluechel, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Wiseman and Laura Lang, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 14, 1984

EHB 596 Prime Sponsor, Representative Todd: Modifying provisions on the state building code. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 13, 1984

EHB 1218 Prime Sponsor, Representative Todd: Altering the regulation of auctioneers. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 14, 1984

ESHB 1302 Prime Sponsor, Committee on Agriculture: Extending trespass violations to land devoted to commercial production of livestock or agricultural commodities. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Senators Hansen, Chairman; Barr, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 14, 1984

EHB 1355 Prime Sponsor, Representative Niemi: Authorizing voluntary payroll deduction for political action committees by state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1984

HB 1373 Prime Sponsor, Representative Wang: Developing an environmental profile and assisting businesses to locate in Washington state. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 14, 1984

HB 1378 Prime Sponsor, Representative Niemi: Changing provisions relating to state civil service. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

MINORITY recommendation: Do not pass. Signed by Senator Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1984

EHJM 16 Prime Sponsor, Representative Belcher: Requesting the adoption of the Economic Equity Act II. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 14, 1984

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3132,

SUBSTITUTE SENATE BILL NO. 4334, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3074.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of Kenneth L. Keach as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF KENNETH L. KEACH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yeas: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bender, Hemstad, McDonald, McManus - 4.

Excused: Senator Benitz - 1.

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Melissa Moore, Governor of Evergreen Girls' State, from Vancouver, Washington, who was seated with him on the rostrum, and the guest of Senators Nita Rinehart and Hal Zimmerman.

With permission of the Senate, business was suspended to permit Governor Melissa to address the Senate.

The President introduced the family of Governor Melissa, as well as dignitaries from the American Legion Auxiliary, the sponsors for Evergreen Girls' State.

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

MESSAGE FROM THE HOUSE

February 13, 1984

Mr. President:

The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 147, with the following amendments:

On page 1, line 11, after ";" and" strike everything down to and including "and" on line 15

On page 2, beginning on line 1 strike everything down to and including ";" and" on line 4.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Bauer moved that the Senate do concur in the House amendments to Engrossed Senate Concurrent Resolution No. 147.

Debate ensued.

The President declared the question before the Senate to be concurrence in the House amendments to Engrossed Senate Concurrent Resolution No. 147.

The motion by Senator Bauer carried and the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 147.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 147, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 147, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Craswell - 1.

Excused: Senator Benitz - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 147, as amended by the House, having received the constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 40, by Representatives Sutherland, L. Smith, Tanner, Galloway, J. King, Heck, Monohon, McMullen, B. Williams, Locke and Dellwo

Directing the Attorney General to initiate legal action for relief from Oregon's income tax laws.

The bill was read the second time.

MOTION

On motion of Senator Bauer, the rules were suspended, Engrossed House Concurrent Resolution No. 40 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Senator Bauer, since the House took this language out of the bill, which we just had, what assurance is there that they're going to pass this now?"

Senator Bauer: "This is the House language, so by our adopting this, the whole issue which we spent on Senate Concurrent Resolution No. 147 will be resolved."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Concurrent Resolution No. 40.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Concurrent Resolution No. 40, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 07; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, McCaslin, Newhouse, Quigg - 7.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 40, having received the constitutional majority, was declared passed.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4831, deferred on February 14, 1984.

MOTIONS

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

On page 9, line 18, after "hazardous" strike "waste" and insert "substances"

On page 9, line 21, after "hazardous" strike "waste" and insert "substances"

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Owen and Fuller was adopted:

On page 15, line 23, after "than" strike "ten" and insert "thirty-five"

Senator Fuller moved adoption of the following amendment:

On page 15, line 23, after "employees" insert "at one general work location"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Fuller.

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

MOTIONS

On motion of Senator Newhouse, the following amendment by Senator Benitz was adopted:

On page 15, line 24, after "assistance" insert ", including on-site assistance."

Senator McDonald moved adoption of the following amendment by Senators McDonald and Hayner:

On page 16, line 6, strike all of subsection (3) through substances on line 8 and renumber the subsections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, I'm going to ask Senator Talmadge a question, and I'm going to voice my concern and ask him how he would respond. I have several examples that come to mind where people package or box things that the label clearly says what is in it, but to have to add to that label that it's nonhazardous, strikes me as being a little ridiculous.

"One individual in the area that I represent comes to mind who takes kegs of nails and breaks them down into boxes and they describe the content of the box as nails. Another one takes peat moss and puts it into little packages that are sold at the store for plantings. You know it's obvious to look at it, to know what it is and I presume that the peat moss is nonhazardous. I'm not sure, but are we allowing the Department to set up some regulations to add to the labeling of such obvious products that say they are nonhazardous?"

Senator Talmadge: "Senator, the answer is 'no.' I guess I'm a little bit chagrined at the lack of detailed reading of the bill out here on the floor, particularly by members of the Parks and Ecology Committee, who had an opportunity to hear this issue again and again--to argue that somehow a substance includes a 2 x 4, or a substance includes gravel, or a substance would include nails--it defies logic, it defies good grammar, it defies a clear reading of the English language.

"The fact of the matter is that this amendment is designed to deal with the manufacture of hazardous substances—substances as we've dealt with them in the bill. The provision in here is discretionary. It says 'if it's needed' and basically I suspect when it's subject to the administrative procedure process it would be something that would provide for a public hearing on the issue. It's designed to deal, explicitly, with the manufacture of hazardous substances in a hazardous substance manufacturers work place. It's a specific problem that was raised by the manufacturers. The argument and the description that we've had out here on the floor about this issue is simply not accurate and the fact of the matter as for things like peat moss and nails and things like that, this kind of provision would not apply if the provision ever came into existence in 1986 or later."

POINT OF INQUIRY

Senator Haley: "Senator Talmadge, in the candy factory, there are many substances and mostly nonhazardous, for instance chocolate. All of these things, most of them are imported from out of state and they wouldn't be labeled if they were hazardous—the sugar, chocolate, corn syrup and so forth, but there are a few hazardous things, such as solvents and maybe the fumigation supplies that manufacturers use to fumigate once a year to make sure all rodents and insects and so forth are destroyed. Do you think that in the wisdom of the Department that they would require everything labeled in the candy factory that was nonhazardous or will they have the opportunity to be discriminating as to what they insist be labeled as hazardous when ninety-nine percent—this is another example of something that was mentioned here on the floor."

Senator Talmadge: "I think they would be discriminating as to the application of this series of regulations by industry. I suspect in the candy industry, you're not dealing with the manufacture of hazardous substances. I don't know if you have a particular candy factory in mind or not, Senator Haley, but the concern, specifically, is that you have manufacturers of hazardous products, like the Arco Refinery, for example, at Cherry Point. The by-products of this manufacturer could be some very serious items, and they use some very hazardous toxic materials to manufacture a very necessary day-to-day products for our society. There they have found the labeling of nonhazardous materials has proven to be of great benefit.

"They may find in the process of the Department of Labor and Industries that that makes sense. In the chemical industry, it may make some sense and in some other industries where hazardous materials are developed, but I think for the candy industry and a number of others you're going to find that there will not be any such series of regulations developed and that's, in fact, why the language 'if needed' is here. I would point out, also, that because the effective date of this bill is 1986, we will have two legislative sessions in which to review the proposed regulations of the Department of Labor and Industries and if they get into requiring the labeling of nonhazardous materials in certain candy factories, I suspect that's an issue that would be raised here in the body."

Further debate ensued.

POINT OF INQUIRY

Senator Wojahn: "Senator Talmadge, it seems to me in this sentence that is included to be removed that the key words are 'if needed.' Isn't that true that the Department would make the decision—if it were needed they would label it and if not, they would not?"

Senator Talmadge: "The answer is 'yes' and again I point out that we would have two legislative sessions between now and the effective date of this act in which to review their proposals."

Further debate ensued.

POINT OF INQUIRY

Senator Bender: "Senator Talmadge, would you please explain to the body regarding these regulations, presently, under OSHA and WISHA?"

Senator Talmadge: "With respect to the definitional concern here, hazardous substance is defined in the act. There's a definition of what is or is not a hazardous substance. The converse of that is what is a nonhazardous substance. A substance

is specifically defined. It doesn't include the nails, the peat moss and all the rest of the stuff we've been talking about. Additionally, with respect to labeling, manufacturers coming across state lines, in 1986, will be required to label those products under the OSHA regulation. These are the people that we're attempting to deal specifically with. They're going to be required to do this anyway under federal law."

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators McDonald and Hayner.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed, the President voting 'nay,' by the following vote: Yeas, 24; nays, 24; absent, 00; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senator Benitz - 1.

MOTION

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

On page 16, line 29, after "conditions," insert "(7) If any provisions of this section are inconsistent with the federal Resource Conservation and Recovery Act, or with applicable regulations issued under that act by the Environmental Protection Agency or with chapter 70 RCW, or with regulations adopted by the department of ecology pursuant to its authority under RCW 70.105.020 and RCW 70.105.130, the provisions of this section shall be deemed superseded by those federal and state statutes and regulations."

On motion of Senator McManus, the following amendments by Senators McManus and Talmadge were considered and adopted simultaneously:

On page 17, line 13, strike "twelve" and insert "fifteen"

On page 17, line 15, after "director," strike "four" and insert "five"

On page 17, line 16, after "one year," strike "four" and insert "five"

On page 17, line 17, after "and" strike "three" and insert "five"

On page 17, line 31, after "health organizations;" insert "two persons from professional accident and safety organizations and one person from the technology-based industries;"

Senator Bluechel moved adoption of the following amendment:

On page 19, section 21, delete section 21 and renumber the remaining sections accordingly.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed, the President, voting 'nay,' by the following vote: Yeas, 24; nays, 24; absent, 00; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senator Benitz - 1.

MOTIONS

On motion of Senator Shipoch, further consideration of Second Substitute Senate Bill No. 4831 was deferred.

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

REPORTS OF STANDING COMMITTEES

February 15, 1984

SHB 1334 Prime Sponsor, Committee on Higher Education: Waiving community college fees for certain unemployed persons. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Hemstad, Kiskaddon, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1984

EHB 1348 Prime Sponsor, Representative Jacobsen: Providing exemptions from payment of operating fees to certain students with graduate service appointments. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Goltz, Guess, Kiskaddon, Lee, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 14, 1984

SHB 1698 Prime Sponsor, Committee on Transportation: Delaying the requirement of replacing five-year old license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Granlund, Guess, Haley, Sellar.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 3132.
SUBSTITUTE SENATE BILL NO. 4334.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 147.

MOTION

At 12:01 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, February 16, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 16, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Bottiger, Hurley, McDonald, Quigg, Rasmussen and Williams. On motion of Senator Vognild, Senators Bottiger, Hurley and Rasmussen were excused. On motion of Senator Zimmerman, Senators Benitz and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Elizabeth Woody and Catherine Mardesich, presented the Colors. Reverend Scott Hines, pastor of the Church of the Living Water of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEE

February 14, 1984

SHB 1105 Prime Sponsor, Committee on Social and Health Services: Requiring the reporting of sentinel birth defects and the surveillance of environmental hazards. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 14, 1984

HB 1159 Prime Sponsor, Representative Niemi: Establishing uniform compensation for boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1984

SHB 1178 Prime Sponsor, Committee on Social and Health Services: Regulating health and health-related professions and businesses. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Conner, Granlund, Moore.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 1219 Prime Sponsor, Representative R. King: Establishing collective bargaining procedures for community college employees. Reported by Committee on Education

MAJORITY recommendation: Do pass and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, Lee, McDermott, Warnke.

Referred to Committee on Ways and Means.

February 14, 1984

EHB 1328 Prime Sponsor, Representative Kreidler: Revising provisions relating to the abuse of elderly and dependent adults. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

February 14, 1984

SHB 1691 Prime Sponsor, Committee on Commerce and Economic Development: Authorizing tax credits for seed capital investments. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute House Bill No. 1691, as amended, be referred to Committee on Ways and Means without recommendation. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Quigg, Shinpoch, Williams.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENT

February 14, 1984

GA 196 LYNDA ZIMMERMAN, to the position of Member of the Hospital Commission, appointed by the Governor on January 12, 1984, for the term ending July 16, 1984, succeeding Beverly A. Freeman. Reported by Committee on Social and Health Services

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McManus, Chairman; Craswell, Deccio, Granlund, Kiskaddon.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 4341,

SENATE BILL NO. 4342,

SECOND SUBSTITUTE SENATE BILL NO. 4380,

SENATE BILL NO. 4460,

SUBSTITUTE SENATE BILL NO. 4503,

SENATE BILL NO. 4642,

SENATE BILL NO. 4787, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 15, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3132,

SUBSTITUTE SENATE BILL NO. 4334,

SENATE CONCURRENT RESOLUTION NO. 147, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 15, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3074, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SCR 150 by Senators Shinpoch, Zimmerman, Talmadge, McDermott and Newhouse

Establishing the joint interim study committee on the judicial retirement system.
Hold.

MOTIONS

On motion of Senator Shinpoch, the rules were suspended and Senate Concurrent Resolution No. 150 was advanced to second reading and read the second time.

On motion of Senator Shinpoch, the rules were suspended, Senate Concurrent Resolution No. 150 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 150.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 150, and the resolution passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 03; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Deccio, McDonald, Williams - 3.

Excused: Senators Benitz, Bottiger, Hurley, Quigg, Rasmussen - 5.

SENATE CONCURRENT RESOLUTION NO. 150, having received the constitutional majority, was declared passed.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Vognild, the appointment of Stanley M. Little, Jr., as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF STANLEY M. LITTLE, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 04; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 40.

Absent: Senators Deccio, Hayner, Rinehart, Williams - 4.

Excused: Senators Benitz, Bottiger, Hurley, Quigg, Rasmussen - 5.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1188, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Kreidler, Belcher, Garrett and Patrick)

Revising the credit union laws.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Engrossed Substitute House Bill No. 1188 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1188.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1188, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1188, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 791, by Committee on Local Government (originally sponsored by Representatives Charnley, Addison and Sommers)

Modifying provisions concerning county hospitals.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 791 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 791.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 791, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 791, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 713, by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Brough, Wang and Kreidler)

Providing procedures for contributions by cities and towns to county or city-county health departments.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Second Substitute House Bill No. 713 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 713.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 713, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Quigg - 1.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1101, by Committee on Constitution, Elections and Ethics, (originally sponsored by Representatives Tilly, Pruitt, Barnes, Brough, Crane, Dellwo, Fisch, J. King, Lewis, McMullen, Mitchell, Sanders, Sutherland, P. King, Hine, Miller, Halsan and L. Smith)

Permitting persons hospitalized on election day to vote by absentee ballot.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1101 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1101.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1101, and the bill passed the Senate by the following vote: Yeas, 39; nays, 06; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Craswell, Guess, McCaslin, Metcalf, Pullen - 6.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen - 4.

SUBSTITUTE HOUSE BILL NO. 1101, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1218, by Representatives Todd, Egger, Haugen, Nealey, Ebersole, Smitherman, Clayton and Crane

Altering the regulation of auctioneers.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 2, line 8, after "than" and before "five" insert "twenty-"

On page 2, line 8, after "dollars" strike everything down to and including "dollars" on line

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On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1218, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1218, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1218, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen - 4.

ENGROSSED HOUSE BILL NO. 1218, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1418, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Sanders, Dickie, P. King and Long)

Prohibiting discriminatory practices by health maintenance organizations.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, Senator Vognild was excused.

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1418 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1418.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1418, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen, Vognild - 5.

SUBSTITUTE HOUSE BILL NO. 1418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1107, by Representatives Ebersole, Hankins, Niemi, J. King, Lewis, Tanner, P. King, O'Brien, Todd and Halsan (by Planning and Community Affairs Agency request)

Extending the bond allocation formula for the housing finance commission.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1107 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1107.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1107, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Pullen, Quigg - 3.

Excused: Senators Benitz, Bottiger, Hurley, Rasmussen, Vognild - 5.

HOUSE BILL NO. 1107, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 33, by Representatives Vekich, Sayan, Fisch, McClure, Monohon, Betrozoff, Sanders and J. Williams

Memorializing Congress to proceed with the Grays Harbor navigation improvement project.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed House Joint Memorial No. 33 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Memorial No. 33.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Joint Memorial No. 33, and the memorial passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Hurley, Vognild - 4.

ENGROSSED HOUSE JOINT MEMORIAL NO. 33, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1108, by Representatives Heck, Sommers and B. Williams (by Legislative Budget Committee request)

Repealing the veterans' loan insurance program.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1108 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1108.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1108, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yea: Senators Barr, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senators Bauer, Woody - 2.

Excused: Senators Benitz, Bottiger, Hurley, Vognild - 4.

HOUSE BILL NO. 1108, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1110, by Representatives Heck, Tilly, Sommers, Vander Stoep, B. Williams, Egger and P. King (by Legislative Budget Committee request)

Abolishing the governor's council on criminal justice.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1110 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1110.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1110, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Bottiger, Hurley, Vognild - 4.

HOUSE BILL NO. 1110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, House Bill No. 1248 was moved to the bottom of the second reading calendar.

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

REPORTS OF STANDING COMMITTEES

February 8, 1984

ESHB 255 Prime Sponsor, Committee on Ways and Means: Modifying provisions on watercraft registration and taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 271 Prime Sponsor, Committee on Ways and Means: Modifying provisions relating to survivors' benefits under the state patrol retirement system. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 15, 1984

EHB 392 Prime Sponsor, Representative Ebersole: Modifying the hearing procedures for the formation of local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 857 Prime Sponsor, Committee on Energy and Utilities: Defining responsibility for protection of underground utility facilities during excavation. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Goltz, McManus, Moore, Quigg.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 880 Prime Sponsor, Representative Heck: Regulating payment procedures for certain health care providers not participants in a health services contract. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, McDonald, Sellar, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 1123 Prime Sponsor, Committee on Ways and Means: Permitting the state employees' insurance board to expand its methods for providing insurance coverage. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 1138 Prime Sponsor, Representative Ebersole: Requiring comprehensive plans to provide for protection of ground water. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 1163 Prime Sponsor, Committee on Financial Institutions and Insurance: Prohibiting consumer credit charges on new transactions before the next billing cycle. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 1295 Prime Sponsor, Representative Dellwo: Requiring a report on dam safety. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 1367 Prime Sponsor, Committee on Financial Institutions and Insurance: Authorizing health insurance coverage for local government retirees and dependents. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 1419 Prime Sponsor, Representative Lux: Modifying provisions relating to state employee group insurance programs. Reported by Committee on Financial Institutions

MAJORITY recommendation: Do pass. Signed by Senators Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Sellar, Warnke, Wojahn.

Passed to Committee on Rules for second reading.

February 15, 1984

EHJR 44 Prime Sponsor, Representative Charnley: Establishing procedures for the adoption of county home rule charters. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 15, 1984

GA 200 CAPTAIN M. R. FLAVEL, to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor on January 30, 1984, for the term ending December 26, 1987, succeeding himself. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules.

February 15, 1984

GA 201 BURT A. SHEARER, to the position of Member of the Board of Pilotage Commissioners, appointed by the Governor on January 30, 1984, for the term ending December 26, 1987, succeeding himself. Reported by Committee on Transportation

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 4341,
 SENATE BILL NO. 4342,
 SECOND SUBSTITUTE SENATE BILL NO. 4380,
 SENATE BILL NO. 4460,
 SUBSTITUTE SENATE BILL NO. 4503,
 SENATE BILL NO. 4642,
 SENATE BILL NO. 4787.

MOTION

At 11:33 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, February 17, 1984.

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

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 17, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Hughes and Quigg. On motion of Senator Bluechel, Senators Benitz and Quigg were excused. On motion of Senator Vognild, Senators Bender and Hughes were excused.

The Sergeant at Arms Color Guard, consisting of Pages Marcie Mueller and Gina Atwood, presented the Colors. Reverend Arla Elston, pastor of the First Christian Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 1984

SHB 69 Prime Sponsor, Committee on State Government: Providing for Martin Luther King, Jr.'s birthday as a state and school holiday. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 145 Prime Sponsor, Committee on Education: Revising certain laws regulating common schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1984

2SHB 689 Prime Sponsor, Committee on Commerce and Economic Development: Establishing the small business assistance coordinating council. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Moore, Williams.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 977 Prime Sponsor, Committee on Judiciary: Delaying the effective date of administrative revocation of driver's licenses for DWI violations and instituting an interim system of temporary licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Granlund, Owen, Paterson.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1017 Prime Sponsor, Committee on Education: Changing the axle requirements for school buses. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Hughes, McDermott.

Passed to Committee on Rules for second reading.

February 16, 1984

HB 1119 Prime Sponsor, Representative Walk: Clarifying provisions of emergency purchases by state agencies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Rinehart.

Passed to Committee on Rules for second reading.

February 16, 1984

EHB 1142 Prime Sponsor, Representative Dellwo: Modifying procedures for filing claims for occupational disease. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McDonald, McManus, Moore and Shinpoch.

Passed to Committee on Rules for second reading.

February 15, 1984

ESHB 1227 Prime Sponsor, Committee on Environmental Affairs: Providing for management of state park land. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Hansen, Hurley, Kiskaddon, Lee, Rasmussen, Williams.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 1262 Prime Sponsor, Committee on Commerce and Economic Development: Facilitating economic development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Williams.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1266 Prime Sponsor, Committee on State Government: Creating a memorial honoring Washington residents who died or are missing in action in southeast Asia. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1279 Prime Sponsor, Committee on State Government: Exempting the state convention and trade center from civil service. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 15, 1984

ESHB 1311 Prime Sponsor, Committee on Education: Requiring preschool education for handicapped children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Guess, Hemstad, Kiskaddon, Lee, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 15, 1984

EHB 1348 Prime Sponsor, Representative Jacobsen: Providing exemptions from payment of operating fees to certain students with graduate service appointments. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Fleming, Hughes, Lee, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 16, 1984

EHB 1369 Prime Sponsor, Representative O'Brien: Creating a state medal of merit. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1400 Prime Sponsor, Committee on Education: Revising the laws governing associated student bodies in common schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 16, 1984

HB 1416 Prime Sponsor, Representative P. King: Revising physical education requirements. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Craswell, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1439 Prime Sponsor, Committee on Labor: Modifying provisions relating to unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McDonald, McManus, Moore, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1449 Prime Sponsor, Committee on Education: Revising the remediation assistance program. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Patterson, Warnke.

MINORITY recommendation: Do not pass as amended. Signed by Senators Craswell, Guess.

Passed to Committee on Rules for second reading.

February 16, 1984

ESHB 1456 Prime Sponsor, Committee on Education: Revising requirements for transitional bilingual education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hughes, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 15, 1984

SHB 1582 Prime Sponsor, Committee on Ways and Means: Extending funding for enforcement of DWI laws. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Fleming, Hughes, Lee, McDonald, Rinehart, Talmadge, Thompson.

Passed to Committee on Rules for second reading.

February 15, 1984

EHB 1636 Prime Sponsor, Representative J. King: Establishing a strategic economic development commission. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Refer to Ways and Means without recommendation. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Williams.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENT

February 15, 1984

GA 142 ROBERT D. ALVERSON, to the position of member of the Pacific Marine Fisheries Commission, appointed by the Governor on June 20, 1983, for the term ending June 12, 1987, succeeding himself. Reported by Committee on Natural Resources

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Paterson, Vognild.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 16, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 40, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 16, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 3376,

SUBSTITUTE SENATE BILL NO. 4274,

SUBSTITUTE SENATE BILL NO. 4357,

SENATE BILL NO. 4475, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 16, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4341.

SENATE BILL NO. 4342.

SECOND SUBSTITUTE SENATE BILL NO. 4380.

SENATE BILL NO. 4460.

SUBSTITUTE SENATE BILL NO. 4503.

SENATE BILL NO. 4642.

SENATE BILL NO. 4787, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 40.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rinehart, the appointment of Irwin J. LeCocq as a member of the Board of Trustees for Western Washington University was confirmed.

APPOINTMENT OF IRWIN J. LeCOCQ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yeas: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Absent: Senators McManus, Wojahn - 2.

Excused: Senators Bender, Benitz, Hughes, Quigg - 4.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the following members of the Alaska Legislature who were seated with him on the rostrum: Senator Bettye M. Fahrenkamp, Senator Robert H. Ziegler, Sr., Senator Patrick Rodey, Representative Ramona Barnes, Representative Charlie Bussell, Representative Albert P. Adams and Representative Anthony Vaska.

With permission of the Senate, business was suspended to permit the Honorable Robert H. Ziegler to address the Senate.

MOTION

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

MOTION

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

SENATE RESOLUTION 1984-147

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

WHEREAS, John M. Fluke, Sr., founded, operated and served as Chairman of the Board for John Fluke Manufacturing Company, Inc., over the past thirty years; and

WHEREAS, Mr. Fluke was a native Washingtonian who built Fluke Manufacturing, which has grown into one of Washington's major businesses; and

WHEREAS, Mr. Fluke committed his life to strengthening the educational, business and economic health of Washington State through his many activities and interests; and

WHEREAS, It was Mr. Fluke's speech before the Seattle Chamber of Commerce in September, 1982, which prompted appointment of the Governor's Committee on High Technology and Advancement and which initiated legislative action on legislation creating the High Technology Coordinating Board; and

WHEREAS, Mr. Fluke's message to business and government leaders was one stressing the need for a closer working relationship between the two, the need for expanding and promoting world trade, and for improving the quality of our K-12 public school program; and

WHEREAS, Many legislative proposals introduced and being debated by this legislature have a direct relationship to the cooperative spirit needed between business and government, betterment of our public school system, and development of world trade all as suggested by Mr. Fluke;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate Assembled in the 1984 Regular Session, 48th Legislature at Olympia, That we pause to honor John M. Fluke, Sr., who passed away Saturday, February 11, 1984, and express our appreciation for his capable leadership which benefited all Washingtonians; and

BE IT FURTHER RESOLVED, That the Senate express its condolences to Mrs. Lyla Fluke, his wife, daughter Virginia Fluke Gabelein, and sons John M. Fluke, Jr., and David Fluke, during their period of mourning.

MOTION

On motion of Senator Bottiger, all members and the Lieutenant Governor will be added as additional sponsors of Senate Resolution 1984-147.

MOTION

At 10:44 a.m., on motion of Senator Shinpoch, the Senate recessed until 11:15 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:24 a.m.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435, by Committee on Local Government (originally sponsored by Representative Hankins)

Providing for classification of certain consolidations of noncharter code cities.

The bill was read the second time.

MOTION

Senator Hayner moved the following amendments by Senators Hayner and Patterson be considered and adopted simultaneously:

On page 1, line 9 after "government," strike "shall" and insert "may"

On page 3, line 18 after "consolidation" strike "shall" and insert "may"

Debate ensued.

Senator Hayner demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hayner and Patterson.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed and the amendments were not adopted by the following vote: Yeas, 19; nays, 25; absent, 02; excused, 03.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, Newhouse, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 19.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senators McDonald, Metcalf - 2.

Excused: Senators Benitz, Hughes, Quigg - 3.

MOTIONS

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1435 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator Metcalf was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1435.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1435, and the bill passed the Senate by the following vote: Yeas, 42; nays, 02; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Patterson, Pullen - 2.

Absent: Senator McDonald - 1.

Excused: Senators Benitz, Hughes, Metcalf, Quigg - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1435, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083, by Committee on Ways and Means (originally sponsored by Representative Grimm)

Establishing the state economic and revenue forecasting council.

The bill was read the second time.

MOTION

Senator McDermott moved the following Committee on Ways and Means amendment be adopted:

On page 12, line 28, after "act" strike the remainder of the sentence and insert "is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 1083 was deferred.

On motion of Senator Bluechel, Senator Hemstad was excused.

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

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4506 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.040 are each amended to read as follows:

The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after August 9, 1971 shall be members of this system. (~~Any person serving as a judge on August 9, 1971 and who is covered under the provisions of chapter 2.12 RCW shall have the option of transferring to this system. Said transfer shall be in writing and received by the Washington judicial retirement board not later than one~~

calendar year after August 9, 1974): PROVIDED, That following the effective date of this 1984 act, any newly elected or appointed judge holding credit toward retirement benefits under chapter 41.40 RCW shall be allowed thirty days from the effective date of election or appointment to such judgeship to make an irrevocable choice filed in writing with the department of retirement systems to continue coverage under that chapter and to be permanently excluded from coverage under this chapter for the current or any future term as a judge.

Sec. 2. Section 14, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.140 are each amended to read as follows:

A surviving spouse of any judge holding such office, or if he dies after having retired and who, at the time of his death, has served ten or more years in the aggregate, shall receive a monthly allowance equal to fifty percent of the retirement allowance the retired judge was receiving, or fifty percent of the retirement allowance the active judge would have received had he been retired on the date of his death, but in no event less than twenty-five percent of the final average salary that the deceased judge was receiving: PROVIDED, That said surviving spouse had been married to the judge for a minimum of ~~((three))~~ two years at time of death: AND PROVIDED FURTHER, That if the surviving spouse remarries all benefits under this chapter shall cease.

NEW SECTION. Sec. 3. Section 2 of this 1984 act applies in respect to each surviving spouse who first applies for benefits under RCW 2.10.140 after January 1, 1984.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "system;" strike the remainder of the title and insert "amending section 4, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.040; amending section 14, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.140; creating a new section; and declaring an emergency".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4506.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4506, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4506, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Benitz, Hemstad, Hughes, Quigg - 4.

ENGROSSED SENATE BILL NO. 4506, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 14, 1984

Mr. President:

The House has adopted SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 140 with the following amendments:

On page 1, line 2 after "concurring," strike the remainder of the resolution and insert "That a special negotiation team be established to participate in the potential settlement of the comparable worth lawsuit (AFSCME, et al. v. State of Washington, et al.); and

BE IT FURTHER RESOLVED, That the state government settlement team shall direct its legal counsel to pursue settlement of the comparable worth litigation and shall meet and consult with legal counsel throughout the course of the settlement discussions; and

BE IT FURTHER RESOLVED, That the state government settlement team shall be composed of: The Speaker and Minority Leader of the House of Representatives; the Majority Leader and Minority Leader of the Senate; the chair of the Ways and Means Committee of each house; and the chair of the joint select committee on comparable worth; and

BE IT FURTHER RESOLVED, That the legislature requests the Governor or the Governor's designee, the director of the office of financial management, the director of personnel and the director of the higher education personnel board to join the state government settlement team and participate in its activities; and

BE IT FURTHER RESOLVED, That the state government settlement team shall meet with legal counsel on an attorney-client basis; and

BE IT FURTHER RESOLVED, That the state government settlement team shall report to the legislature on the progress of the settlement discussions from time to time, and report any recommendations, no later than December 1, 1984; and

BE IT FURTHER RESOLVED, That copies of this resolution shall be transmitted to all members of the state government settlement team and the attorney general."

On page 1, strike lines 12 through 19 and insert: "BE IT FURTHER RESOLVED, That the state government settlement team shall consult and confer with the attorney general concerning the advisability of pursuing settlement of the comparable worth litigation and if such settlement negotiations are pursued, shall consult and confer with the attorney general concerning the negotiation strategy and positions taken on behalf of the state of Washington; and".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McDermott moved that the Senate do concur in the House amendments to Substitute Senate Concurrent Resolution No. 140.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "The question I had, Senator McDermott, I note that in the explanation 'the team shall meet with the Attorney General on an attorney/client basis'—it's a rather strange provision for a legislative team to meet with the Attorney General on an attorney/client basis. What would be the logical explanation of that—confidentiality that the Attorney General may not reveal what his clients, the legislators, are talking about?"

Senator McDermott: "Senator Rasmussen, it was our hope that in a negotiation like this that there would be a possibility to have some closed discussions where everything was not done out in the public arena. Ultimately, everything that happens would have to come into the public arena, but there has to be a period between the attorney and the client where you discuss precisely what the reasonable offer would be and we wanted to do that issue in private under the confidentiality provision, so that we could then come out with a public proposal."

Further debate ensued.

MOTION

On motion of Senator Bluechel, Senator Kiskaddon was excused.

The President declared the question before the Senate to be concurrence in the House amendments to Substitute Senate Concurrent Resolution No. 140.

The motion by Senator McDermott carried and the Senate concurred in the House amendments to Substitute Senate Concurrent Resolution No. 140.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Concurrent Resolution No. 140, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Concurrent Resolution No. 140, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 28; nays, 16; absent, 00; excused, 05.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Lee, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hurley, McCaslin, McDonald, Newhouse, Owen, Patterson, Pullen, Vognild, Zimmerman - 16.

Excused: Senators Benitz, Hughes, Kiskaddon, Metcalf, Quigg - 5.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 140, as amended by the House, having received the constitutional majority, was declared passed.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 3376,
 SUBSTITUTE SENATE BILL NO. 4274,
 SUBSTITUTE SENATE BILL NO. 4357,
 SENATE BILL NO. 4475.

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

REPORTS OF STANDING COMMITTEES

February 16, 1984

EHB 1133 Prime Sponsor, Representative Sommers: Specifying requirements for political advertising. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 8, 1984

EHB 1149 Prime Sponsor, Representative Monohon: Authorizing certain members of affiliated organizations and their auxiliaries to assist other chapters or units with gambling activities. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McManus, Moore, Quigg, Shinpoch.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1153 Prime Sponsor, Committee on Environmental Affairs: Modifying provisions on radioactive materials. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1234 Prime Sponsor, Committee on Energy and Utilities: Restricting the use of automated telephone dialing and message devices. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, Moore.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1270 Prime Sponsor, Committee on Judiciary: Revising mobile home landlord-tenant act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1390 Prime Sponsor, Committee on Transportation: Granting disabled persons from other states having special license plates the same parking privileges as disabled persons in this state. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Conner, Granlund, Guess, Haley, Vognild.

Passed to Committee on Rules for second reading.

February 15, 1984

EHB 1409 Prime Sponsor, Representative Prince: Including driving records of owner-operators within the employment driving record. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Guess, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 15, 1984

HB 1413 Prime Sponsor, Representative Walk: Revising regulation of railroads. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Owen, Patterson.

Passed to Committee on Rules for second reading.

February 16, 1984

EHB 1427 Prime Sponsor, Representative Sutherland: Requiring identification placards on vehicles using alternative fuel sources. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Granlund, Guess, Haley, Peterson, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1984

SHB 1668 Prime Sponsor, Committee on Transportation: Prohibiting the sale of motor vehicle fuel containing alcohol unless the dispensing device is labeled. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Conner, Guess, Patterson, Sellar, Vognild.

Passed to Committee on Rules for second reading.

February 16, 1984

HB 1530 Prime Sponsor, Representative Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Chairman; Hansen, Vice Chairman; Bender, Conner, Granlund, Guess, Haley, Patterson, Vognild.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

February 16, 1984

GA 203 CHARLES T. COLLINS, to the position of Member of the Pacific Northwest Electric Power and Conservation Planning Council, appointed by the Governor on January 31, 1984, for the term ending January 15, 1986, succeeding himself. Reported by Committee on Energy and Utilities

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, McManus.

Passed to Committee on Rules.

MOTION

At 12:15 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, February 20, 1984.

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

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 20, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Benitz, Hansen, Hurley, McManus, Pullen, von Reichbauer and Williams. On motion of Senator Vognild, Senators Bender and Hansen were excused. On motion of Senator Zimmerman, Senators Benitz and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Steven Miller and Melissa Winn, presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 16, 1984

EHB 517 Prime Sponsor, Representative Grimm: Requiring operators of carnival rides to possess liability insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McManus, Newhouse, Quigg, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 16, 1984

ESHB 626 Prime Sponsor, Committee on Judiciary: Modifying provisions concerning adoption. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 17, 1984

SHB 1106 Prime Sponsor, Committee on Judiciary: Creating the crime of computer trespass. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 16, 1984

HB 1135 Prime Sponsor, Representative Hine: Revising the notice requirements for motor vehicle warranties. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 16, 1984

HB 1219 Prime Sponsor, Representative R. King: Establishing collective bargaining procedures for community college employees. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

February 17, 1984

SHB 1282 Prime Sponsor, Committee on Constitution, Elections and Ethics: Revising qualifying procedures for indigent candidates. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 17, 1984

EHB 1507 Prime Sponsor, Representative Hine: Prescribing minimum penalties for prostitution. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 17, 1984

HB 1517 Prime Sponsor, Representative McMullen: Modifying provisions relating to executive conflicts of interest. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 17, 1984

ESHB 1687 Prime Sponsor, Committee on Judiciary: Penalizing custodial interference. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed:

HOUSE BILL NO. 1201,

HOUSE BILL NO. 1209,

SUBSTITUTE HOUSE BILL NO. 1275, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILLS

HB 1201 by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

Referred to Committee on Ways and Means.

HB 1209 by Representatives Grimm and Tilly (by Department of Revenue request)

Authorizing the use of average assessment levels in equalizing personal property assessments.

Referred to Committee on Ways and Means.

SHB 1275 by Committee on Ways and Means (originally sponsored by Representatives Niemi, Burns, D. Nelson, Armstrong, Sommers and Brekke)

Imposing the real estate excise tax on floating homes.

Referred to Committee on Ways and Means.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, the appointment of Isabelle Lamb as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF ISABELLE LAMB

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bauer, Hurley, McManus, Williams - 4.

Excused: Senators Bender, Benitz, Hansen, Pullen - 4.

MOTION

On motion of Senator Vognild, the appointment of J. Marvin Lekstrum as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF J. MARVIN LEKSTRUM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Bender, Benitz, Hansen, Pullen - 4.

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

MESSAGES FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 4312,

SENATE BILL NO. 4469,

SUBSTITUTE SENATE BILL NO. 4620, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 17, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3376,

SUBSTITUTE SENATE BILL NO. 4274,

SUBSTITUTE SENATE BILL NO. 4357,

SENATE BILL NO. 4475, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 17, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 713,

SUBSTITUTE HOUSE BILL NO. 791.

SUBSTITUTE HOUSE BILL NO. 1101,
 HOUSE BILL NO. 1107,
 HOUSE BILL NO. 1108,
 HOUSE BILL NO. 1110,
 SUBSTITUTE HOUSE BILL NO. 1188,
 SUBSTITUTE HOUSE BILL NO. 1418,
 HOUSE JOINT MEMORIAL NO. 33, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 713,
 SUBSTITUTE HOUSE BILL NO. 791,
 SUBSTITUTE HOUSE BILL NO. 1101,
 HOUSE BILL NO. 1107,
 HOUSE BILL NO. 1108,
 HOUSE BILL NO. 1110,
 SUBSTITUTE HOUSE BILL NO. 1188,
 SUBSTITUTE HOUSE BILL NO. 1418,
 HOUSE JOINT MEMORIAL NO. 33.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 140.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4506.

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

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 1083 and the pending Committee on Ways and Means amendment to page 12, line 28, proposed by Senator McDermott on February 17, 1984.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment to page 12, line 28.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment was adopted.

MOTIONS

On motion of Senator Shinpoch, the following amendment by Senators Shinpoch and McDonald was adopted:

On page 1, line 32, after "representatives," insert "The chair of the council shall be selected from among the four caucus appointees. The council may select such other officers as the members deem necessary."

On motion of Senator McDermott, the following amendment by Senator Shinpoch was adopted:

On page 12, after line 27, insert:

"NEW SECTION. Sec. 13. There is appropriated for the biennium ending June 30, 1985, from the general fund to the department of revenue the sum of three hundred ten thousand dollars, or as much thereof as may be necessary for the purposes of this act."

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

On page 1, line 15 of the title, strike "and providing an effective date" and insert "and declaring an emergency"

On page 1, line 14 of the title, after "RCW;" on line 15, insert "making an appropriation."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1083, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1083, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1083, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bender, Benitz, Hansen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1210, by Committee on Transportation (originally sponsored by Representatives Walk, Schmidt, Sutherland, Betzoff, Mitchell, Wilson, Clayton, Brough and Schoon (by Department of Transportation request)

Adding twelve civil service exempt positions for ferry management.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1210 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1210.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1210, and the bill passed the Senate by the following vote: Yeas, 33; nays, 13; absent, 00; excused, 03.

Voting yea: Senators Barr, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Thompson, von Reichbauer, Woody, Zimmerman - 33.

Voting nay: Senators Bauer, Bottiger, Fleming, Hughes, Hurley, McDermott, Pullen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn - 13.

Excused: Senators Bender, Benitz, Hansen - 3.

SUBSTITUTE HOUSE BILL NO. 1210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1149, by Representatives Monohon, Barrett, Fisch, Lewis, McClure, Vekich, Sayan, Struthers, Brough, R. King, McMullen, Padden, Tanner, Holland, Todd and Powers

Authorizing certain members of affiliated organizations and their auxiliaries to assist other chapters or units with gambling activities.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, Senator Newhouse was excused.

On motion of Senator Vognild, the following amendment was adopted:
On page 3, line 26, after "officers", strike "and" and insert "~~(and)~~ or"

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

On page 13, beginning on line 6, strike all material through "event" on line 7 and insert:

"The gross wagers and bets received by the organizations less the amount of money paid by the organizations as winnings and for the purchase costs of prizes given as winnings may not exceed ten thousand dollars during the total calendar days of such event"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1149, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Metcalf: "Thank you, Mr. President. A point of parliamentary inquiry, is this measure an expansion of gambling to the extent that it would require a sixty percent vote or does it just require a majority vote?"

REPLY BY THE PRESIDENT

President Cherberg: "This bill requires a sixty percent favorable vote of the members elected to the Senate."

POINT OF INQUIRY

Senator Metcalf: "Then, I would like to ask Senator Vognild to go over it again, because perhaps some did not pick up the significance. What is the specific extension that would make this require the sixty percent vote? What are we doing here that is substantially beyond what we are doing presently?"

Senator Vognild: "Senator Metcalf, you put me in a very awkward position with that question. I certainly don't like to challenge the chair's ruling, nor would I challenge it formally. However, in my opinion, there is nothing expanding in this bill. There is no new gambling activity allowed. There is nothing allowed through this bill that has not been previously allowed by law in terms of gambling. What we have done is increase the amount of money they can make--that they can actually take--and use for their nonprofit operation from five thousand to ten thousand. We have allowed interrelated clubs, to the next highest level, to assist each other. This is something that previously, I guess, could be done through a very complicated licensing situation, but it is not a practical thing. This will now make it practical."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1149, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1149, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 11; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Granlund, Haley, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 35.

Voting nay: Senators Bluechel, Craswell, Goltz, Guess, Hayner, Hemstad, Kiskaddon, McDonald, Metcalf, Pullen, Zimmerman - 11.

Excused: Senators Benitz, Hansen, Newhouse - 3.

ENGROSSED HOUSE BILL NO. 1149, as amended by the Senate, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1128, by Representatives Charnley and Brough

Filling vacancies of special purpose district representatives.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1128 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1128.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1128, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Hansen, Newhouse - 3.

HOUSE BILL NO. 1128, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1304, by Representatives Smitherman, Heck and Barnes

Defining teachers eligible under the teachers' retirement system.

The bill was read the second time.

MOTION

Senator McDermott moved the following amendment be adopted:

On page 8, after line 19, insert:

"NEW SECTION. Sec. 3. There is added to chapter 41.40 RCW a new section to read as follows:

The director is authorized to waive RCW 41.40.120(3) for any retired member who qualifies for reentry under RCW 41.40.150 (6)(b)."

POINT OF INQUIRY

Senator Lee: "Senator McDermott, I was just wondering what type of problems you were alluding to?"

Senator McDermott: "From time to time, Senator, there are people who are in the school teachers' retirement system and they retire and then they get another job and want to get back into the retirement system and they have difficulties with the system and this allows the director some flexibility in dealing with this."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

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

MOTIONS

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

On page 1, line 3 of the title, strike "and" and on line 4, after "RCW" insert "; and adding a new section to chapter 41.40 RCW"

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1304, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1304, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1304, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Hurley, Metcalf - 2.

Excused: Senators Benitz, Hansen - 2.

ENGROSSED HOUSE BILL NO. 1304, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4831, deferred on February 15, 1984.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senator Benitz was adopted:

On page 20, line 7, delete "requestor" and insert "department to provide reasons why further information is needed and"

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

On page 20, line 14, after "chapter" insert "following legislative appropriation"

On page 20, line 17, after "RCW" strike ", but no appropriation is required for disbursement"

Senator Fuller moved the following amendments be considered and adopted simultaneously:

On page 20, line 18, after "employer" insert "and employee"

On page 20, line 18, after "of" strike "seventy-five cents per employee" and insert "thirty-cents"

On page 20, line 22, after "insurance." strike "Fees collected under this subsection shall not exceed thirty thousand dollars per employer per year."

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Fuller.

ROLL CALL

The Secretary called the roll and the motion by Senator Fuller failed and the amendments were not adopted by the following vote: Yeas, 16; nays, 30; absent, 01; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Metcalf, Quigg, Sellar, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Absent: Senator Patterson - 1.

Excused: Senators Benitz, Hansen - 2.

MOTION

Senator Zimmerman moved adoption of the following amendment:

On page 20, line 9, after "section" delete everything up to and including "chapter" on page 21, line 9.

Debate ensued.

POINT OF INQUIRY

Senator Quigg: "Could Senator Talmadge or Senator Hughes yield regarding the employment tax to be implemented? Senator Talmadge, when will the tax be

collected if the program is not implemented until '86? When will the employer pay the taxes?"

Senator Talmadge: "Senator, you will notice that in the bill we made a provision that required the collection of the seventy-five cent fee as a surcharge to the ordinary collection of fees in the industrial insurance system. That way we didn't have a parallel fee collection mechanism, but rather use what we already had in place to do that kind of work."

Senator Quigg: "So, would that occur on the first quarter after the bill takes effect or—"

Senator Talmadge: "I'm not sure what the mechanism will be for the Department of Labor and Industries, but my understanding is that they would collect the seventy-five cent fee during the upcoming year."

Further debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 26; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Benitz, Hansen - 2.

MOTIONS

On motion of Senator Newhouse, the following amendment by Senator Benitz was adopted:

On page 21, line 20, following "to" insert "begin to"

Senator Bluechel moved adoption of the following amendment:

On page 21, line 20, after "within" strike "twenty-four hours" and insert "fourteen days"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel carried and the amendment was adopted by the following vote: Yeas, 24; nays, 23; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 23.

Excused: Senators Benitz, Hansen - 2.

MOTIONS

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

On page 21, line 21, after "department" strike "shall" and insert "may"

Senator Owen moved adoption of the following amendment:

On page 21, line 23, after "department," insert "Individual circumstances may exist in which application of this section works in opposition to the objective desired. Individual exceptions to this section may be authorized by the department when the individual's situation differs from that of the majority or the circumstances are peculiar."

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Owen.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed, the President voting 'nay', by the following vote: Yeas, 23; nays, 23; absent, 01; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, Warnke, Williams, Wojahn, Woody - 23.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, Hansen - 2.

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute Senate Bill No. 4831 was deferred.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 1435.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 4312,
 SENATE BILL NO. 4469,
 SUBSTITUTE SENATE BILL NO. 4620.

MOTION

At 12:00 noon, on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 17, 1984

2SHB 85 Prime Sponsor, Committee on Labor: Expanding number of counties subject to binding arbitration for law enforcement officers. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Barr, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

EHB 574 Prime Sponsor, Representative Hine: Authorizing the consideration by local government of local excise tax revenues arising from local purchases in awarding purchase contracts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

SHB 1124 Prime Sponsor, Committee on Local Government: Simplifying government borrowing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

SHB 1127 Prime Sponsor, Committee on Local Government: Providing a means to transfer sewer or water system operations from a county to a sewer or water district. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

EHB 1408 Prime Sponsor, Representative Grimm: Authorizing cities and towns to conduct and fund historic preservation activities. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

SHB 1415 Prime Sponsor, Committee on Constitution, Elections and Ethics: Authorizing local voters' pamphlets. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

EHB 1509 Prime Sponsor, Representative Tanner: Authorizing a county tax on nonresidents of the state employed in the county. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 17, 1984

HCR 39 Prime Sponsor, Representative Van Dyken: Establishing a joint select committee to review laws and policies related to community growth and development. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1435, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Warnke, the appointment of Mark C. Endresen as a member of the Public Employment Relations Commission was confirmed.

APPOINTMENT OF MARK C. ENDRESEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 05; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Conner, Hemstad, McDermott, McManus, Owen - 5.

Excused: Senators Benitz, Hansen - 2.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4831, deferred earlier today.

MOTION

Senator Quigg moved adoption of the following amendment:

On page 22, after line 10, insert:

NEW SECTION, Sec. 30. The legislature finds and declares that the costs and burdens placed on the employer by sections 1 through 29 of this act are excessive and need to be relieved. As a large portion of costs imposed upon the employer by the state relates to industrial insurance, the legislature finds that relief from the costs imposed by industrial insurance requirements is needed by employers affected by sections 1 through 29 of this act.

Sec. 31. Section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010 are each amended to read as follows:

Every employer under this title shall secure the payment of compensation under this title by:

(1) Insuring and keeping insured the payment of such ~~((benefits))~~ compensation with the state fund; ~~((or))~~

(2) Qualifying as a self-insurer under this title; or

(3) After December 31, 1984, insuring and keeping insured the payment of such compensation with any private insurer authorized by the insurance commissioner to transact workers' compensation insurance in this state.

NEW SECTION, Sec. 32. The insurance commissioner shall, prior to December 31, 1984, adopt rules to implement RCW 51.14.010 which provides for the qualification of insurers, the classification of risks, the making of rates, and any other matters necessary in the commissioner's judgment to ensure the operation in the state of a system of fair compensation in the workers' compensation market. The state fund, as defined in RCW 51.08.175, is subject to the rules adopted under this section.

NEW SECTION, Sec. 33. Section 32 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION, Sec. 34. There is appropriated from the general fund to the insurance commissioner for the biennium ending June 30, 1985, the sum of fifty thousand dollars, or so much thereof as may be necessary, to implement section 32 of this act."

Renumber the remaining section accordingly.

POINT OF ORDER

Senator Talmadge: "Mr. President, a point of order. I would submit that the amendment on page 22, line 10, by Senator Quigg clearly expands the scope and object of the bill and I would like to speak to that point of order.

"Mr. President, if you're thinking about it, you might also take a look at the amendment on page 22, line 14, because it is essentially the same thing. Senator Quigg has used a lot of pejorative terms in describing the bill--of sneaking by you and all the other things that are contained in speech B7 that Senator Quigg has given again and again and again out here on the floor. This is an act relating to community and worker right-to-know. It's contained in Title 49 of RCW. The proposal by Senator Quigg relates to Title 51 of RCW. It relates to neither the scope nor the object of the bill and I submit that it is outside of the scope and object."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Second Substitute Senate Bill No. 4831 and the pending amendment by Senator Quigg was deferred.

President Pro Tempore Goltz assumed the chair.

SECOND READING

HOUSE BILL NO. 1147, by Representatives Haugen, McMullen, McClure, Fisch, Smitherman, Jacobsen, Zellinsky, Schmidt, Fiske, Wilson, Powers, Fisher, Tanner, J. Williams and P. King

Authorizing bed and breakfast facilities to serve beer and wine.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1147 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1147.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1147, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCasin, McDermott, McDonald, McManus, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 41.

Voting nay: Senators Craswell, Guess, Metcalf, Pullen, Zimmerman - 5.

Absent: Senator Owen - 1.

Excused: Senators Benitz, Hansen - 2.

HOUSE BILL NO. 1147, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4831 and the pending amendment by Senator Quigg.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Talmadge, the President finds that Second Substitute Senate Bill No. 4831 is a measure which deals with the subject of a worker's right to know what hazardous substances are present in the workplace environment.

"The amendment proposed by Senator Quigg, among other things, deals with the totally different subject of allowing private insurance companies to offer worker compensation insurance.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

At 1:51 p.m., on motion of Senator Bottiger, the Senate recessed until 2:05 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:12 p.m.

There being no objection, the Senate resumed consideration of Second Substitute Senate Bill No. 4831.

MOTION

Senator Quigg moved that the following amendment be adopted:

On page 22, after line 14, insert:

"NEW SECTION. Sec. 31. This act shall take effect only if the legislature provides for payment of compensation under Title 51 RCW by all of the following methods: (1) Insuring and keeping insured the payment of compensation with the state fund; (2) Qualifying as a self insurer under Title 51 RCW; and (3) Insuring and keeping insured the payment of such compensation with any private insurer authorized by the insurance commissioner to transact workers' compensation insurance in this state."

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the question of scope and object on the amendment. The bill before us has a very narrow title dealing with the knowledge of the workmen within the workplace, as to the kinds of chemicals that they are dealing with--the hazardous nature of those chemicals. Senator Quigg, by his proposed new section 13, would delay the effective date until some future action occurs by the Legislature. He specifically indicates the kinds of future action that must occur and that's the introduction of the concept of private insurance companies insuring people in the workplace.

"Now, I will agree with Senator Quigg that within the phrase of scope and object of the act, this probably falls within the scope. What I've understood of the prior rulings of the President to be that there are two subject matters in the ruling. Scope refers to the title, and under a pure scope ruling, this amendment might hang; but the object or intent of the legislation--are we expanding the intent of the legislation by adopting the amendment? As I understand, that portion of the prior rulings of this body, it has gone to the question of whether the average person seeing a bill introduced, reading the bill, would know that a subject matter might be introduced into that bill that should cause him to attend hearings and should cause committee chairmen to conduct hearings on the fiscal impact--all the rest of the nature that might be occasioned by the adoption of a new subject matter into the bill.

"In that respect, this proposed amendment clearly is outside the intent of the bill. It's outside the object for which the bill was introduced and becomes an entirely new subject matter on which no hearings were held, no knowledge of the committee or this Legislature has before it. For that reason, Mr. President, I believe that the proposed amendment does expand the object of the bill--the intent for which the legislation was introduced."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Second Substitute Senate Bill No. 4831 is a measure which deals with the subject of a worker's right to know what hazardous substances are present in the workplace environment.

"The amendment proposed by Senator Quigg deals with the totally different subject of allowing private insurance companies to offer worker compensation insurance.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

APPEAL OF THE PRESIDENT'S RULING

Senator Quigg: "Mr. President, I rise to appeal the decision of the chair and ask for a roll call on whether the decision of the chair shall stand as the judgment of the Senate."

Debate ensued.

The demand for a roll call by Senator Quigg was sustained.

The President declared the question before the Senate to be the roll call on the question of shall the decision of the chair stand as the judgment of the Senate. The President advised those who agreed with the decision of the chair to vote 'aye' and those opposed to the decision of the chair to vote 'nay.'

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the appeal of the decision of the chair lost by the following vote: Yeas, 26; nays, 21; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndil, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalfe, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Excused: Senators Benitz, Hansen - 2.

MOTION

Senator Newhouse moved adoption of the following amendment:

On page 5, line 4, following "use" add: "If the hazardous substance is labeled pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, the manufacturer shall be relieved of the obligation to provide a specific purchaser of a hazardous substance with a material safety data sheet and the employer shall be relieved of the obligation to have a material safety data sheet as per this section and section 7 of this act."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Newhouse.

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

MOTION

Senator Barr moved adoption of the following amendment:

On page 8, line 24, after "claim," strike section 4 and section 5 through page 10, line 9 and insert the following:

"NEW SECTION, Sec. 4. (1) The application of this chapter is limited with respect to the following employees:

(a) Fewer than four full-time agricultural employees working for a single agricultural employer;

(b) Employees of handlers of sewage or solid waste;

(c) Employees of research and development laboratories;

(d) Employees who are performing duties subject to regulations regarding the transportation of hazardous substances promulgated by any of the following agencies:

(i) The federal department of transportation;

(ii) The Washington utilities and transportation commission; or

(iii) The international maritime organization of the United Nations;

(e) Other employees who are performing duties directly relating to the transportation of hazardous substances.

(2) Employers shall be limited to the following responsibilities under this chapter with regard to employees listed in subsection (1) of this section:

(a) Extensive education and training programs shall be provided to employees in accordance with section 13 of this act;

(b) Employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced;

(c) Employers shall maintain material safety data sheets that are received with incoming shipments of hazardous substances, and ensure that they are readily accessible to employees;

(d) The workplace survey required by section 6 of this act shall be completed to the extent that information is reasonably available; and

(e) Any employee who is exposed to a hazardous substance shall be immediately provided with a material safety data sheet if possible.

(3) The limitations in this section apply only to employees directly involved in the transportation and handling of hazardous substances directly involved in laboratory research, or directly involved in handling sewage or solid waste. Employees not directly involved in the transportation and handling of hazardous substances, not directly involved in laboratory research, not directly involved in handling sewage or solid waste are covered by the full terms of this chapter.

NEW SECTION, Sec. 5. (1) The department, after consultation with the department of agriculture and the department of ecology, shall develop a workplace hazardous substances list in accordance with rules adopted under chapter 34.04 RCW that shall include:

(a) Any substance regulated under the Washington industrial safety and health act, chapter 49.17 RCW;

(b) Those environmental hazardous substances designated by the federal Environmental Protection Agency pursuant to section 307 and 311 of the federal Clean Water Act of 1977 (33

U.S.C. Secs. 1317 and 1321 respectively) or as hazardous air pollutants pursuant to section 112 of the federal Clean Air Act (42 U.S.C. Sec. 4712) as amended, which have known adverse human health risks:

(c) Substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC);

(d) Substances for which an information alert has been issued by the department; and

(e) Any other substance which the department, based on documented scientific evidence, determines may pose a threat to the health or safety of an employee.

(2) The department shall develop by rule, in accordance with chapter 34.04 RCW, criteria by which hazardous substances may be placed or deleted from the list established under this section."

Debate ensued.

Senator Barr demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Barr.

ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendment was not adopted by the following vote: Yeas, 23; nays, 24; absent, 00; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Guigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurlay, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senators Benitz, Hansen - 2.

MOTION

Senator Barr moved that the following amendment be adopted:

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

NEW SECTION. Sec. 1. The legislature finds that hazardous substances in the environment pose a threat to the public health, safety, and welfare. The increasing number and variety of hazardous substances has made it difficult and expensive to adequately monitor and detect the adverse health effects of these substances. There is also a growing interest among individuals to know the full range of the risk they face so they can make reasoned decisions and take informed action concerning their employment and their living conditions.

The legislature also finds that local health, fire, police, safety and other government officials require detailed information about the identity, characteristics, and quantities of hazardous substances used and stored in their communities. The extent of toxic contamination of the air, water, and land in this state has caused great concern among its residents. Much of this concern is based on the unfamiliarity of these hazardous substances to residents.

The legislature further finds that there is uncertainty concerning the effective application of the federal right to know act adopted by the Occupational Safety and Health Administration and its effect on our state's employers and industries. Additional information is required to determine if these federal standards should be expanded to further protect employees. The issues of chemicals to be restricted, employees covered, industries affected, reporting procedures, impact on employers and industries, community information accessibility, appropriate training and education programs, employer responsibility and liability, labeling and identification procedures, cost of implementation, availability of information, and increased expertise to comply remain unresolved. It is the purpose of this chapter to carefully access the existing federal requirements and develop state procedures that are effective, equitable and comprehensive in evaluating and communicating chemical hazards to employees.

NEW SECTION. Sec. 2. There is hereby created a Joint Temporary Committee on Worker Right to Know. The committee shall be composed of twenty-five members who shall appoint a chair. There shall be twelve legislative members of the committee as follows: the chair and ranking minority member of the Senate Commerce and Labor committee, the chair and ranking minority member of the House of Representatives Commerce and Economic Development committee, the chair and ranking minority member of the Senate Agriculture committee, the chair and ranking minority member of the House of Representatives Agriculture committee, the chair and ranking minority member of the Senate Parks and Ecology committee, the chair and ranking minority member of the House of Representatives Environmental Affairs committee. In addition to the legislative members, the Department of Ecology, Department of Commerce and Economic Development, and Department of Agriculture shall each appoint one representative. One representative having training and experience in industrial hygienics recommended by

recognized labor unions, one representative recommended by recognized agricultural organizations, one representative recommended by recognized community organizations, one representative recommended by recognized environmental organizations, one representative recommended by recognized organizations of petroleum industries, one representative recommended by recognized fire fighting organizations, one representative recommended by recognized business or trade organizations, one representative recommended by recognized organizations of small business, one medical physician recommended by a recognized health organization, and one representative having training and experience in environmental epidemiology and toxicology recommended by a recognized research or academic organization shall furthermore be appointed by the Governor. Members of this committee shall be reimbursed for travel expenses pursuant to RCW 43.04.050 and 43.04.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION, Sec. 3. The Joint Temporary Committee on Worker Right to Know shall study the need for the state of Washington to develop requirements more restrictive than the federal OSHA laws. The committee shall review community information on hazardous substances, the extent of contamination of air, water, and land, and possible methods for effective monitoring and detecting adverse health dangers presented by hazardous substances. The committee shall further study chemicals to be restricted, employees to be affected, industries to be affected, reporting procedures to be adopted, community information accessibility, appropriate alternate training and educational programs, employer responsibility and liability, labeling and identification procedures, costs of implementing procedures, availability of information, and the expertise to comply with increased regulations in order to develop state requirements that are effective, equitable and comprehensive in evaluating and communicating chemical hazards to employees. The committee shall report its findings to the legislature by December 15, 1984. The committee shall cease to exist as of January 1, 1985."

Debate ensued.

MOTION TO LIMIT DEBATE

Senator Bottiger: "Mr. President, pursuant to Rule 29, I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate until February 27, 1984, except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate. I further move that members be prohibited from yielding time to another member."

POINT OF ORDER

Senator Newhouse: "Mr. President, shouldn't we be on the eighth order of business for him to make that motion?"

REPLY BY THE PRESIDENT

President Cherberg: "Your point of order is well taken, Senator."
Further debate on the Barr amendment ensued.

PARLIAMENTARY INQUIRY

Senator Barr: "A point of parliamentary inquiry. If we were still on my amendment, I believe Senator Talmadge has spoken once before."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator Talmadge has spoken, but thanks to Senator Newhouse, the rule is not in effect now, Senator."
Further debate ensued.

Senator Barr demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Barr.

ROLL CALL

The Secretary called the roll and the motion by Senator Barr failed and the amendment was not adopted by the following vote: Yeas, 21; nays, 24; absent, 02; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 24.

Absent: Senators McManus, Owen - 2.

Excused: Senators Benitz, Hansen - 2.

MOTION

Senator Hughes moved that the rules be suspended and that Engrossed Second Substitute Senate Bill No. 4831 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Hughes to suspend the rules and advance Engrossed Second Substitute Senate Bill No. 4831 to third reading and final passage.

ROLL CALL

The Secretary called the roll and the motion by Senator Hughes failed by the following vote: Yeas, 23; nays, 22; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 23.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Absent: Senators McManus, Owen - 2.

Excused: Senators Benitz, Hansen - 2.

Engrossed Second Substitute Senate Bill No. 4831 was placed on third reading.

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

REPORT OF STANDING COMMITTEE

February 17, 1984

ESHB 1125

Prime Sponsor, Committee on Social and Health Services: Mandating a study of children's mental health services. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended. Signed by Senators McManus, Chairman; Deccio, Granlund, Kiskaddon, Moore.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator Haley: "Mr. President, a point of personal privilege. I think we are remiss in not going to the eighth order of business today. Yesterday marked a very exciting and thrilling event for the citizens of this state, and for this body not to acknowledge what happened yesterday at the Winter Games of the 1984 Olympics, I think, is remiss and I think we should feel very remiss and be criticized or subject to criticism for not having dealt with or taken up the fact that our athletes have done so well. We can put it off until tomorrow--it is still good--but not as good as if we had taken it up today."

MOTION

At 3:10 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, February 21, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 21, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Therese Combs and Donald Wren, presented the Colors. Doctor Gerald William Montgomery, pastor of the Lakeview Congregational United Church of Christ of Tacoma, and a guest of Senator Jim McDermott, offered the prayer.

MOTION

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

REPORT OF STANDING COMMITTEE

February 17, 1984

EHB 1462 Prime Sponsor, Representative R. King: Modifying provisions relating to unemployment compensation. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McDonald, Moore, Williams.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 20, 1984

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 4561,

and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 20, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 3379,

and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING

SB 4872 by Senators Talmadge, Hughes, Hayner and Hemstad

Revising provisions relating to pornography and moral nuisances.

Hold.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Vognild, the appointment of Nancy Williams as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF NANCY WILLIAMS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Benitz, Lee, Quigg - 3.

MOTION

On motion of Senator Vognild, the appointment of Jim Matson as a member of the Export Assistance Center Board of Directors was confirmed.

APPOINTMENT OF JIM MATSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Benitz, Lee, Quigg - 3.

INTRODUCTION OF SPECIAL GUEST

The President introduced former state Senator Jim Matson, and the newly confirmed member of the Export Assistance Center Board of Directors, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit the Honorable Jim Matson to address the Senate.

SECOND READING

HOUSE JOINT MEMORIAL NO. 30, by Representatives D. Nelson and Isaacson

Petitioning Congress to designate the Hanford Reservation as a National Energy Center.

The memorial was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, House Joint Memorial No. 30 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 30.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 30, and the memorial passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 42.

Voting nay: Senators Hughes, Hurley, Wojahn - 3.

Absent: Senator Woody - 1.

Excused: Senators Benitz, Lee, Quigg - 3.

HOUSE JOINT MEMORIAL NO. 30, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1120, by Representatives Armstrong, Padden, Brough, Crane, Fuhrman, Tanner, P. King, Barnes and L. Smith

Requiring release of juvenile records under certain circumstances.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1120 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1120.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1120, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Benitz, Lee, Quigg - 3.

HOUSE BILL NO. 1120, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1166, by Representatives Locke, Padden, Armstrong and Crane

Authorizing courts to set conditions on probation and specifying length of term.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1166 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1166.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1166, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Excused: Senators Benitz, Quigg - 2.

HOUSE BILL NO. 1166, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1334, by Committee on Higher Education (originally sponsored by Representatives Powers, Fisher, Smitherman, Broback, Sayan, Johnson, Fisch, Schoon, Crane, Allen, Waik, Ebersole, Vekich, Burns, Gallagher, Wang, Kaiser, Todd, Zellinsky, Silver, Dellwo and Grimm)

Waiving community college fees for certain unemployed persons.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 1334 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1334.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1334 and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Craswell, McCaslin - 2.

Excused: Senators Benitz, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 1334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 145, by Committee on Education (originally sponsored by Representatives Galloway, P. King, Dickie, Schoon, Struthers and Holland (by Superintendent of Public Instruction request)

Revising certain laws regulating common schools.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended. Substitute House Bill No. 145 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 145.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 145, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator McDonald - 1.

Excused: Senators Benitz, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 145, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1416, by Representatives P. King, Dickie, Ebersole and Long (by Superintendent of Public Instruction and State Board of Education request)

Revising physical education requirements.

The bill was read the second time.

MOTIONS

On motion of Senator Clarke, Senator Bluechel was excused.

On motion of Senator Gaspard, the rules were suspended, House Bill No. 1416 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1416.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1416, and the bill passed the Senate by the following vote: Yeas, 39; nays, 05; absent, 02; excused, 03.

Voting yea: Senators Bauer, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Bender, Bottiger, Haley, Pullen - 5.

Absent: Senators Granlund, McCaslin - 2.

Excused: Senators Benitz, Bluechel, Quigg - 3.

HOUSE BILL NO. 1416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1163, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Lux, Pruitt, D. Nelson, Burns and Todd)

Prohibiting consumer credit charges on new transactions before the next billing cycle.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendment was adopted:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 1, chapter 236, Laws of 1963 as last amended by section 7, chapter 158, Laws of 1983 and RCW 63.14.010 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to

be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution:

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

((3)) (6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

((4)) (7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

((5)) (8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract (or), a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

((6)) (9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; or (b) a lease which would constitute such "consumer lease" but for the fact that: (i) it was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars;

((7)) (10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

((8)) (11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, or official fees;

((9)) (12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

((10)) (13) "Official fees" means the amount of the fees prescribed by law for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

((11)) (14) "Time balance" means the principal balance plus the service charge;

((12)) (15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees;

((13)) (16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

((14)) (17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

Sec. 2. Section 9, chapter 236, Laws of 1963 and RCW 63.14.090 are each amended to read as follows:

The holder of any retail installment contract ((or)), retail charge agreement, or lender credit card agreement may not collect any delinquency or collection charges, including any attorney's fee and court costs and disbursements, unless the contract ((or)), charge agreement, or lender credit card agreement so provides. In such cases, the charges shall be reasonable, and no attorney's fee may be recovered unless the contract ((or)), charge agreement, or lender credit card agreement is referred for collection to an attorney not a salaried employee of the holder.

The contract ((or)), charge agreement, or lender credit card agreement may contain other provisions not inconsistent with the purposes of this chapter, including but not limited to provisions relating to refinancing, transfer of the buyer's equity, construction permits, and title reports.

Sec. 3. Section 12, chapter 236, Laws of 1963 as last amended by section 4, chapter 77, Laws of 1981 and RCW 63.14.120 are each amended to read as follows:

(1) At or prior to the time a retail charge agreement or lender credit card agreement is made the seller shall advise the buyer in writing, on the application form or otherwise, or orally that a service charge will be computed on the outstanding balance for each month (which need not be a calendar month) or other regular period agreed upon, the schedule or rate by which the service charge will be computed, and that the buyer may at any time pay his or her total unpaid balance: PROVIDED, That if this information is given orally, the seller shall, upon approval of the buyer's credit, deliver to the buyer or mail to ((~~him at his~~)) the buyer's address, a memorandum setting forth this information.

(2) The seller or holder of a retail charge agreement or lender credit card agreement shall promptly supply the buyer with a statement as of the end of each monthly period (which need not be a calendar month) or other regular period agreed upon, in which there is any unpaid balance thereunder, which statement shall set forth the following:

(a) The unpaid balance under the retail charge agreement or lender credit card agreement at the beginning and at the end of the period;

(b) Unless otherwise furnished by the seller to the buyer by sales slip, memorandum, or otherwise, a description or identification of the goods or services purchased during the period, the sale price, and the date of each purchase;

(c) The payments made by the buyer to the seller and any other credits to the buyer during the period;

(d) The amount, if any, of any service charge for such period; and

(e) A legend to the effect that the buyer may at any time pay his or her total unpaid balance.

(3) Every retail charge agreement shall contain the following notice in ten point bold face type or larger directly above the space reserved in the charge agreement for the signature of the buyer: NOTICE TO BUYER:

(a) Do not sign this retail charge agreement before you read it or if any spaces intended for the agreed terms are left blank.

(b) You are entitled to a copy of this charge agreement at the time you sign it.

(c) You may at any time pay off the full unpaid balance under this charge agreement.

(d) You may cancel any purchases made under this charge agreement if the seller or his representative solicited in person such purchase, and you sign an agreement for such purchase, at a place other than the seller's business address shown on the charge agreement, by sending notice of such cancellation by certified mail return receipt requested to the seller at his address shown on the charge agreement, which notice shall be posted not later than midnight of the third day (excluding Sundays and holidays) following your signing of the purchase agreement. If you choose to cancel this purchase, you must return or make available to seller at the place of delivery any merchandise, in its original condition, received by you under this purchase agreement.

NEW SECTION. Sec. 4. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

A lender credit card agreement may not contain any provision for a security interest in real or personal property or fixtures of the buyer to secure payment of performance of the buyer's obligation under the lender credit card agreement.

Sec. 5. Section 13, chapter 236, Laws of 1963 as last amended by section 5, chapter 77, Laws of 1981 and RCW 63.14.130 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved or contracted therefor from the buyer.

(1) The service charge, in a retail installment contract, shall not exceed the highest of the following:

(a) A rate on outstanding unpaid balances which exceeds six percentage points above the average, rounded to the nearest one-quarter of one percent, of the equivalent coupon issue yields (as published by the Federal Reserve Bank of San Francisco) of the bill rates for twenty-six week treasury bills for the last market auctions conducted during February, May,

August, and November of the year prior to the year in which the retail installment contract is executed; or

(b) Ten dollars.

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed one and one-half percent per month on the outstanding unpaid balances. If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

(3) A service charge may be computed on the median amount within a range which does not exceed ten dollars and which is a part of a published schedule of consecutive ranges applied to an outstanding balance, provided the median amount is used in computing the service charge for all balances within such range.

Sec. 6. Section 14, chapter 236, Laws of 1963 and RCW 63.14.140 are each amended to read as follows:

If the cost of any insurance is included in the retail installment contract ((or)), retail charge agreement, or lender credit card agreement:

(1) The contract or agreement shall state the nature, purpose, term, and amount of such insurance, and in connection with the sale of a motor vehicle, the contract shall state that the insurance coverage ordered under the terms of this contract does not include "bodily injury liability," "public liability," and "property damage liability" coverage, where such coverage is in fact not included;

(2) The contract or agreement shall state whether the insurance is to be procured by the buyer or the seller;

(3) The amount, included for such insurance, shall not exceed the premiums chargeable in accordance with the rate fixed for such insurance by the insurer, except where the amount is less than one dollar;

(4) If the insurance is to be procured by the seller or holder, he shall, within forty-five days after delivery of the goods or furnishing of the services under the contract, deliver, mail or cause to be mailed to the buyer, at his or her address as specified in the contract, a notice thereof or a copy of the policy or policies of insurance or a certificate or certificates of the insurance so procured.

Sec. 7. Section 15, chapter 236, Laws of 1963 as amended by section 9, chapter 234, Laws of 1967 and RCW 63.14.150 are each amended to read as follows:

No provision of a retail installment contract ((or)), retail charge agreement ((shall be)), or lender credit card agreement is valid by which the buyer agrees not to assert against the seller or against an assignee a claim or defense arising out of the sale, or by which the buyer agrees to submit to suit in a county other than the county where the buyer signed the contract or where the buyer resides or has his principal place of business.

Sec. 8. Section 9, chapter 77, Laws of 1981 and RCW 63.14.151 are each amended to read as follows:

Any retail installment contract ((or)), retail charge agreement ((which)), or lender credit card agreement that complies with the disclosure requirements of Title I of the federal consumer protection act (82 Stat. 146, 15 U.S.C. 1601) which is also known as the truth in lending act, as of the date upon which said retail installment contract ((or)), revolving charge agreement, or lender credit card agreement is executed, shall be deemed to comply with the disclosure provisions of chapter 63.14 RCW.

Sec. 9. Section 16, chapter 236, Laws of 1963 and RCW 63.14.160 are each amended to read as follows:

No act or agreement of the retail buyer before or at the time of the making of a retail installment contract, retail charge agreement, lender credit card agreement, or purchases thereunder shall constitute a valid waiver of any of the provisions of this chapter or of any remedies granted to the buyer by law.

Sec. 10. Section 10, chapter 77, Laws of 1981 and RCW 63.14.165 are each amended to read as follows:

A ((lender)) financial institution credit card is a card or device issued under an arrangement pursuant to which the ((issuer)) issuing financial institution gives to a card holder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not principally engaged in the business of selling goods.

Except as provided in section 11 of this act, a ((lender)) financial institution credit card agreement and credit extended pursuant to it is not subject to the provisions of this chapter but shall be subject to the provisions of chapter 19.52 RCW.

NEW SECTION. Sec. 11. There is added to chapter 236, Laws of 1963 and to chapter 63.14 RCW a new section to read as follows:

(1) Pursuant to a lender credit card or financial institution credit card transaction in which a credit card has been used to obtain credit, the seller is a person other than the card issuer, and the seller accepts or allows a return of goods or forgiveness of a debit for services that were the subject of the sale, credit shall be applied to the obligor's account as provided by this section.

(2) Within seven working days after a transaction in which an obligor becomes entitled to credit, the seller shall transmit to the credit card issuer a credit statement reflecting the transaction. The credit card issuer shall credit the obligor's account within three working days following receipt of a credit statement from the seller.

(3) The obligor is not responsible for payment of any service charges resulting from the seller's or card issuer's failure to comply with subsection (2) of this section.

(4) The seller is responsible for payment of any service charges resulting from the seller's failure to comply with subsection (2) of this section.

(5) An issuer issuing a lender credit card or financial institution credit card shall mail or deliver a notice of the provisions of this section at least once per calendar year, at intervals of not less than six months nor more than eighteen months, either to all cardholders or to each cardholder entitled to receive a periodic statement for any one billing cycle. The notice shall state that the obligor is not responsible for payment of any service charges resulting from the seller's or card issuer's failure to comply with subsection (2) of this section.

Sec. 12. Section 18, chapter 236, Laws of 1963 as amended by section 10, chapter 234, Laws of 1967 and RCW 63.14.180 are each amended to read as follows:

Any person who enters into a retail installment contract ~~((or)), charge agreement ((which)), or lender credit card agreement that~~ does not comply with the provisions of this chapter or who violates any provision of this chapter except as a result of an accidental or bona fide error shall be barred from the recovery of any service charge, official fees, or any delinquency or collection charge under or in connection with the related retail installment contract or purchases under a retail charge agreement or lender credit card agreement; but such person may nevertheless recover from the buyer an amount equal to the cash price of the goods or services and the cost to such person of any insurance included in the transaction: PROVIDED, That if the service charge is in excess of that allowed by RCW 63.14.130, except as the result of an accidental or bona fide error, the buyer shall be entitled to an amount equal to the total of (1) twice the amount of the service charge paid, and (2) the amount of the service charge contracted for and not paid, plus (3) costs and reasonable attorneys' fees. The reduction in the cash price by the application of the above sentence shall be applied to diminish pro rata each future installment of principal amount payable under the terms of the contract or agreement.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Moore, the following title amendment was adopted:
In line 15 of the title, after "adding" strike "a new section" and insert "new sections"

PERSONAL PRIVILEGE

Senator Moore: "Mr. President, if we have any more of these embarrassing situations, I'm going to plant a tree in front of my house that will cut your view off."

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1163, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1163, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1163, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Fuller, Patterson - 2.

Excused: Senators Benitz, Bluechel - 2.

SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1439, by Committee on Labor (originally sponsored by Representatives Fisch, R. King, Barnes, Patrick, Dellwo, Fisher and Long)

Modifying provisions relating to unemployment compensation.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 1, after line 25, insert a new subsection as follows:

"(3) Subsections (2), (3), and (4) of RCW 50.44.050, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in an noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work."

On page 3, beginning on line 23, strike all of subsection (5) and insert the following:

~~"((5) Subsections (2), (3), and (4) of this section, as they relate to services other than those in an instructional, research, or principal administrative capacity, shall not apply to an individual who has worked in a noninstructional, nonresearch, and nonprincipal administrative capacity for an educational institution during the same period one year earlier and who is not working in the current period due to a lack of work.))"~~

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1439, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1439, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1439, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1439, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1390, by Committee on Transportation (originally sponsored by Representatives Van Luvan, O'Brien, Wang, Lewis, Walk, Todd, Sanders, Kreidler, Allen, G. Nelson, Barrett, Ebersole, L. Smith, Long, Mitchell, Crane, Ballard and Miller)

Granting disabled persons from other states having special license plates the same parking privileges as disabled persons in this state.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1390 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1390.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1390, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 34, by Representatives Belcher, Hine, Patrick, Brough, Betrozoff, Crane, Halsan, Long, Miller, McMullen, Powers, Todd, Wang, Galloway, Schoon and Holland

Establishing a legislative committee to study the implementation of comparable worth.

The resolution was read the second time.

POINT OF ORDER

Senator Newhouse: "We have in our calendars a note that says a synopsis is not available on HCR 34. It appears to be concerned with comparable worth. I thought that was pretty well taken care of--what's the schedule here?"

REMARKS BY SENATOR WOJAHN

Senator Wojahn: "Mr. President, in response to Senator Newhouse, this is not the same bill. This would be the continuation of the concurrent resolution we passed last year and this is a subjective group reviewing the problems that have been occurring through the years. Also, on the bill that we passed, the person who chairs this committee--that 34 speaks to--would be a member of the negotiating group or this special group, so we do need this bill."

REMARKS BY SENATOR SHINPOCH

Senator Shinpocho: "Mr. President, even though there's not a synopsis--there was not a synopsis available at the printing of the calendar--the floor number is 1283 and it's only slightly more than a page and only two paragraphs of that really--after you get through the 'whereas'--there are only two paragraphs of that."

MOTION

On motion of Senator McDermott, the rules were suspended, House Concurrent Resolution No. 34 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Concurrent Resolution No. 34.

ROLL CALL

The Secretary called the roll on final passage of House Concurrent Resolution No. 34, and the resolution passed the Senate by the following vote: Yeas, 34; nays, 13; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpocho, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Guess, Hurley, McCaslin, McDonald, Metcalf, Newhouse, Owen, Pullen, Quigg - 13.

Absent: Senator Granlund - 1.

Excused: Senator Benitz - 1.

HOUSE CONCURRENT RESOLUTION NO. 34, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED HOUSE BILL NO. 1192, by Representatives Walk, Schmidt, Sutherland, Mitchell, Van Dyken and Wilson (by Department of Transportation request)

Requiring notice to the department of transportation of short plats next to highway right of way.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1192 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1192.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1192, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 1192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1118, by Committee on Ways and Means (originally sponsored by Representatives Heck, B. Williams, Kreidler, Johnson, Sutherland, Tanner, Dellwo, Ebersole, Galloway, J. King, McClure, Silver, Taylor, Tilly, West, Stratton, Egger, P. King, Barrett, Ballard, Braddock, Holland, Clayton, Cantu, L. Smith and Struthers)

Authorizing pollution control tax credits for certain approved pollution control facilities.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1118 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1118.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1118, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1118, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 11:29 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 20, 1984

SHB 749 Prime Sponsor, Committee on Local Government: Providing procedures for municipalities to prequalify contractors. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 879 Prime Sponsor, Committee on Local Government: Authorizing the establishment of community corporations. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 1169 Prime Sponsor, Committee on Commerce and Economic Development: Modifying requirements pertaining to contests of chance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McDonald, Moore, Newhouse, Shinpoch.

Passed to Committee on Rules for second reading.

February 20, 1984

SHB 1183 Prime Sponsor, Committee on Ways and Means: Changing collection and distribution procedures for certain court fees, fines, and forfeitures. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

February 20, 1984

SHB 1238 Prime Sponsor, Committee on Education: Revising the laws regulating schools for the deaf and blind. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 17, 1984

EHB 1493 Prime Sponsor, Representative McMullen: Modifying provisions relating to interest payments on workers' compensation awards and benefits. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 17, 1984

ESHB 1511 Prime Sponsor, Committee on Commerce and Economic Development: Providing for tourism development. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McManus, Moore, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 20, 1984

SHB 1531 Prime Sponsor, Committee on Local Government: Modifying provisions on flooding. Reported by Committee on Local Government

MAJORITY recommendation: No recommendation and refer to Committee on Ways and Means. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Woody, Zimmerman.

Referred to Committee on Ways and Means.

February 20, 1984

ESHB 1584 Prime Sponsor, Committee on Local Government: Authorizing access restrictions to certain public lands for the protection of municipal water supplies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody.

MINORITY recommendation: Do not pass. Signed by Senators Barr, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

HB 1649 Prime Sponsor, Representative J. King: Expanding ex parte communications in quasi-judicial proceedings. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, McCaslin, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 1652 Prime Sponsor, Committee on Commerce and Economic Development: Modifying the regulation of fireworks. Reported by Committee on Commerce and Labor

MAJORITY recommendation: Do pass as amended. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; McCaslin, McDonald, McManus, Moore, Newhouse, Shinpoch, Williams.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 1666 Prime Sponsor, Committee on Local Government: Authorizing professionally designated real estate brokers to appraise certain public properties before the properties are sold. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

SCR 148 Prime Sponsor, Senator Metcalf: Creating an emergency task force on salmon and steelhead trout. Reported by Committee on Natural Resources

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 148 be substituted therefor, and the substitute concurrent resolution do pass. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Rasmussen, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTIONS

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

On motion of Senator Vognild, Senator McDermott was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

Senator Williams moved the appointment of Kai N. Lee as a member of the Pacific Northwest Electric Power and Conservation Planning Council be confirmed. Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Gubernatorial Appointment No. 144, Kai N. Lee, as a member of the Pacific Northwest Electric Power and Conservation Planning Council, was deferred.

MOTION

On motion of Senator Vognild, the appointment of Richard A. Granger as a member of the Export Assistance Board of Directors was confirmed.

APPOINTMENT OF RICHARD A. GRANGER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Benitz, McDermott - 2.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302, by Committee on Agriculture (originally sponsored by Representatives Sutherland, Ellis, Nealey, Dickie, Prince, Barrett, Egger, Lewis, Fuhrman, C. Smith and Clayton)

Extending trespass violations to land devoted to commercial production of livestock or agricultural commodities.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Engrossed Substitute House Bill No. 1302 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1302.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Bill No. 1302, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad,

Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1207, by Committee on Commerce and Economic Development (originally sponsored by Representatives Ellis, Silver, Braddock, Barrett, Dellwo, J. King, Brough, Haugen, Johnson, R. King, Sayan, Tilly, Van Dyken, West, B. Williams, J. Williams, Wilson, Ballard, Hine, Kaiser, Stratton, Clayton, Todd, Miller and Powers)

Establishing a provisional international marketing program for agricultural commodities and trade.

The bill was read the second time.

MOTION

Senator Moore moved the following amendment by Senators Moore, Pullen, Vognil, Gaspard and von Reichbauer be adopted:

On page 3, after line 22, insert the following:

NEW SECTION, Sec. 9. It is the intent and desire of the legislature to promote the international trade of precious metal bullion or monetized bullion. It is the intent of the legislature, however, to discourage trade in South African krugerrand gold coins because the South African apartheid is contrary to public policy.

NEW SECTION, Sec. 10. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION, Sec. 11. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION, Sec. 12. There is added to chapter 82.08 RCW a new section to read as follows:

Section 10 of this act shall not apply to the sale of South African krugerrand gold coins.

NEW SECTION, Sec. 13. There is added to chapter 82.12 RCW a new section to read as follows:

Section 11 of this act shall not apply to the sale of South African krugerrand gold coins.

NEW SECTION, Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively and correct any internal references accordingly.

POINT OF ORDER

Senator Shinpoch: "Mr. President, a point of order. I would ask the President's ruling on the scope and object on the amendment to the bill. As I recall, 1207 deals

with creating a provisional international market program for agricultural commodities and trade at Washington State University. The amendment deals with removing a tax on gold or bullion, the precious metal in bullion, and I don't find anything in 1207 that deals with removing the tax on precious metals or bullion."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 1207 was deferred.

President Pro Tempore Goltz assumed the chair.

MOTION

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

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, pursuant to Rule 29, I move that each member be limited to one three-minute speech on each subject or motion that comes before the Senate until February 27, 1984--the 50th day--except that the mover of the motion or the sponsor of a bill or amendment may have the privilege of closing debate.

"I further move that members be prohibited from yielding time to another member."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger to limit debate.

The motion by Senator Bottiger carried.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Senate Resolution 1984-142, pending from February 6, 1984.

SENATE RESOLUTION

1984-142

By Senator Bottiger

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

Amend Senate Rule 61 as follows:

"Reading of Bills

Rule 61. Every bill shall be read on three separate days unless the senate deems it expedient to suspend this rule. On and after the tenth day preceding adjournment sine die of any session, or three days prior to any cut-off date for consideration of bills, as determined pursuant to Article 2, Section 12 of the Constitution or concurrent resolution, this rule may be suspended by a majority vote." (See also Rule 58)

The President Pro Tempore declared the question before the Senate to be adoption of Senate Resolution 1984-142.

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

MOTION

Senator Bottiger moved that the Senate revert to the sixth order of business.

Senator Clarke demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger to revert to the sixth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 22; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

Excused: Senator Benitz - 1.

PERSONAL PRIVILEGE

Senator Thompson: "Mr. President and members of the Senate, I rise to a point of personal privilege. Because of the haste to change from one order of business to another here, I was precluded from offering, for your consideration, a floor resolution relating to the Ridgfield High School volleyball team, which is in the south gallery as visitors of the Senate this afternoon.

"The Ridgfield High School volleyball team is the 1983 state class A championship team. That school has been representing the class A tournament in each of the last nine years and the school has won, in league play, a hundred and nineteen straight victories. A very remarkable accomplishment.

"My resolution, when you see it at a later time, will speak to the importance and value of interscholastic athletics in school programs and pays tribute to these remarkable accomplishments of this team. I hope, Mr. President, that you will see fit to recognize the team in the gallery. Thank you very much."

INTRODUCTION OF SPECIAL GUESTS

President Pro Tempore Goltz: "Thank you, Senator Thompson. The President would like to have the members of the Ridgfield High School volleyball championship team please stand and be recognized along with your coaches, managers and camp followers."

POINT OF INQUIRY

Senator Deccio: "A point of personal inquiry, Mr. President. Does the Thompson resolution set somewhat of a precedent for the introduction of another? I think it is very important that--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The resolution was not introduced, but there probably will be another time for resolutions honoring champions."

Senator Deccio: "Well, Mr. President, I don't think that is going to happen and, I think, it is rather timely that the Mahre brothers be recognized by the Senate, because like everything else it will pass into history very shortly and I think is something that I don't think would upset the schedule of this body if we took that under consideration."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, it wouldn't, it is what else might that causes me the concern."

FURTHER REMARKS BY SENATOR DECCIO

Senator Deccio: "Mr. President, my question was, why can't we follow the same format that Senator Thompson just followed in order to take care of the situation that I presented."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Deccio, that if the Mahre brothers arrived on the Olympia campus, we would be very happy to stop and take recognition of their presence."

Senator Deccio: "Mr. President, I understand where the votes are. Thank you."

SECOND READING

SUBSTITUTE HOUSE BILL NO. 827, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Lewis, Belcher, Long, Miller, Tilly, Halsan and Silver (by Secretary of State request)

Prohibiting counterfeit voters' and candidates' pamphlets.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 827 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 827.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 827, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, by Committee on Commerce and Economic Development (originally sponsored by Representatives Tanner, Ebersole, Vekich, Kaiser and Powers)

Regulating the practice of cosmetology.

The bill was read the second time.

MOTIONS

On motion of Senator Vognilid, the following Committee on Commerce and Labor amendment was adopted:

On page 1, line 16, after "and" strike "/or"

Senator Vognilid moved the following Committee on Commerce and Labor amendments be considered simultaneously and not be adopted:

On page 1, line 20, after "cosmetology" strike all the material down to and including "chapter" on line 21

On page 1, line 26, after "barbering" strike all the material down to and including "chapter" on line 27

On page 2, line 6, after "who" strike all the material down to and including "who" on line 8

On page 3, after line 19, strike all the material down to and including "board." on line 24

Renumber the remaining subsections consecutively.

MOTION

Senator Quigg moved the four Committee on Commerce and Labor amendments be considered and adopted simultaneously.

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

President Cherberg assumed the chair.

The President declared the question before the Senate to be the roll call on adoption of the four Committee on Commerce and Labor amendments.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the committee amendments were not adopted by the following vote: Yeas, 18; nays, 29; absent, 01; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McManus, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McDonald, Moore, Owen, Peterson, Pullen,

Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

MOTIONS

Senator Vognild moved that the following Committee on Commerce and Labor amendment not be adopted:

On page 3, line 26, after "director" strike all the material down to and including "conclusive" on line 30 and insert "and" after the subsection which precedes the last subsection.

Senator Kiskaddon moved that the Committee on Commerce and Labor amendment be adopted.

Debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Commerce and Labor amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Kiskaddon carried and the committee amendment was adopted by the following vote: Yeas, 25; nays, 20; absent, 03; excused, 01.

Voting yea: Senators Barr, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Quigg, Rasmussen, Sellar, Zimmerman - 25.

Voting nay: Senators Bauer, Bender, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Peterson, Pullen, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 20.

Absent: Senators Metcalf, Rinehart, Shinpoch - 3.

Excused: Senator Benitz - 1.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 4, line 9, after "exceed" strike "seventy" and insert "twenty"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 4, line 10, after "form" insert "and amount"

On page 4, line 34, after "license" strike "and registration"

On page 4, line 35, after "licenses" strike "and registrations"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 5, line 14, strike "licensed cosmetologists" and insert "barbers or cosmetologists who are licensed under this chapter and"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 5, line 15, before "cosmetology" insert "barbering or"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendments were considered and adopted simultaneously:

On page 6, line 21, after "RCW 43.24.086." add the following: "A person whose license has not been renewed for three years shall be required to retake the applicable examination before the license may be reissued."

On page 7, line 27, strike "valid on" and insert "issued prior to"

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 7, after line 22, insert a new section to read as follows:

***NEW SECTION, Sec. 16.** In addition to any other legal remedy, any student having a claim against a school may bring suit upon the surety bond required in section 6(6) of this act in the superior or district court of Thurston county or the county in which the educational services were offered by the school. Action upon the bond shall be commenced by filing the complaint with the clerk of the appropriate superior or district court within one year from the date of the cancellation of the bond: PROVIDED, That no action shall be maintained upon the bond for any claim which has been barred by any nonclaim statute or statute of limitations of this state.

Service of process in an action upon the bond shall be exclusively by service upon the director. Two copies of the complaint shall be served by registered or certified mail upon the director at the time the suit is started. Such service shall constitute service on the surety and the school. The director shall transmit the complaint or a copy thereof to the school at the address listed in the director's records and to the surety within forty-eight hours after it has been received. The surety shall not be liable in an aggregate amount in excess of the amount named in the bond. In any action on a bond, the prevailing party is entitled to reasonable attorney's fees and costs.

The director shall maintain a record, available for public inspection, of all suits commenced under this chapter upon surety bonds."

Renumber the remaining sections and correct internal references accordingly.

MOTION

Senator Quigg moved adoption of the following amendment:

On page 3, strike line 10 and insert: (1) Non residential practice of cosmetology, barbering or manicuring;

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Vognild, does this bill preclude a licensed operator from having a facility in their home?"

Senator Vognild: "No, it does not."

Senator Deccio: "So that is still the status quo and they still, obviously, get a license from the city or the county wherever they can still operate."

Senator Vognild: "As long as they meet local requirements they can, yes."

MOTIONS

On motion of Senator Quigg, and there being no objection, the amendment was withdrawn.

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1187 was deferred.

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

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 4831, which was on third reading on February 20, 1984.

THIRD READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4831, by Committee on Ways and Means (originally sponsored by Senators Talmadge, Kiskaddon, Hughes, Bluechel, Rasmussen, Williams, Pullen, Wojahn, Goltz, Bender, Hurley, Hemstad, Fuller and Zimmerman)

Relating to worker and community right to know.

The bill was read the third time and placed on final passage.

Debate ensued.

MOTION

Senator Deccio moved that further consideration of Engrossed Second Substitute Senate Bill No. 4831 be deferred.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Deccio to defer consideration of Engrossed Second Substitute Senate Bill No. 4831.

ROLL CALL

The Secretary called the roll and the motion by Senator Deccio failed by the following vote: Yeas, 21; nays, 26; absent, 01; excused, 01.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Talmadge, I am concerned about the impact of this legislation on contractors. Often a contractor needs to move his or her people to a series of work sites during the course of their employment. It is my reading of the bill that a contractor is required to hold an annual education and training program to inform employees of their rights under the bill. This program would include informing employees about the hazardous substances they normally encounter in the workplace. Contractors would not be required to provide an education and training program whenever employees change job sites. Is this your understanding and intent of the legislation?"

Senator Talmadge: "Yes."

Further debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Talmadge, as chairman of the Senate Transportation Committee, I am concerned as to the application of this law to transporters of hazardous substances. There are two distinct types of employees in the transportation industry. One group would be people in the shop who might be dealing with spray painting of vehicles or using cleaning solvents in working with engine parts or in various other ways working as the user or consumer of the commodities involved.

"The other group is comprised of those engaged exclusively in the transporting of these materials and who are not exposed to the materials as users or consumers. Those people employed in transporting as drivers, engineers and pilots are already regulated and protected by the Federal Department of Transportation, Washington Utilities and Transportation Commission or the International Maritime Organization of the United States.

"Senator Talmadge, I have two questions. First, I believe you have indicated previously, the definition of 'workplace' contained in the law excludes moving vehicles. Through its wording, 'workplace' means an establishment at one geographical location containing one or more work areas. Is that correct?"

Senator Talmadge: "It is, Senator Peterson."

Senator Peterson: "Second, is it the intent of this bill that the 'extensive education and training program' to be provided to these individuals directly involved in the transportation of hazardous substances be directed to their response procedures to accidents, resulting in spillage of these commodities in transport, rather than attempting to require a knowledge of the many thousands of items which they could conceivably be required to transport during the normal course of their work?"

Senator Talmadge: "That is correct, Senator Peterson."

POINT OF INQUIRY

Senator Owen: "Senator Talmadge, new section 13 states 'every employer or groups of employers shall establish or use an existing education and training program for that employer's employees, etc...' Is it the intent of section 13 to require all employers to establish and hold education and training programs when, in fact, they do not deal with hazardous materials as defined in the act?"

Senator Talmadge: "No, it is not intended that education and training programs occur if no hazardous substances are present in the workplace."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, regarding the five thousand dollar fine that exists in the bill, is this a standard that will apply to a company like Boeing, as well as the little XYZ farm over in Yakima? Would that be the same five thousand dollar fine?"

Senator Talmadge: "Senator, as I recall, it's up to five thousand dollars and the answer is 'yes'—within the discretion of the Department."

Senator Deccio: "So that it really doesn't make any difference as to the size of the employer or the place of employment? That fine can be levied several times? If someone did not have the expertise as the Boeing Company has in order to hire the people and to do all the things necessary under the law, they could, in fact, be fined up to five thousand dollars several times and maybe in one week?"

Senator Talmadge: "Senator, the fine is set on a per diem basis—on a daily basis. It's in the discretion of the Department whether or not to assess the fine or levy—the civil penalty. I would, of course, remind you that the bill provides that the Department of Labor and Industries is to provide assistance to any employer in the state who requests that assistance, with respect to the filling out of the workplace survey—if that employer has thirty-five employees or less, so they would have assistance from the Department of Labor and Industries in avoiding any problems with compliance under the act."

Senator Deccio: "So that means that—let's say that twenty-five percent of the one hundred and twenty-five thousand employers in the state requested assistance, then that means that the Department of Labor and Industries would have to have a sizeable force of people in order to comply with the law. Is that right?"

Senator Talmadge: "Senator, the fiscal note that you were talking about dealt with that issue, specifically, and indicated that with the seventy-five cents per employee per year, they would be able to do, in fact, what you suggest—provide assistance to those employers who so requested."

Further debate ensued.

Senators Bottiger, Shinpoch and Peterson demanded the previous question and the demand was sustained on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4831.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4831, and the bill passed the Senate by the following vote: Yeas, 30; nays, 17; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurlley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hansen, Hayner, Lee, McCaslin, McDonald, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 17.

Absent: Senator Metcalf - 1.

Excused: Senator Benitz - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3379,

SUBSTITUTE SENATE BILL NO. 4561.

MOTION

At 3:30 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Wednesday, February 22, 1984.

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

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 22, 1984

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

The Sergeant at Arms Color Guard, consisting of Pages Brenna Rose and David Leon presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1984

ESHB 685 Prime Sponsor, Committee on Environmental Affairs: Revising local government procedures concerning shoreline management. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hurley, Kiskaddon, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 1157 Prime Sponsor, Committee on Ways and Means: Adopting the supplemental capital budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Hughes, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1181 Prime Sponsor, Committee on Higher Education: Authorizing the selection of ten students to attend a compact-authorized program in osteopathic medicine. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Hughes, Kiskaddon, Lee, McDermott, Warnke.

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1197 Prime Sponsor, Committee on Higher Education: Providing mechanisms for cooperation among postsecondary institutions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Referred to Committee on Ways and Means.

February 21, 1984

SHB 1246 Prime Sponsor, Committee on Education: Providing programs for educational excellence. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 20, 1984

ESHB 1363 Prime Sponsor, Committee on Ways and Means: Authorizing coordination study between WSU and EWU. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson.

Referred to Committee on Ways and Means.

February 20, 1984

SHB 1438 Prime Sponsor, Committee on Environmental Affairs: Modifying provisions relating to dangerous wastes. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1613 Prime Sponsor, Committee on Higher Education: Creating the Washington award for vocational excellence program. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 21, 1984

E2SHB 1660 Prime Sponsor, Committee on Ways and Means: Improving the quality of education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

February 21, 1984

SCR 145 Prime Sponsor, Senator Gaspard: Requesting school districts to inspect and assess their school buildings for safety in the event of earthquakes. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Fleming, Goltz, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

February 21, 1984

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

I have today signed Substitute Senate Bill No. 4274, dealing with the regulation of pawnbrokers and second-hand dealers. I have done so because the bill contains provisions badly needed by local law enforcement authorities to assist them in the recovery of stolen property.

However, I am concerned that the definitions contained in this measure are written so broadly as to include business activities that were not intended to be regulated such as junkyards and used book dealers. I am confident that law enforcement personnel will apply reasonable discretion in implementing this bill and that the statute will be corrected next session.

Respectfully submitted,
JOHN SPELLMAN, Governor

February 21, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on February 21, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 4287

Relating to the employment of the county road engineer.

Senate Bill No. 4289

Relating to motor vehicle rules of the road.

Senate Bill No. 4304

Relating to apportionment and redistricting.

Senate Bill No. 3132

Relating to mortgages.

Substitute Senate Bill No. 4334

Relating to local community service.

Senate Bill No. 4341

Relating to special district employee group insurance.

Senate Bill No. 4342

Relating to the employment security department.

Second Substitute Senate Bill No. 4380

Relating to criminal justice information.

Senate Bill No. 4460

Relating to ferries.

Substitute Senate Bill No. 4503

Relating to licensing of wine warehouses.

Senate Bill No. 4642

Relating to mutual insurers.

Senate Bill No. 4787

Relating to home health care.

Senate Bill No. 3376

Relating to the administrator for the courts.

Substitute Senate Bill No. 4274

Relating to pawnbrokers and second-hand dealers.

Substitute Senate Bill No. 4357

Relating to justice courts.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

MESSAGES FROM THE HOUSE

February 21, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4312,

SENATE BILL NO. 4469,

SUBSTITUTE SENATE BILL NO. 4620, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

February 21, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4506,

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 140, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1207 and the pending amendment by Senators Moore, Pullen, Vognild, Gaspard and von Reichbauer, deferred on February 21, 1984.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Shinpoch, the President finds that Substitute House Bill No. 1207 is a measure which establishes a provisional center for an international marketing program for agricultural commodities and trade at Washington State University.

"The amendment proposed by Senator Moore and others would exempt from the retail sales and use tax sales of precious metal bullion or monetized bullion, except South African krugerrand gold coins.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1207 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1207.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1207, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McCaslin, Pullen, Quigg - 3.

Excused: Senators Benitz, Craswell, Haley - 3.

SUBSTITUTE HOUSE BILL NO. 1207, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 843, by Committee on Ways and Means (originally sponsored by Representatives Monohon, B. Williams, Sommers and Grimm)

Modifying provisions relating to retirement from public services.

The bill was read the second time.

MOTION

Senator McDermott moved adoption of the following Committee on Ways and Means amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 41.50 RCW a new section to read as follows:

(1) The employer of any employee whose retirement benefits are based in part on excess compensation, as defined in this section, shall, upon receipt of a billing from the department,

pay into the appropriate retirement system the present value at the time of the employee's retirement of the total estimated cost of all present and future benefits from the retirement system attributable to the excess compensation. The state actuary shall determine the estimated cost using the same method and procedure as is used in preparing fiscal note costs for the legislature. However, the director may in the director's discretion decline to bill the employer if the amount due is less than fifty dollars. Accounts unsettled within thirty days of the receipt of the billing shall be assessed an interest penalty of one percent of the amount due for each month or fraction thereof beyond the original thirty-day period.

(2) "Excess compensation," as used in this section, includes any payment that was used in the calculation of the employee's retirement allowance, except regular salary and overtime, but is not limited to a cash out of unused annual leave in excess of two hundred forty hours of such leave, a cash out of any other form of leave, a payment for, or in lieu of, any personal expense, and any other termination or severance payment used in the calculation of the employee's retirement allowance.

(3) This section applies to the retirement systems listed in RCW 41.50.030 and to retirements occurring on or after the effective date of this act. Nothing in this section is intended to amend or determine the meaning of any definition in chapter 2.10, 2.12, 41.26, 41.32, 41.40, or 43.43 RCW or to determine in any manner what payments are includable in the calculation of a retirement allowance under such chapters.

(4) An employer is not relieved of liability under this section because of the death of any person either before or after the billing from the department.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 10, Laws of 1982 1st ex. sess. and RCW 41.32.4985; and

(2) Section 34, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.187.

NEW SECTION. Sec. 3. There is added to chapter 2.10 RCW a new section to read as follows:

The director of retirement systems is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 4. There is added to chapter 2.12 RCW a new section to read as follows:

The director of retirement systems is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 5. There is added to chapter 41.26 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 6. There is added to chapter 41.32 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 8. There is added to chapter 43.43 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before the effective date of this act may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(11) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(11) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on the effective date of this act, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed in full within one year after the effective date of this act.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on the effective date of this act, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on the effective date of this act or any person having vested rights as

described in RCW 41.40.150(3) or (5), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter.

Sec. 10. Section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify (~~the retirement board~~) all employers of any pending adjustment in the required contribution rate and such increase shall be announced (~~at a board meeting held~~) at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 11. Section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify (~~the retirement board~~) all employers of any pending adjustment in the required contribution rate and such increase shall be announced (~~at a board meeting held~~) at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 12. Section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 13, Section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership ~~((and to be accepted by the action of the director: such application for those taking elective office for the first time after May 21, 1971, shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority))~~ during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership ((and be accepted by action of the director:)) to be effective during such term or terms of office, and shall be allowed to ((recover or regain)) establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That ((any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service)) all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights

should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits;

- (5) Patient and inmate help in state charitable, penal, and correctional institutions;
- (6) "Members" of a state veterans' home or state soldiers' home;
- (7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;
- (8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application.

Sec. 14. Section 32, chapter 274, Laws of 1947 as last amended by section 7, chapter 155, Laws of 1965 and RCW 41.40.310 are each amended to read as follows:

Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is no longer totally incapacitated for duty as the result of the injury or illness for which the disability was granted, or that he is engaged in a gainful occupation, his disability pension or retirement

allowance shall cease: PROVIDED, That if the disability beneficiary resumes a gainful occupation and his compensation is less than his compensation earnable at the date of disability, the board shall continue the disability benefits in an amount which when added to his compensation does not exceed his compensation earnable at the date of separation, but the disability benefit shall in no event exceed the disability benefit originally awarded; PROVIDED FURTHER, That the compensation earnable at the date of separation is adjusted July 1 of each year by the ratio of the average consumer price index (Seattle, Washington area) for urban consumers, compiled by the United States department of labor, bureau of labor statistics, for the calendar year prior to the adjustment to the average consumer price index for the calendar year in which separation from service occurred but in no event shall the adjustment result in an amount lower than the original compensation earnable at the date of separation.

Sec. 15. Section 9, chapter 163, Laws of 1982 and RCW 41.50.032 are each amended to read as follows:

(1) The director shall assume all powers, duties, and functions of the retirement boards abolished by RCW 2.10.052, 41.26.051, 41.32.015, 41.40.022, and 43.43.142 except as otherwise assigned in this section.

(2) There is hereby created a state advisory committee to the department of retirement systems which shall serve in an advisory capacity to the director of retirement systems. The committee shall consist of twelve members appointed by the governor as provided in this section:

(a) Three active members and one retired member of the public employees' retirement system;

(b) Two active members, one a law enforcement officer and the other a fire fighter, and one retired fire fighter, of the law enforcement officers' and fire fighters' retirement system;

(c) Two active members, one a teacher and the other an administrator, and one retired member of the teachers' retirement system;

(d) One active member of the state patrol retirement system;

(e) One active member of the judicial retirement system.

The active members appointed under subsections (a), (b), (c), and (d) of this subsection shall be selected from a list of three nominees submitted by each organization representing active members. The retired members appointed under subsections (a), (b), and (c) of this subsection shall be selected from a list of three nominees submitted by each organization representing retired members. The member appointed under subsection (e) of this subsection shall be appointed from a list of three nominees submitted by the state supreme court.

Members shall serve staggered three-year terms as determined by the governor. Members shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The advisory committee shall at its first meeting of each fiscal year elect a chairperson and vice chairperson.

(4) The chairperson shall annually appoint from the committee members a subcommittee for each retirement system covered by this chapter. Each subcommittee shall have one committee member representing the system for which appointed and two other committee members who represent any other system. The subcommittees shall meet upon the call of the director to review all disability appeals cases which have been heard by a hearings examiner. Having considered the ~~((report of the hearings examiner and all other legally pertinent material))~~ hearings examiner's proposed decision, including findings of fact and conclusions of law, and having personally considered the whole record or such portions thereof as may be cited by the parties, the subcommittee shall make a recommendation to the director for the disposition of the appeal.

Sec. 16. Section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210 are each amended to read as follows:

Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing ~~((before the retirement board))~~. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered ~~((by the retirement board))~~, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

Sec. 17. Section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220 are each amended to read as follows:

A hearing shall be held by ~~((members of the retirement board, or its))~~ the director, or the director's duly authorized representative((s)), in the county of the residence of the claimant at a time and place designated by the ~~((retirement board))~~ director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The

disability board and the ~~((director))~~ department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the ~~((retirement board))~~ director shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

Sec. 18. Section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a ~~((finding))~~ decision of the ~~((retirement board))~~ director affecting such claimant's right to retirement or disability benefits.

Sec. 19. Section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040 are each amended to read as follows:

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: PROVIDED, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred. ~~((No agency or department of the state may make any payment to an employee for unused or accrued vacation leave upon termination of employment except in the case of death: PROVIDED, That agencies or departments of the state shall provide a method whereby all accumulated vacation leave may be taken as vacation leave:))~~

Sec. 20. Section 43.01.041, chapter 8, Laws of 1965 as amended by section 3, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.041 are each amended to read as follows:

Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death, reduction in force, resignation, dismissal, or retirement, and who have accrued vacation leave as specified in RCW 43.01.040, shall ~~((have such accrued vacation leave))~~ be paid ((to)) therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination.

NEW SECTION. Sec. 21. Section 1, chapter 51, Laws of 1982 1st ex. sess. and RCW 41.04.345 are each repealed.

NEW SECTION. Sec. 22. (1) It is the purpose of sections 23 through 28 of this act to govern the retirement rights of persons whose employment status is altered when: (a) Two or more units of local government of this state, at least one of which is a first class city with its own retirement system, enter into an agreement for the consolidated performance of a governmental service, activity, or undertaking; (b) the service, activity, or undertaking is to be performed either by one of the participating local governmental units or by a newly established separate legal entity; and (c) the employees of the participating local governmental units are not all members of the same Washington public retirement system.

Sections 23 through 28 of this act are not intended to and do not govern retirement rights of any members of the retirement systems established by chapter 41.16, 41.18, 41.20, or 41.26 RCW, or of employees described in RCW 35.58.265, 35.58.390, or 70.08.070. To the extent there is any conflict between sections 23 through 28 of this act and RCW 41.04.110, the provisions of sections 23 through 28 of this act shall govern.

NEW SECTION. Sec. 23. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 22 through 28 of this act.

(1) "Legal entity" means any political subdivision or municipal corporation of the state, including but not limited to public agencies created under RCW 35.63.070, 36.70.060, or 39.34.030.

(2) "Consolidated employer" means the legal entity assigned by agreement to perform a governmental service, activity, or undertaking for two or more units of local government of the state, at least one of which is a first class city with its own retirement system.

(3) "Existing employee" means a person who both (a) becomes employed by the consolidated employer within one year after the consolidation and (b) was employed by one of the combining legal entities at the time of the consolidation.

(4) "New employee" means an employee of the consolidated employer who is not an existing employee.

(5) "Active member" means a member of a retirement system who was making contributions to that retirement system at the time of the consolidation.

NEW SECTION, Sec. 24. If a consolidated employer is a participating member in the public employees' retirement system under chapter 41.40 RCW prior to the consolidation:

(1) All existing employees of the consolidated employer who are active members of the public employees' retirement system immediately prior to the consolidation shall continue to be members of that retirement system while employed by the consolidated employer.

(2) All existing employees of the consolidated employer who are active members of a first class city retirement system under chapter 41.28 RCW immediately prior to the consolidation shall cease to be members of that system at the time of the consolidation and, if eligible, shall immediately become members of the public employees' retirement system. However, any such active member may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue to be a member of the first class city retirement system, thereby forever waiving any rights under the public employees' retirement system based upon employment with the consolidated employer.

(3) Only prospective periods of qualifying service under the public employees' retirement system may be established under this section.

NEW SECTION, Sec. 25. If a consolidated employer is a city operating a first class city retirement system under chapter 41.28 RCW prior to the consolidation:

(1) All existing employees of the consolidated employer who are active members of the first class city retirement system immediately prior to the consolidation shall continue to be members of that retirement system while employed by the consolidated employer.

(2) All existing employees of the consolidated employer who are active members of the public employees' retirement system under chapter 41.40 RCW immediately prior to the consolidation shall cease to be members of that system at the time of the consolidation and, if eligible, shall immediately become members of the first class city retirement system. However, any such active member may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue to be a member of the public employees' retirement system, thereby forever waiving any rights under the first class city retirement system based upon such employment with the consolidated employer.

(3) Only prospective periods of qualifying service under the first class city retirement system may be established under this section.

NEW SECTION, Sec. 26. If a consolidated employer is a newly created legal entity and does not immediately join the public employees' retirement system pursuant to RCW 41.40.410:

(1) All existing employees of the consolidated employer who are active members of a first class city retirement system or the public employees' retirement system immediately prior to the consolidation shall cease to be members of these systems. However, any such active members may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue as members of the retirement system to which they belonged at the time of the consolidation for all periods of employment with the consolidated employer.

(2) If the consolidated employer later joins the public employees' retirement system, all existing employees still employed on that date shall, effective from that date, have the same retirement system rights and options, subject to the same conditions as employees governed by section 24 of this act, notwithstanding any previous election under subsection (1) of this section.

(3) No new employees of the consolidated employer may become members of an employer-sponsored retirement system until such time as the employer joins the public employees' retirement system pursuant to RCW 41.40.410.

NEW SECTION, Sec. 27. Notwithstanding any provision of section 24, 25, or 26 of this act:

(1) No person may simultaneously accrue any contractual rights whatsoever in more than one Washington public retirement system as a consequence of employment by a consolidated employer.

(2) No person who makes a written election permitted by section 24, 25, or 26 of this act may receive a retirement allowance from such retirement system under any circumstances while employed or reemployed by the consolidated employer.

(3) No person may accrue any benefits or rights under any Washington public retirement system as a result of section 24, 25, or 26 of this act except such rights of continuing membership that are specifically and explicitly granted by section 24, 25, or 26 of this act.

(4) Nothing in sections 22 through 27 of this act is intended to constitute an amendment or waiver of any law or rule of any Washington public retirement system, including but not limited to those governing eligibility for service credit, benefits, or membership, except to broaden the class of legal entities that are deemed to be participating employers in the retirement systems in the specific circumstances stated in sections 24, 25, and 26 of this act.

NEW SECTION. Sec. 28. (1) Consolidated employers that employ persons governed by section 24, 25, or 26 of this act shall comply with all laws and rules governing the retirement system in which the persons participate as members, including but not limited to the obligations to make employer contributions, to deduct and transmit employee contributions, and to submit required reports.

(2) Sections 24, 25, 26, and 27 of this act govern any consolidation occurring on or after December 31, 1981.

NEW SECTION. Sec. 29. Sections 22 through 28 of this act are each added to chapter 41.04 RCW.

NEW SECTION. Sec. 30. (1) There is appropriated for the biennium ending June 30, 1985, from the state general fund to the public employees' retirement system fund the sum of two hundred ten thousand dollars, or so much thereof as may be necessary, to carry out the purposes of section 9 of this act.

(2) There is appropriated to the department of retirement systems for the biennium ending June 30, 1985, from the department of retirement systems expense fund the sum of fifty-five thousand dollars, or so much thereof as may be necessary, to carry out the administration of this act.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 2, line 17, following "allowance," insert:

"Any payment which is made pursuant to any labor agreement currently in force shall not be deemed excess compensation. Any payments in excess of regular salary and overtime, and two hundred and forty (240) hours of unused annual leave made after the expiration of a current contract shall be excess compensation."

MOTION

Senator Hansen moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 6 of the amendment, after line 10, insert the following:

"Sec. 7, Section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570 are each amended to read as follows:

Any retired teacher who enters service in any public educational institution within the state of Washington shall cease to receive pension payments while engaged in such service: PROVIDED, That service may be rendered up to seventy-five days per school year without reduction of pension."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF INQUIRY

Senator McDermott: "Senator Hansen, is it the intention of this that if somebody has retired from teaching in Washington and then were to be offered, let's say, a superintendent's job in another state, they could then go and take that job and still draw their pension in this state?"

Senator Hansen: "That's right."

The President declared the question before the Senate to be adoption of the amendment by Senator Hansen to the Committee on Ways and Means amendment.

The motion by Senator Hansen carried and the amendment to the committee amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

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

MOTIONS

On motion of Senator McDermott, the following title amendments were adopted:

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450; amending section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775; amending section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650; amending section 13, chapter 274, Laws of 1947 as last amended by section 19, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.120; amending section 32, chapter 274, Laws of 1947 as last amended by section 7, chapter 155, Laws of 1965 and RCW 41.40.310; amending section 9, chapter 163, Laws of 1982 and RCW 41.50.032; amending section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220; amending section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230; amending section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040; amending section 43.01.041, chapter 8, Laws of 1965 as amended by section 3, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.041; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding new sections to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 43.43 RCW; repealing section 2, chapter 10, Laws of 1982 1st ex. sess. and RCW 41.32.4985; repealing section 34, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.187; repealing section 1, chapter 51, Laws of 1982 1st ex. sess. and RCW 41.04.345; making appropriations; and declaring an emergency."

On page 39 of the title amendment, line 6, before "amending" insert "amending section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570;"

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 843, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Hemstad, further consideration of Substitute House Bill No. 843, as amended by the Senate, was deferred.

MOTIONS

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 1187, deferred on February 21, 1984.

On motion of Senator Quigg, the following amendment by Senators Quigg and Vognild was adopted:

On page 3, line 10, strike line 10 and insert:

"(1) Commercial practice of cosmetology, barbering or manicuring;"

Senator Quigg moved adoption of the following amendment by Senator Haley: On page 6, line 1, after "the" insert "director in consultation with the"

Debate ensued.

The President declared the question to be adoption of the amendment by Senator Quigg.

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

MOTION

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

On page 6, line 21, following "reissued" in the committee amendment, insert ": PROVIDED, That the director may waive this requirement for good cause shown"

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1187, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1187, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1187, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 07; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Bluechel, Guess, Haley, Hemstad, Kiskaddon, Metcalf, Quigg - 7.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 448, by Committee on Social and Health Services (originally sponsored by Representatives Todd, Addison, Belcher, Lewis, D. Nelson, McDonald, Mitchell, Brekke, Ballard, Johnson, Crane, Lux, Charnley, McMullen, Fisher, Ebersole, Holland, Wang, Patrick, Garrett, Taylor, Jacobsen, Miller, Silver and Brough)

Modifying the disabled parking laws.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 6, line 26, after "Section" strike "4" and insert "5"

On motion of Senator Owen, the following amendment by Senators Owen and Granlund was adopted:

On page 2, line 18, after "persons," insert "The director shall also adopt rules providing for the issuance of special cards to public transportation authorities that regularly transport disabled persons who have been determined eligible for special parking privileges provided under this section. The special card shall be displayed in a vehicle operated by the public transportation authority only when actually transporting the disabled persons. The public transportation authority is responsible for insuring that the special card is not used improperly and is responsible for all fines and penalties for improper use."

MOTION

On motion of Senator Warnke, the rules were suspended, Second Substitute House Bill No. 448, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 448, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 448, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Decchio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Barr, Woody - 2.

Excused: Senator Benitz - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 448, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1407, by Committee on Natural Resources (originally sponsored by Representatives Tanner, L. Smith and B. Williams)

Granting the department of natural resources various duties relating to forest products.

The bill was read the second time.

MOTION

On motion of Senator Owen, the rules were suspended, Substitute House Bill No. 1407 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1407.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1407, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Hurley, Woody - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, McMullen, Schmidt and Dellwo)

Reorganizing and revising Washington trust law.

The bill was read the second time.

MOTIONS

On motion on Senator Talmadge, the following amendment by Senators Talmadge and Hemstad was adopted:

On page 40, line 9, after "RCW" strike "11.98.070" and insert "11.98.019"

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1213, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1213, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1213, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Deccio - 1.

Excused: Senator Benitz - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Talmadge, the section by section analysis of Engrossed Substitute House Bill No. 1213 will be included in the Journal to assist in the interpretation of the bill. See Appendix A located immediately after the Sixtieth Day.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1179, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Dellwo, Lewis, Stratton, Ballard, Fiske, B. Williams and West)

Providing assessment procedures for the cost analysis of mandated health coverages.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1179 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Senator Moore, the only question I have is concerning bills that we put through here before, like I remember we had a bill that passed here not so long ago that mandated insurance coverage for mastectomies. Would this present any sort of additional roadblocks in the way of the Legislature mandating something that ninety-nine percent of all members on this floor would consider to be quite reasonable?"

Senator Moore: "I would hope not."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1179.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1179, and the bill passed the Senate by the following vote: Yeas, 36; nays, 10; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Sellar, von Reichbauer, Williams, Woody, Zimmerman - 36.

Voting nay: Senators Fleming, Gaspard, Kiskaddon, Pullen, Rinehart, Shipoch, Talmadge, Thompson, Vogt, Wojahn - 10.

Absent: Senators Quigg, Warnke - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1179, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 699, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives D. Nelson, Pruitt and Barnes)

Facilitating citizen participation in the political process.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 699 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 699.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 699, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Shinpoch, all bills passed this morning were ordered immediately transmitted to the the House.

At 11:35 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

REPORTS OF STANDING COMMITTEES

February 21, 1984

SHB 552 Prime Sponsor, State Government: Permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; Rasmussen, Vice Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 14, 1984

E2SHB 1137 Prime Sponsor, Committee on Ways and Means: Authorizing demonstration projects on respite care services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman, Bauer, Bluechel, Craswell, Hayner, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

EHB 1171 Prime Sponsor, Representative Sayan: Requiring that certain conditions be met prior to receiving a grant or loan for sanitary sewage facilities. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hurley, Kiskaddon, Lee, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 21, 1984

2SHB 1174 Prime Sponsor, Committee on Ways and Means: Regulating acid deposition pollution. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Parks and Ecology. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Hayner, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 20, 1984

SHB 1191 Prime Sponsor, Committee on Environmental Affairs: Mandating water quality testing by public water supply systems. Reported by Committee on Parks and Ecology

MAJORITY recommendation: Do pass as amended. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Haley, Hurley, Kiskaddon, McDermott, Williams.

Passed to Committee on Rules for second reading.

February 21, 1984

HB 1201 Prime Sponsor, Representative Grimm: Modifying provisions on property tax exemptions and deferrals. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Hayner, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

HB 1253 Prime Sponsor, Representative Belcher: Creating an employee exchange program. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1275 Prime Sponsor, Committee on Ways and Means: Imposing the real estate excise tax on floating homes. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Craswell, Hayner, McDonald, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

ESHB 1341 Prime Sponsor, Committee on Social and Health Services: Authorizing energy retrofits as an allowable cost in nursing home cost reimbursement. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators McManus, Chairman; Craswell, Deccio, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

February 21, 1984

SHB 1589 Prime Sponsor, Committee on Social and Health Services: Developing a work incentive program demonstration project proposal. Reported by Committee on Social and Health Services

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means. Signed by Senators McManus, Chairman; Craswell, Deccio, Kiskaddon, Moore.

Referred to Committee on Ways and Means.

February 21, 1984

ESHB 1655 Prime Sponsor, Committee on State Government: Establishing a child care demonstration project for state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; McDermott, Quigg, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

HJM 37 Prime Sponsor, Representative D. Nelson: Requesting the United States to grant safe haven status to refugees from El Salvador and Guatemala. Reported by Committee on State Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

HJM 42 Prime Sponsor, Representative R. King: Requesting the establishment of a National Academy of Peace and Conflict Resolution. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Senators Warnke, Chairman; McDermott, Rinehart, Zimmerman.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 22, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3379,

SUBSTITUTE SENATE BILL NO. 4561, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 22, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1128,

HOUSE BILL NO. 1147,

SUBSTITUTE HOUSE BILL NO. 1210, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 22, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 145,

SUBSTITUTE HOUSE BILL NO. 827,

SUBSTITUTE HOUSE BILL NO. 1118,

HOUSE BILL NO. 1120,

HOUSE BILL NO. 1166,

HOUSE BILL NO. 1192,

SUBSTITUTE HOUSE BILL NO. 1302,

SUBSTITUTE HOUSE BILL NO. 1334,

SUBSTITUTE HOUSE BILL NO. 1390,

HOUSE BILL NO. 1416,

HOUSE JOINT MEMORIAL NO. 30,

HOUSE CONCURRENT RESOLUTION NO. 34, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 915, by Committee on Higher Education (originally sponsored by Representative Burns)

Establishing procedures and providing certain immunities to faculty peer review committees.

The bill was read the second time.

MOTIONS

Senator Gaspard moved that the following Committee on Education amendment not be adopted:

On page 1, line 20, after "long as" strike all the material through "section" on line 21 and insert "the provisions of subsection (3) of this section are complied with"

The President declared the question before the Senate to be the motion by Senator Gaspard to not adopt the Committee on Education amendment.

The motion by Senator Gaspard carried and the committee amendment was not adopted.

MOTION

On motion of Senator Gaspard, the following amendment by Senators Gaspard and Hemstad was adopted:

On page 1, line 17, after "conducted" strike all the material through "section" on line 21 and insert "pursuant to rules and regulations promulgated by the respective institutions of higher education"

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 1, after line 21, strike all material through line 8 on page 2 and insert the following:

"(3) Upon the request of an evaluated person, the appropriate administrative officer of the institution shall provide a statement of the reasons of the peer review committees and of participating administrative officers for a final unfavorable decision on merit, promotion, tenure or reappointment. In the case of a disciplinary or dismissal proceeding, a statement of reasons shall be provided by the reviewing committee to the evaluated person for any decision unfavorable to such person.

(4) The institutions of higher education shall provide legal representation for any past or current members of the peer review committee and for individuals who testify orally or in writing in good faith before such committee in any legal action which may arise from committee proceedings."

MOTIONS

On motion of Senator Vognilid, Senator McDermott was excused.

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 915, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 915, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 915, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Absent: Senators Craswell, Zimmerman - 2.

Excused: Senators Benitz, McDermott - 2.

SUBSTITUTE HOUSE BILL NO. 915, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1121, by Representatives Armstrong, Padden, Tanner, P. King and Clayton

Revising penalties for crimes involving explosives.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1121 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1121.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1121, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 45.

Absent: Senators Conner, Quigg, Zimmerman - 3.

Excused: Senator Benitz - 1.

HOUSE BILL NO. 1121, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1698, by Committee on Transportation (originally sponsored by Representatives Zellinsky, Walk, J. Williams, Garrett and Egger)

Delaying the requirement of replacing five-year old license plates.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1698 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1698.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1698, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Benitz, Quigg - 2.

SUBSTITUTE HOUSE BILL NO. 1698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1564, by Committee on Financial Institutions and Insurance (originally sponsored by Representatives Kreidler, Wang, Garrett and Powers)

Regulating a continuation and conversion of insurance coverage.

The bill was read the second time.

MOTIONS

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 3, line 1, after "person" strike "obtains" and insert "is eligible to obtain"

On page 5, line 5, after "person" strike "obtains" and insert "is eligible to obtain"

On page 7, line 11, after "person" strike "obtains" and insert "is eligible to obtain"

On motion of Senator Moore, the following Committee on Financial Institutions amendments were considered and adopted simultaneously:

On page 4, line 15, after "contract" strike "issued, renewed, or amended" and insert "entered into or renewed"

On page 6, line 20, after "agreement" strike "issued, renewed, or amended" and insert "entered into or renewed"

Senator Deccio moved that the following amendments by Senators Deccio, Wojahn and Granlund be considered and adopted simultaneously:

On page 2, line 20, strike all of subsection (a) and reletter the remaining subsections accordingly.

On page 4, line 22, strike all of subsection (a) and reletter the remaining subsections accordingly.

On page 6, line 28, strike all of subsection (a) and reletter the remaining subsections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Deccio, Wojahn and Granlund.

The motion by Senator Deccio carried and the three amendments were adopted on a rising vote.

MOTIONS

On motion of Senator Bluechel, Senator Guess was excused.

On motion of Senator Deccio, the following amendments by Senators Deccio, Wojahn and Granlund were considered and adopted on a rising vote:

On page 2, line 23, after "misconduct" strike the semicolon and insert ": PROVIDED, That when a person's employment or membership is terminated for misconduct, a conversion policy shall be offered to the spouse and/or dependents of the terminated employee or member. The policy shall include in the conversion provisions the same conversion rights and conditions which are available to employees or members and their spouses and/or dependents who are terminated for reasons other than misconduct."

On page 4, line 25, after "misconduct" strike the semicolon and insert ": PROVIDED, That when a person's employment or membership is terminated for misconduct, a conversion policy shall be offered to the spouse and/or dependents of the terminated employee or member. The policy shall include in the conversion provisions the same conversion rights and conditions which are available to employees or members and their spouses and/or dependents who are terminated for reasons other than misconduct."

On page 6, line 31, after "misconduct" strike the semicolon and insert ": PROVIDED, That when a person's employment or membership is terminated for misconduct, a conversion policy shall be offered to the spouse and/or dependents of the terminated employee or member. The policy shall include in the conversion provisions the same conversion rights and conditions which are available to employees or members and their spouses and/or dependents who are terminated for reasons other than misconduct."

On motion of Senator Moore, the rules were suspended, Substitute House Bill No. 1564, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1564, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1564, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Clarke, Hayner - 2.

Excused: Senators Benitz, Guess - 2.

SUBSTITUTE HOUSE BILL NO. 1564, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1361, by Representatives Sutherland, Long, Pruitt, Brough, Schoon, Ebersole, Tanner and Sanders

Establishing a program for voluntary low-income assistance contributions for P.U.D. customers.

The bill was read the second time.

MOTIONS

On motion of Senator Bluechel, Senator Clarke was excused.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 1361 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1361.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1361, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 04; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 42.

Absent: Senators McCaslin, Owen, Quigg, Williams - 4.

Excused: Senators Benitz, Clarke, Guess - 3.

ENGROSSED HOUSE BILL NO. 1361, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1248, by Representatives Vekich, Hankins, Niemi and J. Williams

Modifying procedures for discipline of state patrol officers.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 4, after line 22, insert the following:

NEW SECTION, Sec. 9. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Warnke, the following title amendments were adopted:

On page 1, line 10 of the title, after "34.04.150;" strike "and"

On page 1, line 11 of the title, after "RCW" insert "; and declaring an emergency"

On motion of Senator Warnke, the rules were suspended, House Bill No. 1248, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1248, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1248, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Guess, Metcalf - 2.

Excused: Senators Benitz, Clarke - 2.

HOUSE BILL NO. 1248, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 145,
 SUBSTITUTE HOUSE BILL NO. 827,
 SUBSTITUTE HOUSE BILL NO. 1118,
 HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1128,
 HOUSE BILL NO. 1147,
 HOUSE BILL NO. 1166,
 ENGROSSED HOUSE BILL NO. 1192,
 SUBSTITUTE HOUSE BILL NO. 1210,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1302,
 SUBSTITUTE HOUSE BILL NO. 1334,
 SUBSTITUTE HOUSE BILL NO. 1390,
 HOUSE BILL NO. 1416,
 HOUSE JOINT MEMORIAL NO. 30,
 HOUSE CONCURRENT RESOLUTION NO. 34.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1668, by Committee on Transportation (originally sponsored by Representatives Isaacson, Ellis, Hankins, Walk, Barnes, Clayton, Bond, Egger and Zellinsky)

Prohibiting the sale of motor vehicle fuel containing alcohol unless the dispensing device is labeled.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1668 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1668.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1668, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes,

Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Absent: Senators Granlund, Woody - 2.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1668, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1270, by Committee on Judiciary (originally sponsored by Representatives Todd, Crane, Schoon, Dellwo, Brough, Hine, Armstrong, Ebersole, Ellis, Heck, Garrett, Walk, R. King, Sayan, Applewick, Charnley, Powers, Tanner, Belcher, Galloway, Haugen, McMullen, Barnes, Patrick, Locke, D. Nelson and Grimm)

Revising mobile home landlord-tenant act.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1270 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1270.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1270, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

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

Voting nay: Senator Pullen - 1.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1348, by Representatives Jacobsen, Burns, Prince, Charnley, Locke, D. Nelson and Appelwick

Providing exemptions from payment of operating fees to certain students with graduate service appointments.

The bill was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on Education amendment was adopted:

On page 1, line 21, after "impacted.", insert "The 1985-87 and subsequent biennial appropriations to the institutions shall be based on the level of reduced stipend resulting from this act."

On motion of Senator Rinehart, the rules were suspended, Engrossed House Bill No. 1348, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1348, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1348, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 02; absent, 06; excused, 01.

Voting yea: Senators Bender, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Loe, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Metcalf - 2.

Absent: Senators Bauer, Bottiger, Guess, Hughes, McManus, Vognild - 6.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 1348, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1127, by Committee on Local Government (originally sponsored by Representatives Hine, Brough, Ballard and Clayton)

Providing a means to transfer sewer or water system operations from a county to a sewer or water district.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A system of sewerage, system of water or combined water and sewerage systems operated by a county under the authority of this chapter may be transferred from that county to a water or sewer district in the same manner as is provided for the transfer of those functions from a water or sewer district to a county in RCW 36.94.310 through 36.94.340.

NEW SECTION, Sec. 2. If so provided in the transfer agreement, the area served by the system shall, upon completion of the transfer, be deemed annexed to and become a part of the water or sewer district acquiring the system. The county shall provide notice of the hearing by the county legislative authority on the ordinance executing the transfer agreement under RCW 36.94.330 as follows: (1) By mailed notice to all ratepayers served by the system at least fifteen days prior to the hearing; and (2) by notice in a newspaper of general circulation once at least fifteen days prior to the hearing.

NEW SECTION, Sec. 3. The provisions of sections 1 and 2 of this act provide an alternative method of accomplishing the transfer permitted by those sections and do not impose additional conditions upon the exercise of powers vested in water and sewer districts and counties.

NEW SECTION, Sec. 4. If the superior court finds that the transfer agreement authorized by section 1 of this act is legally correct and that the interests of the owners of related indebtedness are protected, then the court by decree shall direct that the transfer be accomplished in accordance with the agreement.

NEW SECTION, Sec. 5. There is added to chapter 36.93 RCW a new section to read as follows:

Annexations of territory to a water or sewer district pursuant to sections 1 through 4 of this act shall not be reviewed by a boundary review board.

Sec. 6. Section 1, chapter 119, Laws of 1969 and RCW 56.08.015 are each amended to read as follows:

Any sewer district heretofore or hereafter organized and existing may apply to change its name by filing with ~~((the board of county commissioners of))~~ the county legislative authority in which was filed the original petition for the organization of the district, a certified copy of a resolution of its board of commissioners adopted by the majority vote of all the members of said board at a regular meeting thereof providing for such change of name. ~~((The new name shall reflect the service offered by the sewer district.))~~ After approval of the new name by the county ~~((commissioners))~~ legislative authority, all proceedings of such district shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and a change of name heretofore made by any existing sewer district in this state, substantially in the manner above provided is hereby ratified, confirmed and validated.

NEW SECTION, Sec. 7. There is added to chapter 114, Laws of 1929 and to chapter 57.04 RCW a new section to read as follows:

Any water district heretofore or hereafter organized and existing may apply to change its name by filing with the county legislative authority in which was filed the original petition for organization of the district, a certified copy of a resolution of its board of commissioners adopted by majority vote of all of the members of said board at a regular meeting thereof providing for such change of name. After approval of the new name by the county legislative authority, all proceedings for such districts shall be had under such changed name, but all existing obligations and contracts of the district entered into under its former name shall remain outstanding without change and with the validity thereof unimpaired and unaffected by such change of name, and the change of name heretofore made by any existing water district in this state, substantially in the manner above approved is hereby ratified, confirmed, and validated.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act are each added to chapter 36.94 RCW."

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

On page 1, on line 2 of the title, after "corporation;" insert "amending section 1, chapter 119, Laws of 1969 and RCW 56.08.015; adding a new section to chapter 114, Laws of 1929 and to chapter 57.04 RCW; adding a new section to chapter 36.93 RCW; and adding new sections to chapter 36.94 RCW."

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1127, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, why have they prohibited review by the boundary review board? The boundary review board, now, has the authority to meet and hear protests and make a decision whether or not it's in the best interests of the annexing districts or the districts being annexed--if it's the best interests of the people in the district. Now, this would prohibit the boundary review board from having that opportunity of holding hearings."

Senator Thompson: "Senator Rasmussen, that process is provided otherwise through the transfer system which provides for notice of a public hearing and holding of a public hearing so that all ratepayers would be advised and have an opportunity for direct input."

Senator Rasmussen: "Who was the hearing held before?"

Senator Thompson: "Before the county."

Senator Rasmussen: "By the legislative authority?"

Senator Thompson: "Yes."

Senator Rasmussen: "By the hearing officer?"

Senator Thompson: "Yes."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1127, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senators Guess, Owen, Guigg - 3.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 1127, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 857, by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Isaacson, Gallagher, Todd and West)

Defining responsibility for protection of underground utility facilities during excavation.

The bill was read the second time.

MOTIONS

On motion of Senator Williams, the following Committee on Energy and Utilities amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. It is the intent of the legislature in enacting this chapter to assign responsibilities for locating and keeping accurate records of utility locations, protecting and repairing damage to existing underground facilities, and protecting the public health and safety from interruption in utility services caused by damage to existing underground utility facilities.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Business day" means any day other than Saturday, Sunday, or a legal local, state, or federal holiday.

(2) "Damage" includes the substantial weakening of structural or lateral support of an underground facility, penetration, impairment, or destruction of any underground protective coating, housing, or other protective device, or the severance, partial or complete, of any underground facility to the extent that the project owner or the affected utility owner determines that repairs are required.

(3) "Emergency" means any condition constituting a clear and present danger to life or property, or a customer service outage.

(4) "Excavation" means any operation in which earth, rock, or other material on or below the ground is moved or otherwise displaced by any means, except the tilling of soil less than twelve inches in depth for agricultural purposes, or road and ditch maintenance that does not change the original road grade or ditch flowline.

(5) "Excavator" means any person who engages directly in excavation.

(6) "Identified facility" means any underground facility which is indicated in the project plans as being located within the area of proposed excavation.

(7) "Identified but unlocatable underground facility" means an underground facility which has been identified but cannot be located with reasonable accuracy.

(8) "Locatable underground facility" means an underground facility which can be field-marked with reasonable accuracy.

(9) "Marking" means the use of stakes, paint, or other clearly identifiable materials to show the field location of underground facilities, in accordance with the current color code standard of the American public works association. Markings shall include identification letters indicating the specific type of the underground facility.

(10) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of a state, and its employees, agents, or legal representatives.

(11) "Reasonable accuracy" means location within twenty-four inches of the outside dimensions of both sides of an underground facility.

(12) "Underground facility" means any item buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, cablevision, electric energy, petroleum products, gas, gaseous vapors, hazardous liquids, or other substances and including but not limited to pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, and those parts of poles or anchors below ground.

(13) "One-number locator service" means a service through which a person can notify utilities and request field-marking of underground facilities.

NEW SECTION, Sec. 3. Before commencing any excavation, the excavator shall provide notice of the scheduled commencement of excavation to all owners of underground facilities through a one-number locator service. If no one-number locator service is available, notice shall be provided individually to those owners of underground facilities known to or suspected of having underground facilities within the area of proposed excavation. The notice shall be communicated to the owners of underground facilities not less than two business days or more than ten business days before the scheduled date for commencement of excavation, unless otherwise agreed by the parties.

Upon receipt of the notice provided for in this section, the owner of the underground facility shall provide the excavator with reasonably accurate information as to its locatable underground facilities by surface-marking the location of the facilities. If there are identified but

unlocatable underground facilities, the owner of such facilities shall provide the excavator with the best available information as to their locations. The owner of the underground facility providing the information shall respond no later than two business days after the receipt of the notice or before the excavation time, at the option of the owner, unless otherwise agreed by the parties. Excavators shall not excavate until all known facilities have been marked. Once marked by the owner of the underground facility, the excavator is responsible for maintaining the markings. Excavators shall have the right to receive compensation from the owner of the underground facility for costs incurred if the owner of the underground facility does not locate its facilities in accordance with this section.

The owner of the underground facility shall have the right to receive compensation for costs incurred in responding to excavation notices given less than two business days prior to the excavation from the excavator.

An owner of underground facilities is not required to indicate the presence of existing service laterals or appurtenances if the presence of existing service laterals or appurtenances on the site of the construction project can be determined from the presence of other visible facilities, such as buildings, manholes, or meter and junction boxes on or adjacent to the construction site.

Emergency excavations are exempt from the time requirements for notification provided in this section.

If the excavator, while performing the contract, discovers underground facilities which are not identified, the excavator shall cease excavating in the vicinity of the facility and immediately notify the owner or operator of such facilities, or the one-number locator service.

NEW SECTION. Sec. 4. (1) Project owners shall indicate in bid or contract documents the existence of underground facilities known by the project owner to be located within the proposed area of excavation. The following shall be deemed changed or differing site conditions:

(a) An underground facility not identified as required by this chapter or other provision of law; and

(b) An underground facility not located, as required by this chapter or other provision of law, by the project owner or excavator if the project owner or excavator is also a utility.

(2) An excavator shall use reasonable care to avoid damaging underground facilities. An excavator shall:

(a) Determine the precise location of underground facilities which have been marked;

(b) Plan the excavation to avoid damage to or minimize interference with underground facilities in and near the excavation area; and

(c) Provide such support for underground facilities in and near the construction area, including during backfill operations, as may be reasonably necessary for the protection of such facilities.

(3) If an underground facility is damaged and such damage is the consequence of the failure to fulfill an obligation under this chapter, the party failing to perform that obligation shall be liable for any damages. Any clause in an excavation contract which attempts to allocate liability, or requires indemnification to shift the economic consequences of liability, different from the provisions of this chapter is against public policy and unenforceable. Nothing in this chapter prevents the parties to an excavation contract from contracting with respect to the allocation of risk for changed or differing site conditions.

(4) In any action brought under this section, the prevailing party is entitled to reasonable attorneys' fees.

NEW SECTION. Sec. 5. (1) An excavator who, in the course of excavation, contacts or damages an underground facility shall notify the utility owning or operating such facility and the one-number locator service. If the damage causes an emergency condition, the excavator causing the damage shall also alert the appropriate local public safety agencies and take all appropriate steps to ensure the public safety. No damaged underground facility may be buried until it is repaired or relocated.

(2) The owner of the underground facilities damaged shall arrange for repairs or relocation as soon as is practical or may permit the excavator to do necessary repairs or relocation at a mutually acceptable price.

NEW SECTION. Sec. 6. An excavation of less than twelve inches in vertical depth on private noncommercial property shall be exempt from the requirements of section 3 of this act, if the excavation is being performed by the person or an employee of the person who owns or occupies the property on which the excavation is being performed.

NEW SECTION. Sec. 7. (1) Any person who violates any provision of this chapter, and which violation results in damage to underground facilities, is subject to a civil penalty of not more than one thousand dollars for each violation. All penalties recovered in such actions shall be deposited in the general fund.

(2) Any excavator who wilfully or maliciously damages a field-marked underground facility shall be liable for treble the costs incurred in repairing or relocating the facility. In those cases in which an excavator fails to notify known underground facility owners or the one-number locator service, any damage to the underground facility shall be deemed wilful and

malicious and shall be subject to treble damages for costs incurred in repairing or relocating the facility.

(3) This chapter does not affect any civil remedies for personal injury or for property damage, including that to underground facilities, nor does this chapter create any new civil remedies for such damage.

NEW SECTION. Sec. 8. The notification and marking provisions of this chapter may be waived for one or more designated persons by an underground facility owner with respect to all or part of that underground facility owner's own underground facilities.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 19 RCW."

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 857, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 857, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 857, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 05; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, Metcalf, Moore, Newhouse, Peterson, Pullen, Guigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Woody - 38.

Voting nay: Senators Hemstad, Rasmussen, Williams, Wojahn, Zimmerman - 5.

Absent: Senators Guess, McDonald, McManus, Owen, Patterson - 5.

Excused: Senator Benitz - 1.

SUBSTITUTE HOUSE BILL NO. 857, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 21, 1984

2SHB 307 Prime Sponsor, Committee on Judiciary: Requiring the department of corrections to give notice to certain people of the disposition of inmates convicted of violent offenses. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 22, 1984

ReSHB 711 Prime Sponsor, Committee on Judiciary: Modifying provisions concerning rights of crime victims, their survivors, and witnesses of crime. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Williams.

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 914 Prime Sponsor, Committee on Judiciary: Changing the mechanics' and materialmen's lien laws to provide increased protection for subcontractors and lien claimants. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1514 Prime Sponsor, Committee on Social & Health Services: Removing juveniles from adult jails. Reported by Committee on Institutions

MAJORITY recommendation: Do pass as amended. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin, McManus, Peterson.

Passed to Committee on Rules for second reading.

February 21, 1984

HB 1526 Prime Sponsor, Representative Scott: Modifying child placement and review hearings. Reported by Committee on Institutions

MAJORITY recommendation: Do pass. Signed by Senators Granlund, Chairman; Owen, Vice Chairman; Fuller, McManus, Metcalf, Peterson.

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1539 Prime Sponsor, Committee on Judiciary: Providing for the payment of costs of legal services for juveniles represented by publicly-funded counsel. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 1548 Prime Sponsor, Committee on Constitution, Elections and Ethics: Making voter registration services available in state offices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hemstad, Thompson, Williams, Woody.

Passed to Committee on Rules for second reading.

February 21, 1984

HJM 34 Prime Sponsor, Representative Tilly: Petitioning Congress to adopt the "Taxpayer Antitrust Enforcement Act of 1983". Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

MOTION

At 2:58 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, February 23, 1984.

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

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 23, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present.

The Sergeant at Arms Color Guard, consisting of Pages Katrina Thompson and Mark Carter, presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 22, 1984

SB 4416 Prime Sponsor, Senator Newhouse: Modifying provisions relating to unemployment insurance. Reported by Committee on Commerce and Labor

MAJORITY recommendation: That Substitute Senate Bill No. 4416 be substituted therefor, and the substitute bill do pass. Signed by Senators Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald, McManus, Moore, Newhouse, Shinpoch, Williams.

Hold.

February 20, 1984

2SHB 181 Prime Sponsor, Committee on Ways and Means: Modifying provisions regarding public lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Rasmussen, Shinpoch, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 22, 1984

E2SHB 761 Prime Sponsor, Committee on Constitution, Elections and Ethics: Establishing procedures for late registration and special absentee ballots. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Thompson, Williams, Woody

Passed to Committee on Rules for second reading.

February 22, 1984

EHB 1386 Prime Sponsor, Representative R. King: Modifying provisions relating to third party actions for industrial injuries. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 21, 1984

SHB 1547 Prime Sponsor, Committee on Constitution, Elections and Ethics: Establishing procedures for absentee voters unable to vote during the normal period. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 22, 1984

GA 176 DEANNA ANDERSON, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 177 DONALD M. BAKER, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 178 ROBERT W. BRADFORD, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 179 ROBERT L. HANCOCK, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 180 JAMES A. DOUB, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 181 FREDERICK R. HUME, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 182 DOUGLAS E. OLESEN, to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on September 7, 1983, for the term ending June 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

February 22, 1984

GA 199 JOE E. THOMAS, Ph. D., to the position of Member of the Washington High-Technology Coordinating Board, appointed by the Governor on January 12, 1984, for the term ending June 30, 1987, succeeding Dr. Meredith Ward. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bill No. 4416 was advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

February 22, 1984

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

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

Marilu M. Brock appointed January 24, 1984, for a term ending September 30, 1984, succeeding David C. Van Hoose as a member of the Board of Trustees for Community College District No. 9.

Sincerely,
JOHN SPELLMAN, Governor

Referred to Committee on Education.

MESSAGES FROM THE HOUSE

February 22, 1984

Mr. President:
The House has passed:
SENATE BILL NO. 3118,
ENGROSSED SENATE BILL NO. 3208,

SENATE BILL NO. 4345,

INGROSSED SUBSTITUTE SENATE BILL NO. 4423, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 22, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 4351,

SENATE BILL NO. 4428, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

PERSONAL PRIVILEGE

Senator Benitz: "Mr. President, a point of personal privilege. Thank you very much, I truly appreciate that. To some of you in the galleries, I missed a few days around here and I guess, at one time in the early part of it, I wasn't sure I would be back on the Senate floor, but I'm back and I feel quite well. Obviously, I will have some diet change and a few other things.

"I guess you should know that when I went down to the Legislative Clinic not feeling well—the doctor told me my pulse was 36. That's not very good and I kind of worried about that, but after I got out to the hospital and got to looking around in some reading material, I found that I'm not the only animal with a pulse of 36—that's about what the elephant has. So, I figured I'd make it—most of the elephants make it quite well.

"They gave me reading material when I got out and that's a different world, as some of you know. In one of the first parts of the reading material, it simply said I should avoid unneeded friends and yapping dogs. I don't know what the connection there is, but nevertheless we went along with it. I cannot attempt to thank all of you—organizations, lobbyists, Senators, Representatives—for the many cards, flowers and letters. I guess there's one very outstanding one that I wanted to particularly thank and that is when the Senate Democratic Caucus sent me, obviously, a very beautiful floral arrangement. The doctor came in to see me shortly after that and said 'I don't think I've ever seen a more beautiful one—what about it and where did it come from?' I told him that the opposition sent that to me. The doctor said, 'doesn't that worry you?' I said, 'no, not really—not only are they beautiful, but I'll sent a note back telling them that I can still smell them too.'

"Just a couple of other things, it's a different world and I guess I could sum that up when I got out and went home. My six-year old grandson brought his friend home from school. They came over to see 'grandpa' and very quickly after that my grandson announced to this friend, 'you see that's my grandpa there—he had a legislative heart attack, but he's o.k.—just don't pay any attention to him and he'll be all right.'

"It's good to be back with you and I appreciate the many things you did. Thank you very much."

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

REPORT OF STANDING COMMITTEE

February 22, 1984

ESHB 1558

Prime Sponsor, Representative Armstrong: Prohibiting teaching, exhibiting or demonstrating the use of or using firearms in civil disorders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended. Signed by Senators Talmadge, Chairman; Hughes, Vice Chairman; Fleming, Hayner, Hemstad, Newhouse, Woody.

Passed to Committee on Rules for second reading.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Chief Bernard Colligan as a member of the Juvenile Disposition Standards Commission was confirmed.

APPOINTMENT OF CHIEF BERNARD COLLIGAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

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

Absent: Senator McManus - 1.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1449, by Committee on Education (originally sponsored by Representatives Galloway, Holland and Powers) (by Superintendent of Public Instruction request)

Revising the remediation assistance program.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 149, Laws of 1979 and RCW 28A.41.402 are each amended to read as follows:

As used in (~~this act~~) RCW 28A.41.400 through 28A.41.414 unless the context clearly indicates otherwise:

(1) "Basic skills" means reading, mathematics, and language arts.

(2) "Program of remediation" (~~shall~~) means the assistance (in the remediation of basic skills deficiencies provided to five students or less per session) provided to eligible students by a person certified pursuant to chapter 28A.70 RCW or by a person appropriately trained for that purpose acting under the direct supervision and control of a person certificated pursuant to chapter 28A.67 RCW. Such assistance shall be provided to ten eligible students or fewer per session. However, local school districts are encouraged to provide such assistance to five eligible students or fewer per session for students in grades one through six.

(3) "Approved program" means a program of remediation which is designed by a public school district, or which is selected from the bank of nationally validated proven educational practices and is a diagnostic, prescriptive model in basic skills, and which is approved by the local school board and the superintendent of public instruction in accordance with the following criteria:

(a) All students participating in the program shall be (~~educationally deprived by consequence of their being below grade level in basic skills achievement~~) eligible as defined in RCW 28A.41.406;

(b) The program and individual student progress shall be based on performance objectives related to educational achievement and shall be annually evaluated by the district in a manner consistent with such objectives;

(c) The program shall provide supplementary services designed to meet the (~~special educational~~) needs of the participating students by providing a program of remediation for such participating students of at least one hundred minutes of instruction per week and of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the needs of such students and supportive services consisting of supervision, materials and supplies and the training of administrators, teachers, aides and tutors;

(d) (~~Not less than fifty percent of the funds expended in the program by any school district in any fiscal year shall be expended in school attendance areas having high concentrations of students from low income families as defined in Section 122 of Public Law 95-561~~) The superintendent of public instruction may adopt additional program standards and procedures as necessary to combine the state program for remediation in basic skills with like federal programs in order to fulfill the state's goal of providing service to students in need of remediation; and

(e) The school district shall keep individual records of student progress and other such records and provide reasonable access thereto by parents and by the superintendent of public instruction as is necessary to assure compliance with the foregoing approval criteria.

(4) "Basic skills tests" means tests established pursuant to RCW 28A.03.360, as now or hereafter amended.

(5) "Placement testing" means the administration of ~~((objective))~~ nationally normed standardized tests by a school district for the purpose of diagnosing the basic skills achievement levels and remediation needs of individual students in conformance with instructions established by the superintendent of public instruction established for such purpose.

Sec. 2. Section 3, chapter 149, Laws of 1979 and RCW 28A.41.404 are each amended to read as follows:

~~((Each school district which has established an approved program))~~ Each school district in which students are enrolled who are eligible for remediation services under RCW 28A.41.406 shall establish an approved program. Each school district shall submit annually an application to the office of the superintendent of public instruction for program approval. Upon approval of the program, each school district shall be eligible ~~((as determined by the superintendent of public instruction.))~~ for state funds made available for the purposes of such program(s). The ~~((number of students eligible to participate in such program in each school district))~~ allocation of state funds for each school district shall be calculated by the superintendent of public instruction ~~((through the use of data derived from the basic skills test. in making such calculations the superintendent of public instruction shall multiply the percentage of students taking the tests which scored in the lowest quartile, as compared to national norms, by the number of students enrolled in the district in grades two through six))~~ as follows: The number of students enrolled in grades one through twelve in the district shall be multiplied by the percentage of students taking the basic skills tests in the previous year who scored in the lowest quartile as compared to national norms, and then reduced by the number of students enrolled in grades one through twelve who receive special education instruction in basic skills pursuant to chapter 28A.13 RCW who scored in the lowest quartile as compared to national norms if the student's special education instruction is designed to address like needs as those addressed by the program of remediation: PROVIDED, That in making this calculation the superintendent of public instruction may use an average of the percentages of the students scoring in the lowest quartile over the immediately preceding five or fewer years.

Sec. 3. Section 4, chapter 149, Laws of 1979 and RCW 28A.41.406 are each amended to read as follows:

Each school district shall determine the students ~~((who may))~~ eligible to participate in an approved program of remediation ~~((shall be determined by each school district))~~ through placement testing ~~((: PROVIDED, That only students in grades two through six who are behind grade level in one or more basic skills shall be eligible to participate: PROVIDED FURTHER, That the total number of students in a school district who may participate in an approved program of remediation may not exceed the total number of eligible students calculated in accordance with the provisions of RCW 28A.41.404)).~~ Students enrolled in grades one through twelve who score at or below the twenty-fifth percentile in basic skills achievement shall be eligible to participate. Local school districts may determine that additional students are eligible if such students can be served within the funds allocated under RCW 28A.41.404. No student receiving ~~((educational services from the programs conducted))~~ special education instruction in basic skills pursuant to chapter 28A.13 RCW shall be eligible to participate in the remediation program established by ~~((this act))~~ RCW 28A.41.400 through 28A.41.414 if the student's ~~((program))~~ special education instruction is designed to address like needs as those addressed by the program of remediation.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

State moneys allocated to local districts for remediation assistance shall be spent only for remediation assistance activities.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW a new section to read as follows:

School districts may enrich the program authorized by RCW 28A.41.400 through 28A.41.414: PROVIDED, That such enrichment shall not constitute a responsibility of the state.

Sec. 6. Section 6, chapter 149, Laws of 1979 and RCW 28A.41.410 are each amended to read as follows:

In order to insure that school districts are meeting the requirements of an approved program, the superintendent of public instruction shall monitor such programs no less than once every three years. The results of the evaluations required by RCW 28A.41.402(3)(b) shall be transmitted to the superintendent of public instruction annually. The superintendent of public instruction shall also review annually the state-wide remediation program and shall submit a report of such review to the legislature on or before January 1 of each year.

NEW SECTION. Sec. 7. Section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412 are each repealed.

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the committee amendment was adopted by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Shinpoch, von Reichbauer, Zimmerman - 24.

MOTIONS

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

On page 1, line 1 of the title, after "assistance;" strike the remainder of the title and insert "amending section 2, chapter 149, Laws of 1979 and RCW 28A.41.402; amending section 3, chapter 149, Laws of 1979 and RCW 28A.41.404; amending section 4, chapter 149, Laws of 1979 and RCW 28A.41.406; amending section 6, chapter 149, Laws of 1979 and RCW 28A.41.410; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; and repealing section 7, chapter 149, Laws of 1979, section 2, chapter 163, Laws of 1982 and RCW 28A.41.412."

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1449, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1449, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1449, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

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

Absent: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1449, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 255, by Committee on Ways and Means (originally sponsored by Representatives Sommers, Tilly, Braddock, Struthers, Rust, Brekke, Vander Stoep, Fiske, Appelwick, Stratton, J. King, Halsan, Jacobsen, Locke, Lux, Haugen and Ristuben)

Modifying provisions on watercraft registration and taxation.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 43, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.020 are each amended to read as follows:

The following are exempt from the tax imposed under this chapter:

- (1) Vessels exempt from the registration requirements of chapter 88.02 RCW;
- (2) Vessels used exclusively for commercial fishing purposes;

(3) Vessels under sixteen feet in overall length:

(4) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof:

((4)) (5) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030; and

((5)) (6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

Sec. 2. Section 16, chapter 7, Laws of 1983 as amended by section 44, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States (~~or Canada~~) if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state (~~or a Canadian province~~) if the vessel is registered in accordance with the laws of the state (~~or province~~) in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state (~~or province~~) for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state (~~or a Canadian province~~) and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

((7)) (7) Vessels under sixteen feet in overall length (~~or whose primary propulsion is human power~~) which have no propulsion machinery of any type:

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

NEW SECTION. Sec. 3. (1) A vessel numbered in this state under the federal boat safety act need not register under chapter 88.02 RCW until the earlier of: (a) One year from the date this state's vessel numbering system is approved under the federal boat safety act; or (b) the expiration date of the certificate of number issued for the vessel under the federal boat safety act. At the time of registration under chapter 88.02 RCW, the amount of excise tax due under chapter 82.49 RCW shall include amounts which would have been due under that chapter if the vessel had been registered at the time otherwise required under chapter 88.02 RCW.

(2) As used in this section, "federal boat safety act" means the federal boat safety act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.).

Sec. 4. Section 49, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.070 are each amended to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82.49.010 which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: PROVIDED, That such agreement shall take into consideration any marine patrols provided as of June 30, 1983, and shall provide compensation for those municipal corporations in the county which provide boating safety, fire suppression, and rescue services. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement, and other municipal corporations entitled to compensation, according to the terms of the agreement. Moneys collected under this section shall be

used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

NEW SECTION. Sec. 5. There is added to chapter 84.08 RCW a new section to read as follows:

Every individual, corporation, association, partnership, trust, and estate shall list with the department of revenue all ships and vessels which are subject to their ownership, possession, or control and which are subject to ad valorem taxation under RCW 84.36.080, and such listing shall be subject to the same requirements, penalties, and liens provided in chapters 84.40 and 84.60 RCW for all other personal property in the same manner as provided therein.

The department shall assess all ships and vessels and shall certify to the respective county assessors the equalized values thereof, subject to the same rules as other state-assessed properties in accordance with RCW 84.12.370 and 84.16.130 and chapter 84.48 RCW.

Any ship or vessel owner disputing the assessment under this section shall have the same rights of review as any other vessel owner subject to the excise tax contained in chapter 82.49 RCW in accordance with RCW 82.49.060.

NEW SECTION. Sec. 6. Section 53, chapter 3, Laws of 1983 2nd ex. sess. (uncodified) This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTIONS

On motion of Senator Bottiger, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 3, line 21, following "type", insert "or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States"

Senator Barr moved the following amendment by Senators Barr and Rinehart to the Committee on Ways and Means amendment be adopted:

On page 3 of the amendment, line 21, after "type" insert "PROVIDED, That vessels under sixteen feet in overall length which are owned by a recreational resort located on nonnavigable waters of the United States and which are rented to persons by the resort for use on non-navigable waters of the United States with no propulsion machinery of any type are not subject to registration if the vessel is clearly identified as belonging to the resort and the operator possesses a receipt clearly indicating that the vessel was rented without any propulsion machinery of any type"

POINT OF INQUIRY

Senator Barr: "Senator Bottiger, in looking at the amendment that we just adopted, and I think you have had a chance to look at Senator Rinehart's and my amendment, which was intended to help these small resorts where they have a whole row of little rowboats on them and they may or may not--somebody might come along and may or may not put a motor on and use it for an hour or so--now, do you think that your amendment would take care of what I'm trying to address?"

Senator Bottiger: "Senator Barr, I think my amendment is broader than yours. I am afraid that if we adopted your amendment, we would create a problem on a non-navigable lake--if the boat has a motor on it. Your amendment would require it to be registered where my amendment, standing alone, would say it doesn't have to be registered. I am also concerned that this amendment has not been checked with the Coast Guard, because if we pass a bill that does not comply with the Coast Guard regulations, then the whole thing is for naught and you're going to have to double register your boat again."

Senator Barr: "My understanding was, where I have the same language as you, that it is for non-navigable waters."

Senator Bottiger: "I understand that, but your amendment says that it can have no propulsion device. What happens when a resort owner on a non-navigable lake that does not have to be registered, under my amendment, also rents a nine horse-power motor with it? Under your amendment, he would have to be registered and under mine he would not have to be, so I think your amendment fowls it up."

Senator Barr: "I appreciate that very much and Mr. President, with that clarification I would withdraw the amendment."

There being no objection, the amendment by Senators Barr and Rinehart to the Committee on Ways and Means amendment was withdrawn.

POINT OF INQUIRY

Senator Clarke: "Senator Talmadge, just to further tie down, as to legislative intent, the way you read the Bottiger amendment, is it your opinion and would it appear to be the legislative intent that it would accomplish for those owners that are expressed in the Barr amendment an exemption, also?"

Senator Talmadge: "Yes."

MOTION

Senator McDermott moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 4, beginning on line 23, strike all of section 4 and renumber the remaining sections consecutively.

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 255, and the pending McDermott amendment to the Committee Ways and Means amendment was deferred.

SECOND READING

SUBSTITUTE SENATE BILL NO. 3267, by Committee on Ways and Means (originally sponsored by Senator McDermott) (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

MOTIONS

On motion of Senator McDermott, Second Substitute Senate Bill No. 3267 was substituted for Substitute Senate Bill No. 3267 and the second substitute bill was placed on second reading and read the second time.

Senator Metcalf moved the following amendment be adopted:
On page 5, line 16, strike all of section 5

Debate ensued.

POINT OF INQUIRY

Senator Metcalf: "Senator Bluechel, you're saying that RCW 80--it says 'the cultural art education program as defined in 82.04.43.28.' Are you saying that that RCW is so restrictive that it would only apply to this one school?"

Senator Bluechel: "This is what the Revenue Department told us. There are no other schools I know of in this state that could qualify. The Revenue Department told us in the testimony in the committee that they wish to grant the exemption, but the RCW was too narrow. The amendment was worked out with the Department of Revenue to specifically cover this one school and to my knowledge, that's all it covers."

The President declared the question before the Senate to be adoption of the amendment by Senator Metcalf.

The motion by Senator Metcalf failed and the amendment was not adopted on a rising vote.

MOTION

On motion of Senator McDermott, the rules were suspended, Second Substitute Senate Bill No. 3267, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3267.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3267, the bill passed the Senate by the following vote: Yeas, 48; nays, 01; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore,

Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Voting nay: Senator Metcalf - 1.

SECOND SUBSTITUTE SENATE BILL NO. 3267, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 23, 1984

SB 3926 Prime Sponsor, Senator McDermott: Relating to state government. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3926 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 571 Prime Sponsor, Committee on Local Government: Specifying procedure for removal of territory from public hospital districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

EHB 706 Prime Sponsor, Representative Todd: Requiring notice of taxes due on real property before assessing penalties for delinquent taxes. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

HB 939 Prime Sponsor, Representative Appelwick: Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1984

SHB 1139 Prime Sponsor, Committee on Agriculture: Clarifying provisions relating to ground water rights. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass as amended. Signed by Senators Hansen, Chairman; Goltz, Vice Chairman; Barr, Gaspard, Newhouse.

Passed to Committee on Rules for second reading.

February 22, 1984

HB 1160 Prime Sponsor, Representative Charnley: Modifying the powers of local governments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1984

SHB 1309 Prime Sponsor, Committee on Natural Resources: Providing for a migratory waterfowl stamp. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Senators Peterson, Vice Chairman; Conner, Fuller, Metcalf, Quigg, Shinpoch, Vognild, von Reichbauer.

Passed to Committee on Rules for second reading.

February 21, 1984

ESHB 1311 Prime Sponsor, Committee on Education: Requiring preschool education for handicapped children. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Deccio, Fleming, Hayner, Hughes, McDonald, Rinehart, Talmadge, Thompson, Warnke, Wojahn, Woody.

Passed to Committee on Rules for second reading.

February 22, 1984

HB 1319 Prime Sponsor, Representative Barnes: Revising the area for aircraft noise abatement programs. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

ESHB 1363 Prime Sponsor, Committee on Ways and Means: Authorizing coordination study between WSU and EWU. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bluechel, Bottiger, Craswell, Deccio, Fleming, Hayner, Hughes, Lee, McDonald, Talmadge, Thompson, Woody.

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 1365 Prime Sponsor, Committee on Social and Health Services: Establishing penalties for violations relating to design, construction, or operation of public water supply systems. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

ESHB 1380 Prime Sponsor, Committee on Local Government: Modifying provisions relating to boundary review boards. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody.

Passed to Committee on Rules for second reading.

February 22, 1984

HB 1395 Prime Sponsor, Representative Sayan: Providing certain documents from county auditors to veterans without charge. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Senators Thompson, Chairman; Bauer, Vice Chairman; Granlund, McCaslin, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 21, 1984

EHB 1402 Prime Sponsor, Representative Powers: Establishing a training program for liquor licensees to recognize and prevent intoxication. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Hayner, Rinehart, Talmadge, Thompson, Wojahn.

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 1627 Prime Sponsor, Committee on Judiciary: Revising child support provisions and providing new collection mechanism. Reported by Committee on Judiciary

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

Passed to Committee on Rules for second reading.

February 21, 1984

EHB 1636 Prime Sponsor, Representative J. King: Establishing a strategic economic development commission. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Fleming, Hayner, Hughes, Lee, Rinehart, Thompson, Warnke, Wojahn, Zimmerman.

Passed to Committee on Rules for second reading.

February 22, 1984

ESHB 1637 Prime Sponsor, Committee on Energy and Utilities: Providing for agreements with the federal government on the long-term disposal of high-level radioactive waste. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Hurley, Vice Chairman; Fuller, Goltz, Hemstad, McManus, Moore.

Passed to Committee on Rules for second reading.

MOTION

At 11:37 a.m., on motion of Senator Shipoch, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:13 p.m.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1247, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Appelwick, Struthers, Barrett, Brough and Crane)

Revising criminal sentencing.

The bill was read the second time.

MOTION

Senator Talmadge moved that the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause, and insert the following:

"Sec. 1. Section 1, chapter 99, Laws of 1937 as amended by section 1, chapter 276, Laws of 1983 and RCW 9.92.150 are each amended to read as follows:

The sentencing judge of the superior court and the sentencing judge of courts of limited jurisdictions shall have authority and jurisdiction whereby the sentence of a prisoner, sentenced to imprisonment in their respective county jail, may be reduced by up to ~~((ten days for each month of confinement therein:))~~ one-third for good behavior.

Sec. 2. Section 31, chapter 137, Laws of 1981 and RCW 9.92.900 are each amended to read as follows:

The following sections of law do not apply to any felony offense committed on or after July 1, 1984: RCW 9.92.050, 9.92.060, 9.92.062, 9.92.064, 9.92.066, 9.92.070, 9.92.080, and 9.92.090~~((and 9.92.150))~~.

Sec. 3. Section 3, chapter 137, Laws of 1981 as last amended by section 9, chapter 164, Laws of 1983 and RCW 9.94A.030 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Community" means the sentencing guidelines commission.

(2) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) "Community service" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((3))~~ (4) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

~~((4))~~ (5) "Confinement" means total or partial confinement as defined in this section.

~~((5))~~ (6) "Conviction" means an adjudication of guilt pursuant to Titles 10 or 13 RCW.

~~((6))~~ (7) "Crime-related prohibition" means an order of a court prohibiting conduct ~~((which))~~ that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

~~((7))~~ (8)(a) "Criminal history" means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) "Criminal history" includes a defendant's convictions or pleas of guilty in juvenile court if: (i) The guilty plea or conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); and (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) the defendant ~~((was twenty-three years of age or less))~~ had not reached his or her twenty-third birthday at the time the offense for which he or she is being sentenced was committed.

~~((8))~~ (9) "Department" means the department of corrections.

~~((9))~~ (10) "Determinate sentence" means a sentence ~~((which))~~ that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through "earned early release" can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((10))~~ (11) "Fines" means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

~~((11))~~ (12) "First-time offender" means any person convicted of a felony not classified as a violent offense under this chapter, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

~~((12))~~ (13) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((13))~~ (14) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

((†4)) (15) "Restitution" means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((†5)) (16) "Sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

((†6)) (17) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((†7)) (18) "Violent offense" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, and vehicular homicide;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, ~~(which)~~ that is comparable to a felony classified as a violent offense in subsection ((†7)) (18)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense ~~(comparable to)~~ that under the laws of this state would be a felony classified as a violent offense under subsection ((†7)) (18)(a) or (b) of this section.

Sec. 4. Section 9, chapter 137, Laws of 1981 and RCW 9.94A.090 are each amended to read as follows:

(1) If a plea agreement has been reached by the prosecutor and the defendant pursuant to RCW 9.94A.080, they shall at the time of the defendant's plea state to the court, on the record, the nature of the agreement and the reasons for the agreement. The court, at the time of the plea, shall determine if the agreement is consistent with the interests of justice and with the prosecuting standards. If the court determines it is not consistent with the interests of justice and with the prosecuting standards, the court shall ~~((order that neither the defendant nor the prosecutor is)), on the record, inform the defendant and the prosecutor that they are not bound by the agreement and that the defendant may withdraw the defendant's plea of guilty, if one has been made, and enter a plea of not guilty.~~

(2) The sentencing judge is not bound by any recommendations contained in an allowed plea agreement and the defendant shall be so informed at the time of plea.

Sec. 5. Section 11, chapter 137, Laws of 1981 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim or a representative of the victim, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department.

Sec. 6. Section 12, chapter 137, Laws of 1981 as last amended by section 2, chapter 163, Laws of 1983 and RCW 9.94A.120 are each amended to read as follows:

When a person is convicted of a felony, the court shall impose punishment as provided in this section.

(1) Except as authorized in subsections (2) and (5) of this section, the court shall impose a sentence within the sentence range for the offense.

(2) The court may impose a sentence outside the standard sentence range for that offense if it finds, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(3) Whenever a sentence outside the standard range is imposed, the court shall set forth the reasons for its decision in written findings of fact and conclusions of law. A sentence outside the standard range shall be a determinate sentence.

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a

term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

- (a) Devote time to a specific employment or occupation;
 - (b) Undergo available outpatient treatment for up to two years, or inpatient treatment not to exceed the standard range of confinement for that offense;
 - (c) Pursue a prescribed, secular course of study or vocational training;
 - (d) Remain within prescribed geographical boundaries and notify the court or the ~~((probation))~~ community corrections officer of any change in the offender's address or employment;
 - (e) Report as directed to the court and a ~~((probation))~~ community corrections officer; or
 - (f) Pay a fine, make restitution, and/or accomplish some community service work.
- (6) If a sentence range has not been established for the defendant's crime, the court shall impose a determinate sentence which may include not more than one year of confinement, community service work, restitution, a term of community supervision not to exceed one year, and/or a fine. The court may impose a sentence which provides more than one year of confinement if the court finds ~~((that the sentence otherwise authorized by this subsection would pose an unacceptable threat to community safety))~~, considering the purpose of this chapter, that there are substantial and compelling reasons justifying an exceptional sentence.

(7) (a) When an offender is convicted of any violation of chapter 9A.44 RCW or RCW 9A.64.020 except RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions of chapter 9A.44 RCW, RCW 9A.64.020, or any other felony sexual offenses in this or any other state, the sentencing court on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment;
- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, make restitution, accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

If the offender violates these sentence conditions the court may revoke the suspension and order execution of the sentence. All confinement time served during the period of community supervision shall be credited to the offender if the suspended sentence is revoked.

(b) When an offender is convicted of any felony sexual offense and is sentenced to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the

department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court for determination as to whether the offender shall be transferred to the department of corrections to serve the balance of his term of confinement.

If the offender successfully completes the treatment program before the expiration of his term of confinement, the court may convert the balance of confinement to community supervision and may place conditions on the offender including crime-related prohibitions and requirements that the offender perform any one or more of the following:

(i) Devote time to a specific employment or occupation;

(ii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;

(iii) Report as directed to the court and a community corrections officer;

(iv) Undergo available outpatient treatment.

If the offender violates any of the terms of his community supervision, the court may order the offender to serve out the balance of his community supervision term in confinement in the custody of the department of corrections.

(8) If the court imposes a sentence requiring confinement of ((sixty)) thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than ((sixty)) thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

((f)) (9) If a sentence imposed includes a fine or restitution, the sentence shall specify a reasonable manner and time in which the fine or restitution shall be paid. ((No such period of time may exceed ten years subsequent to the entering of the judgment of conviction:)) In any sentence under this chapter the court may also require the offender to make such monetary payments, on such terms as it deems appropriate under the circumstances, as are necessary (a) to pay court costs, including reimbursement of the state for costs of extradition if return to this state by extradition was required, (b) to make recoupment of the cost of defense attorney's fees if counsel is provided at public expense, (c) to contribute to a county or interlocal drug fund, and (d) to make such other payments as provided by law. All monetary payments shall be ordered paid by no later than ten years after the date of the judgment of conviction.

((9)) (10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in RCW 9A.20.020.

((t)) (11) All offenders sentenced to terms involving community supervision, community service, restitution, or fines shall be under the supervision of the secretary of the department or such person as the secretary may designate and shall follow implicitly the instructions of the secretary including reporting as directed to a community corrections officer, remaining within prescribed geographical boundaries, and notifying the community corrections officer of any change in the offender's address or employment.

(12) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

Sec. 7. Section 13, chapter 137, Laws of 1981 and RCW 9.94A.130 are each amended to read as follows:

The power to defer or suspend the imposition or execution of sentence is hereby abolished in respect to sentences prescribed for felonies committed after June 30, 1984, except for offenders sentenced under RCW 9.94A.120(7)(a), the special sexual offender sentencing alternative, whose sentence may be suspended.

Sec. 8. Section 15, chapter 137, Laws of 1981 as amended by section 6, chapter 192, Laws of 1982 and RCW 9.94A.150 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) The terms of the sentence may be reduced by earned early release time in accordance with procedures developed and promulgated by the department. The earned early release time shall be for good behavior and good performance, as determined by the department. In no case shall the aggregate earned early release time exceed one-third of the sentence;

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(3) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(4) If the sentence of confinement is in excess of ~~((eighteen))~~ twelve months but not in excess of three years, no more than the final three months of the sentence may be served in partial confinement designed to aid the offender in finding work and reestablishing him or herself in the community. If the sentence of confinement is in excess of three years, no more than the final six months of the sentence may be served in such partial confinement;

(5) The governor may pardon any offender; ~~((and))~~

(6) The department of corrections may release an offender from ~~((total))~~ confinement any time within ten days before a release date calculated under this section ~~((:));~~ and

(7) An offender may leave a correctional facility prior to completion of his sentence if the sentence has been reduced as provided in RCW 9.94A.160.

NEW SECTION. Sec. 9. There is added to chapter 9.94A RCW a new section to read as follows:

If the governor finds that an emergency exists in that the populations of county jails exceed their reasonable, maximum capacity in a significant manner as a result of increases in the sentenced felon population due to implementation of chapter 9.94A RCW, the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment. The commission shall also analyze how alternatives to total confinement are being provided and used and may recommend other emergency measures that may relieve the overcrowding.

(2) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 10. Section 19, chapter 137, Laws of 1981 and RCW 9.94A.190 are each amended to read as follows:

A sentence ~~((which))~~ that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. A sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

NEW SECTION. Sec. 11. There is added to chapter 9.94A RCW a new section to read as follows:

If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, an offender may be required to submit to a search and seizure of the offender's person, residence, automobile, or other personal property. A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court, pursuant to a written order.

Sec. 12. Section 20, chapter 137, Laws of 1981 and RCW 9.94A.200 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, the ~~((offender may receive))~~ court may modify its order of judgment and sentence and impose further punishment in accordance with this section.

(2) If ~~((a defendant))~~ an offender fails to comply with any of the requirements or conditions of a sentence the following provisions apply:

(a) The court, upon the motion of the state, or upon its own motion, shall require the ~~((defendant))~~ offender to show cause why the ~~((defendant))~~ offender should not be ~~((confined))~~ punished for the noncompliance. The court may issue a summons or a warrant of arrest for the ~~((defendant's))~~ offender's appearance;

(b) ~~((The state has the burden of showing noncompliance by a preponderance of the evidence. The defendant has the burden of showing by a preponderance of the evidence that the noncompliance was not a willful refusal.))~~ If the court finds that the violation ~~((was willful))~~ has

occurred, it ((shall)) may order the ((defendant)) offender to be confined for a period not to exceed sixty days for each violation, and may convert a term of partial confinement to total confinement. Any time served in confinement awaiting a hearing on noncompliance shall be credited against any confinement order by the court; and

(c) If the court finds that the violation was not willful, the court may ((reduce or extend the payment period or eliminate the fine or reduce or relieve the defendant of the obligation of community service work or of making restitution)) modify its previous order regarding payment of fines or other monetary payments and regarding community service obligations.

(3) Nothing in this section prohibits the filing of escape charges if appropriate.

Sec. 13. Section 21, chapter 137, Laws of 1981 as amended by section 7, chapter 192, Laws of 1982 and RCW 9.94A.210 are each amended to read as follows:

(1) A sentence within the standard range for the offense shall not be appealed. For purposes of this section, a sentence imposed on a first offender under RCW 9.94A.120(5) shall also be deemed to be within the standard range for the offense and shall not be appealed.

(2) ((f)) A sentence ((is)) outside ((of)) the sentence range for the offense((-the defendant or prosecutor may seek review of the sentence before)) is subject to appeal by the defendant or the state. The appeal shall be to the court of appeals in accordance with rules adopted by the supreme court.

(3) Pending review of the sentence, the sentencing court or the court of appeals may order the defendant confined or placed on conditional release, including bond.

(4) To reverse a sentence which is outside the sentence range, the reviewing court must find: (a) Either that the reasons supplied by the sentencing judge are not supported by the record which was before the judge or that those reasons do not justify a sentence outside the standard range for that offense; or (b) that the sentence imposed was clearly excessive or clearly too lenient.

(5) A review under this section shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required and the review and decision shall be ((heard within thirty days following the date of sentencing and a decision shall be rendered within fifteen days following the oral argument)) made in an expedited manner according to rules adopted by the supreme court.

(6) The court of appeals shall issue a written opinion in support of its decision whenever the judgment of the sentencing court is reversed and may issue written opinions in any other case where the court believes that a written opinion would provide guidance to sentencing judges and others in implementing this chapter and in developing a common law of sentencing within the state.

Sec. 14. Section 22, chapter 137, Laws of 1981 and RCW 9.94A.220 are each amended to read as follows:

When an offender has completed the requirements of the ((offender's)) sentence, the secretary of the department or his designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge. The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 15. Section 2, chapter 207, Laws of 1982 and RCW 9.94A.270 are each amended to read as follows:

(1) Whenever a punishment imposed under this chapter requires ((probation)) community supervision services to be provided, the sentencing court shall require((-as a condition of probation,)) that the offender pay to the department of corrections the monthly assessment, prescribed under subsection (2) of this section, which shall be for the duration of the probation and which shall be considered as payment or part payment of the cost of providing probation supervision to the probationer. The court may exempt a person from the payment of all ((of for)) or any part of the assessment based upon any of the following factors:

(a) The offender has diligently attempted but has been unable to obtain employment ((which)) that provides the offender sufficient income to make such payments.

(b) The offender is a student in a school, college, university, or a course of vocational or technical training designed to fit the student for gainful employment.

(c) The offender has an employment handicap, as determined by an examination acceptable to or ordered by the court.

(d) The offender's age prevents him from obtaining employment.

(e) The offender is responsible for the support of dependents and the payment of the assessment constitutes an undue hardship on the offender.

(f) Other extenuating circumstances as determined by the court.

(2) The department of corrections shall adopt a rule prescribing the amount of the assessment. The department may, if it finds it appropriate, prescribe a schedule of assessments ((which)) that shall vary in accordance with the intensity or cost of the supervision. The department may not prescribe any assessment ((which)) that is less than ten dollars nor more than fifty dollars.

(3) All amounts required to be paid under this section shall be collected by the department of corrections and deposited by the department in the state general fund.

(4) This section shall not apply to probation services provided under an interstate compact pursuant to chapter 9.95 RCW or to probation services provided for persons placed on probation prior to June 10, 1982.

Sec. 16. Section 2, chapter 115, Laws of 1983 and RCW 9.94A.310 are each amended to read as follows:

TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57

SERIOUSNESS
SCORE

OFFENDER SCORE

	0	1	2	3	4	5	6	7	8	9 or more
I	0-60 Days	0-90 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+ 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

Additional time added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter:

24 months (Rape 1, Robbery 1, Kidnaping 1)

18 months (Burglary 1)

12 months (Assault 2, Escape 1, Kidnaping 2, Burglary 2 of a building other than a dwelling, Delivery or Possession of a controlled substance with intent to deliver)

Sec. 17. Section 3, chapter 115, Laws of 1983 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

- XIV Aggravated Murder 1 (RCW 10.95.020)
- XIII Murder 1 (RCW 9A.32.030)
- XII Murder 2 (RCW 9A.32.050)
- XI Assault 1 (RCW 9A.36.010)
- X Kidnaping 1 (RCW 9A.40.020)
- Rape 1 (RCW 9A.44.040)
- Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
- Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
- IX Robbery 1 (RCW 9A.56.200)
- Manslaughter 1 (RCW 9A.32.060)
- Statutory Rape 1 (RCW 9A.44.070)
- Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)
- Explosive devices prohibited (RCW 70.74.180)
- Endangering life and property by explosives with threat to human being (RCW 70.74.270)
- Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
- VIII Arson 1 (RCW 9A.48.020)
- Rape 2 (RCW 9A.44.050)
- Promoting Prostitution 1 (RCW 9A.88.070)
- Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
- (Negligent) Vehicular Homicide (RCW 46.61.520)
- Introducing Contraband 1 (RCW 9A.76.140)
- Statutory Rape 2 (RCW 9A.44.080)
- Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
- Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)
- VI Bribery (RCW 9A.68.010)
- Manslaughter 2 (RCW 9A.32.070)
- Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
- Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
- Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
- Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
- Incest 1 (RCW 9A.64.020(1))
- Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
- Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))

- V (~~Statutory Rape 2 (RCW 9A.44.080))~~
Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 (~~Indecent Liberties (RCW 9A.44.100))~~
Incest 2 (RCW 9A.64.020(2))
Perjury 1 (RCW 9A.72.020)
Rendering Criminal Assistance 1 (RCW 9A.76.070)
- IV Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.020)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 (~~Incest 1 (RCW 9A.64.020(1))~~)
Hit and Run -- Injury Accident (RCW 46.52.020(4))
Vehicular Assault (RCW 46.61.522)
Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
- III (~~Rape 3 (RCW 9A.44.060))~~
 Statutory Rape 3 (RCW 9A.44.090)
 (~~Incest 2 (RCW 9A.64.020(2))~~)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.030)
Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
 Promoting Prostitution 2 (RCW 9A.88.080)
 Introducing Contraband 2 (RCW 9A.76.150)
 Communicating with a Minor for Immoral Purposes (RCW 9A.44.110)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock (RCW 9A.56.080)
 Welfare Fraud (RCW 74.08.055)
 Burglary 2 (RCW 9A.52.030)
Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- I Theft 2 (RCW 9A.56.040)
 Possession of Stolen Property 2 (RCW 9A.56.160)
 Forgery (RCW 9A.60.020)
 Auto Theft (Taking and Riding) (RCW 9A.56.070)
 Vehicle Prowl 1 (RCW 9A.52.095)
 Eluding a Police Vehicle (RCW 46.61.024)
 Malicious Mischief 2 (RCW 9A.48.080)
 Reckless Burning 1 (RCW 9A.48.040)
 Unlawful Issuance of Bank Checks (RCW 9A.56.060)
False Verification for Welfare (RCW 74.08.055)
Forged prescription (RCW 69.41.020)
Possess controlled substance that is a narcotic from Schedule III, IV, or V or non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 18. Section 4, chapter 115, Laws of 1983 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3
OFFENDER SCORE MATRIX

Prior Adult Convictions

	Serious Violent	Burglary 1	Other Violent	((Negligent)) Vehicular Homicide	Escape
Current Offenses		1	Violent		
Serious Violent	3	2	2	((+))2	1
Burglary 1	2	2	2	((+))2	1
Other Violent	2	2	2	((+))2	1
((Negligent)) Vehicular Homicide	0	0	0	((+))2	0
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
<u>Drug</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>1</u>
	Burglary 2	Felony ((Hit and Run)) Traffic	Serious Traffic	Other Non-Violent	<u>Drug</u>
Current Offenses	2				
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
((Negligent)) Vehicular Homicide	0	1	1	0	0
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
<u>Drug</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>1</u>	<u>2</u>

Prior Juvenile Convictions

	Serious Violent	Burglary 1	Other Violent	((Negligent)) Vehicular Homicide	Escape
Current Offenses		1	Violent		
Serious Violent	3	2	2	((+))2	1/2
Burglary 1	2	2	2	((+))2	1/2
Other Violent	2	2	2	((+))2	1/2
((Negligent)) Vehicular Homicide	0	0	0	((+))2	0
Escape	0	0	0	0	1/2
Burglary 2	((+))1/2	2	((+))1/2	1/2	1/2
Other Non-Violent	((+))1/2	((+))1/2	((+))1/2	1/2	1/2
<u>Drug</u>	<u>1/2</u>	<u>1/2</u>	<u>1/2</u>	<u>1/2</u>	<u>1/2</u>
	Burglary 2	Felony ((Hit and Run)) Traffic	Serious Traffic	Other Non-Violent	<u>Drug</u>
Current Offenses	2				
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
((Negligent)) Vehicular Homicide	0	1/2	1/2	0	0
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
<u>Drug</u>	<u>1/2</u>	<u>1/2</u>	<u>0</u>	<u>1/2</u>	<u>1</u>

Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1

Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
 Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run
 Felony Traffic: Felony Hit-and-Run, Vehicular Assault, Attempting to Elude a Police Officer
 Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance

Sec. 19, Section 7, chapter 115, Laws of 1983 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules are summarized in Table 3, RCW 9.94A.330.

The offender score is computed in the following way:

(1) Include juvenile felony convictions if the offender was 15 or older at the time the offense was committed and the offender was less than 23 (or less) at the time the offense for which he or she is being sentenced was committed.

(2) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(3) ((If the present conviction is for a violent offense (as defined in RCW 9.94A.110) and not covered in subsection (2) of this section, count two points for each prior adult and juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony conviction (rounding down for uneven scores):

(4) If the present conviction is for Burglary (1 or 2), count two points for each prior adult Burglary conviction. Count two points for each prior juvenile Burglary 1, and one point for each prior juvenile Burglary 2 conviction.

(5) If the present conviction is for a nonviolent offense (as defined in *RCW 9.94A.110), count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony (rounding down for uneven scores):

(6) If the present conviction is for escape, count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point (rounding down for uneven scores):

(7) If the present conviction is for Negligent Homicide, only count the following crimes as part of the offender score: Negligent Homicide, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500). Count each adult prior conviction as one point and each juvenile prior conviction as 1/2 point (rounding down for uneven scores):

(8) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the most serious offense, using the seriousness levels to define most serious, is scored.

(9)) If the present conviction is for Burglary 1, count priors as in subsection (5) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

(4) If the present conviction is for Vehicular Homicide, only count the following crimes as part of the offender score: Vehicular Homicide, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500). Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), (4), or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(6) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

(7) If the present conviction is for Burglary 2, count priors as in subsection (9) of this section; however count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

(8) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug

conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.

(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.

(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.

(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.

The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.

The offender score is the sum of points accrued under subsections (1) through ~~((9))~~ (12) of this section.

Sec. 20. Section 8, chapter 115, Laws of 1983 and RCW 9.94A.370 are each amended to read as follows:

The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). ~~((The judge may sentence anywhere within this range. Except in decisions concerning first-time, nonviolent offenders, any sentence imposed by a sentencing judge which is outside the presumptive range is a departure from the guidelines, requires written reasons from the judge, and is reviewable on appeal.)) The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.~~

In determining any sentence, the trial ~~((judge))~~ court may use no more information than is admitted by the plea agreement, and admitted to or acknowledged at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the ~~((judge))~~ court must either not consider the fact or grant an evidentiary hearing on the point. The real facts shall be deemed proven at the evidentiary hearing by a preponderance of the evidence. Real facts ~~((which))~~ that establish elements of a higher crime, a more serious crime, or additional crimes cannot be used to go outside the ~~((guidelines))~~ presumptive sentence range except upon stipulation.

Sec. 21. Section 9, chapter 115, Laws of 1983 and RCW 9.94A.380 are each amended to read as follows:

For sentences of nonviolent offenders for ~~((less than))~~ one year or less, the court shall consider and give priority to available alternatives to total confinement and shall ~~((justify))~~ state its reasons if they are not used.

~~((With the exception of the first-time offender, the judge shall establish the sentence in terms of total confinement. This sentence can be converted as follows: One day of partial confinement or eight hours of community service can replace one day of total confinement. The community service conversion is limited to 240 hours or 30 working days. In addition, the judge can impose up to one year of community supervision to ensure that the terms of the alternative sentence are met. Fines can be assessed according to the following formula:~~

_____ Class A felonies _____	50 - 50.000
_____ Class B felonies _____	50 - 20.000
_____ Class C felonies _____	50 - 10.000))

These alternatives include the following sentence conditions that the court may order as substitutes for total confinement: (1) One day of partial confinement or eight hours of community service may be substituted for one day of total confinement; (2) the community service conversion is limited to two hundred forty hours or thirty days. The conversion of total confinement to partial confinement may be applied to all sentences of one year or less, including those for violent offenses.

NEW SECTION. Sec. 22. There is added to chapter 9.94A RCW a new section to read as follows:

On all sentences of confinement for one year or less the court may impose up to one year of community supervision. For confinement sentences, unless otherwise ordered by the court, the period of community supervision begins at the date of release from confinement. For non-confinement sentences, the period of community supervision begins at the date of entry of the judgment and sentence.

NEW SECTION. Sec. 23. There is added to chapter 9.94A RCW a new section to read as follows:

On all sentences under this chapter the court may impose fines according to the following ranges:

Class A felonies	\$0 - 50,000
Class B felonies	\$0 - 20,000
Class C felonies	\$0 - 10,000

Sec. 24. Section 10, chapter 115, Laws of 1983 and RCW 9.94A.390 are each amended to read as follows:

~~((The presumptive sentence shall be the midpoint of the standard range as established by the crime of conviction and any applicable enhancements. The sentencing court shall impose the presumptive sentence or other sentence within the indicated standard range that it determines to be appropriate.))~~ If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the ~~((court may impose any))~~ sentence ~~((it deems appropriate within the statutory term. If the court sentences outside the standard range, it shall set forth its justification for doing so in written findings and conclusions, and any sentence outside the standard range shall be))~~ is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence:

Mitigating Circumstances

(1) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

(2) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

(3) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

(4) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

(5) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

(6) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

(7) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

Aggravating Circumstances

(1) The defendant's conduct during the commission of the offense manifested deliberate cruelty to the victim.

(2) The defendant knew or should have known that the victim of the offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

(3) The offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

(a) The offense involved multiple victims or multiple incidents per victim;

(b) The offense involved attempted or actual monetary loss substantially greater than typical for the offense;

(c) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

(d) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the offense.

(4) The offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify an offense as a major VUCSA:

(a) The offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

(b) The offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

(c) The offense involved the manufacture of controlled substances for use by other parties; or

(d) The offender possessed a firearm during the commission of the offense; or

(e) The circumstances of the offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

(f) The offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

(g) The offender used his or her position or status to facilitate the commission of the offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

(h) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW 9.94A.400.

The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

Sec. 25. Section 11, chapter 115, Laws of 1983 and RCW 9.94A.400 are each amended to read as follows:

~~(1) Whenever a person is convicted of two or more offenses, ((at least one of which is a violent offense, and the offenses arise out of separate and distinct criminal transactions, the sentences imposed shall run consecutively; provided that under this section, the presumptive sentence only for the most serious offense shall be determined by using the offender's actual criminal history score whereas the presumptive sentences for all other offenses shall be determined by using a criminal history score of zero)) the sentencing range for each offense shall be determined by using all other current and prior convictions as criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct shall be counted as one crime in determining history.~~

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

~~(3) ((Whenever a person is convicted of two or more offenses, and either: (a) All of the offenses are nonviolent and they arise out of separate and distinct criminal transactions; or (b) at least one of the offenses is a violent offense but they all arise out of the same criminal transaction, the sentences imposed shall run concurrently; provided that the presumptive sentence for the most serious offense shall be enhanced by counting all other current offenses as prior offenses for purposes of calculating the criminal history score.~~

~~(4) Whenever a person is convicted of two or more nonviolent offenses which all arise out of the same criminal transaction, the sentences imposed shall run concurrently)) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run consecutively with felony sentences previously imposed by any court in this or another state or by a federal court, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.~~

~~(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, this sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.~~

~~(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.~~

Sec. 26. Section 12, chapter 115, Laws of 1983 and RCW 9.94A.410 are each amended to read as follows:

For persons convicted of ~~((attempted offenses or conspiracies to commit an offense))~~ the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the ~~((conviction))~~ crime, and multiplying the range by 75 percent.

NEW SECTION. Sec. 27. There is added to chapter 71.06 RCW a new section to read as follows:

With respect to sexual psychopaths, this chapter applies only to crimes or offenses committed before July 1, 1984.

Sec. 28. Section 2, chapter 17, Laws of 1967 as last amended by section 1, chapter 160, Laws of 1979 ex. sess. and RCW 72.65.020 are each amended to read as follows:

(1) The secretary is authorized to extend the limits of the place of confinement and treatment within the state of any prisoner convicted of a felony, sentenced to a term of confinement and treatment by the superior court, and serving such sentence in a state correctional institution under the jurisdiction of the department, by authorizing a work release plan for such prisoner, permitting him, under prescribed conditions, to do any of the following:

(a) Work at paid employment.

(b) Participate in a vocational training program: PROVIDED, That the tuition and other expenses of such a vocational training program shall be paid by the prisoner, by someone in

his behalf, or by the department: PROVIDED FURTHER, That any expenses paid by the department shall be recovered by the department pursuant to the terms of RCW 72.65.050.

(c) Interview or make application to a prospective employer or employers, or enroll in a suitable vocational training program.

Such work release plan of any prison shall require that he be confined during the hours not reasonably necessary to implement the plan, in (1) a state correctional institution, (2) a county or city jail, which jail has been approved after inspection pursuant to RCW ((72.01-420)) 70.48.050, or (3) any other appropriate, supervised facility, after an agreement has been entered into between the department and the appropriate authorities of the facility for the housing of work release prisoners.

~~(2) (The secretary may lease or permit the use of a portion of any correctional facility, including necessary buildings, for a term not to exceed twenty years, to a private business organization for the purpose of establishing and operating a commercial enterprise deemed by the secretary to be consistent with the appropriate training and rehabilitation of prisoners.~~

~~Any business organization operating a commercial enterprise under this section may employ any inmates of the institution upon whose grounds it operates after such inmates have been authorized by the secretary to participate in the program. For the purposes of Washington law, the inmates participating in the program are deemed work releasees and are subject to all of the provisions of chapter 72.65 RCW.~~

~~Participants in the program are deemed to be parolees within the purview of 49 U.S.C. Sec. 60, and, except as prohibited by applicable provisions of the United States Code, prisoner participants in the program may be employed in the manufacture and processing of goods, wares, and merchandise for introduction into interstate commerce.~~

~~Any business organization established or participating in the program authorized under this section shall be deemed a private enterprise and subject to all the laws, rules, and regulations of this state governing the operation of similar business enterprises elsewhere in the state, and shall in no event pay prisoner participants in the program less than sixty percent of the prevailing wages for work of a similar nature performed by employees with similar skills in the locality in which the work is being performed. PROVIDED: That the provisions of this subsection (2) shall expire and be of no further force and effect after January 1, 1984.) This section applies only to persons sentenced for crimes that were committed before July 1, 1984.~~

Sec. 29. Section 3, chapter 17, Laws of 1967 as amended by section 276, chapter 141, Laws of 1979 and RCW 72.65.030 are each amended to read as follows:

(1) Any prisoner serving a sentence in a state correctional institution may make application to participate in the work release program to the superintendent of the institution in which he is confined. Such application shall set forth the name and address of his proposed employer or employers or shall specify the vocational training program, if any, in which he is enrolled. It shall include a statement to be executed by such prisoner that if his application be approved he agrees to abide faithfully by all terms and conditions of the particular work release plan adopted for him. It shall further set forth such additional information as the department or the secretary shall require.

(2) This section applies only to persons sentenced for crimes that were committed before July 1, 1984.

Sec. 30. Section 4, chapter 17, Laws of 1967 as amended by section 277, chapter 141, Laws of 1979 and RCW 72.65.040 are each amended to read as follows:

(1) The superintendent of the state correctional institution in which a prisoner who has made application to participate in the work release program is confined, after careful study of the prisoner's conduct, attitude and behavior within the institutions under the jurisdiction of the department, his criminal history and all other pertinent case history material, shall determine whether or not there is reasonable cause to believe that the prisoner will honor his trust as a work release participant. After having made such determination, the superintendent, in his discretion, may deny the prisoner's application, or recommend to the secretary, or such officer of the department as the secretary may designate, that the prisoner be permitted to participate in the work release program. The secretary or his designee, may approve, reject, modify, or defer action on such recommendation. In the event of approval, the secretary or his designee, shall adopt a work release plan for the prisoner, which shall constitute an extension of the limits of confinement and treatment of the prisoner when released pursuant thereto, and which shall include such terms and conditions as may be deemed necessary and proper under the particular circumstances. The plan shall be signed by the prisoner under oath that he will faithfully abide by all terms and conditions thereof. Further, as a condition, the plan shall specify where such prisoner shall be confined when not released for the purpose of the work release plan. At any time after approval has been granted to any prisoner to participate in the work release program, such approval may be revoked, and if the prisoner has been released on a work release plan, he may be returned to a state correctional institution, or the plan may be modified, in the sole discretion of the secretary or his designee. Any prisoner who has been initially rejected either by the superintendent or the secretary or his designee, may reapply for permission to participate in a work release program after a period of time has elapsed from the

date of such rejection. This period of time shall be determined by the secretary or his designee, according to the individual circumstances in each case.

(2) This section applies only to persons sentenced for crimes that were committed before July 1, 1984.

Sec. 31. Section 38, chapter 138, Laws of 1981 (uncodified) is amended to read as follows:

The following acts or parts of acts are hereby repealed, effective July 1, 1984:

(1) Section 1, chapter 175, Laws of 1969 ex. sess. and RCW 9.41.025((:

(2) Section 2, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979, section 1, chapter 166, Laws of 1979 ex. sess. and RCW 72.65.020;

(3) Section 3, chapter 17, Laws of 1967, section 275, chapter 141, Laws of 1979 and RCW 72.65.030; and

(4) Section 4, chapter 17, Laws of 1967, section 277, chapter 141, Laws of 1979 and RCW 72.65.040)).

NEW SECTION. Sec. 32. Section 27, chapter 137, Laws of 1981 and RCW 9.94A.900 are each repealed.

NEW SECTION. Sec. 33. Sections 1 through 26 of this act shall take effect on July 1, 1984, and sections 27 through 32 of this act shall take effect June 30, 1984."

MOTIONS

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Granlund, Hemstad and Pullen to the Committee on Judiciary amendment was adopted:

On page 19, line 42, after "RCW" strike "74.08.055" and insert "~~((74.08.055))~~ 74.08.331"

On motion of Senator Talmadge, the following amendment by Senators Talmadge, Granlund, Hemstad and Pullen to the Committee on Judiciary amendment was adopted:

On page 28, beginning with line 33, strike everything through line 9 on page 29, and insert the following:

"(1) (a) Except as provided in (b) of this subsection, whenever a person is convicted of two or more offenses, ((at least one of which is a violent offense, and the offenses arise out of separate and distinct criminal transactions, the sentences imposed shall run consecutively; provided that under this section, the presumptive sentence only for the most serious offense shall be determined by using the offender's actual criminal history score whereas the presumptive sentences for all other offenses shall be determined by using a criminal history score of zero)) the sentence range for each offense shall be determined by using all other current and prior convictions as criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct shall be counted as one crime in determining criminal history.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's prior convictions as criminal history and the sentence range for other serious violent offenses shall be determined by using a criminal history score of zero. The sentence range for any remaining offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection."

The President declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTIONS

On motion of Senator Vognild, Senator McDermott was excused.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1247, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1247, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1247, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Voting nay: Senator Pullen - 1.

Absent: Senator Deccio - 1.

Excused: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 1247, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 880, by Representative Heck

Regulating payment procedures for certain health care providers not participants in a health service contract.

The bill was read the second time.

MOTIONS

Senator Moore moved the following Committee on Financial Institutions amendment be adopted:

Beginning on line 8, after "18.53" strike "or 18.71" and insert ", 18.57, 18.71, 18.83 or 18.88"

On motion of Senator Moore, the following amendment to the Committee on Financial Institutions amendment was adopted:

On line 2 of the amendment, after "18.71," insert "18.74."

The President declared the question before the Senate to be adoption of the Committee on Financial Institutions amendment, as amended.

The motion by Senator Moore carried and the Committee on Financial Institutions amendment, as amended, was adopted.

MOTION

Senator Bender moved that the following amendment be adopted:

On page 1, line 12, after "That" insert "if any financial institution as defined in RCW 30.04-.505 pays any check which does not contain the endorsements required by this section, such financial institution shall be liable for three times the face value of the check together with reasonable attorneys' fees and any costs of collection: AND PROVIDED FURTHER, That"

POINT OF ORDER

Senator Clarke: "Mr. President, I raise the point of order that the proposed amendment enlarges the scope and object of the bill. The purpose of the bill is to provide, with respect to, the method of payment of providers' checks and so forth and this brings in a completely new concept, which, as I recall, was not heard before the committee and would make banks liable for three times the amount of the check. I think that is something that certainly the financial institutions should have an opportunity to be heard. It's an entirely new and quite expansive subject."

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 880 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1164, by Committee on Environmental Affairs (originally sponsored by Representatives Heck, Sutherland, Allen, Rust, Dellwo, J. King, Tanner and D. Nelson)

Revising solid waste management procedures.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.010 are each amended to read as follows:

The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, energy shortages, economics and the environment make necessary the development and implementation of solid waste recovery and/or recycling plans and programs.

(4) The following priorities in the management of solid waste are necessary and should be followed in order of descending priority as applicable:

(a) Waste reduction;

(b) Waste recycling;

(c) Energy recovery or incineration; and

(d) Landfill.

Sec. 2. Section 3, chapter 134, Laws of 1969 ex. sess. as last amended by section 3, chapter 41, Laws of 1975-'76 2nd ex. sess. and RCW 70.95.030 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise:

(1) "City" means every incorporated city and town.

(2) "Committee" means the solid waste advisory committee.

(3) "Department" means the department of ecology.

(4) "Director" means the director of the department of ecology.

(5) "Disposal site" means the location where any final treatment, utilization, processing, or depository of solid waste occurs.

(6) "Functional standards" means criteria for solid waste handling expressed in terms of expected performance or solid waste handling functions.

(7) "Jurisdictional health department" means city, county, city-county, or district public health department.

(8) "Person" means individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(9) "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

(10) "Solid waste handling" means the management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

(11) "Waste reduction" means reducing the amount or type of waste generated.

(12) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(13) "Energy recovery or incineration" means reducing the volume of wastes by use of an enclosed device using controlled flame combustion.

(14) "Landfill" means a disposal facility or part of a facility at which waste is placed in or on land and which is not a land treatment facility.

Sec. 3. Section 6, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.060 are each amended to read as follows:

The department in accordance with procedures prescribed by the Administrative Procedure Act, chapter 34.04 RCW, as now or hereafter amended, ~~((may))~~ shall adopt ~~((such))~~ minimum functional standards for solid waste handling ~~((as it deems appropriate))~~. These standards shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information. Any such standards shall be reviewed and approved by the solid waste advisory committee established pursuant to RCW 70.95.040 during their promulgation and prior to their adoption. The department in adopting such standards may classify areas of the state with respect to population density, climate, geology, and other relevant factors bearing on solid waste ~~((disposal))~~ handling standards.

NEW SECTION. Sec. 4. There is added to chapter 70.95 RCW a new section to read as follows:

(1) Each county or city siting a solid waste disposal facility shall review each potential site for conformance with the standards as set by the department for:

(a) Geology;

- (b) Ground water;
- (c) Soil;
- (d) Flooding;
- (e) Surface water;
- (f) Slope;
- (g) Cover material;
- (h) Capacity;
- (i) Climatic factors;
- (j) Land use;
- (k) Toxic air emissions; and
- (l) Other factors as determined by the department.

(2) The standards in subsection (1) of this section shall be designed to use the best available technology to protect the environment and human health, and shall be revised periodically to reflect new technology and information.

(3) Each county shall establish a local solid waste advisory committee to assist in the development of programs and policies concerning solid waste handling and disposal and to review and comment upon proposed rules, policies, or ordinances prior to their adoption. Such committees shall consist of up to nine members and shall represent a balance of interests including, but not limited to, citizens, public interest groups, business, the waste management industry, and local elected public officials. The members shall be appointed by the county legislative authority. A county or city shall not apply for funds from the state and local improvements revolving account, Waste Disposal Facilities, 1980, under chapter 43.99F RCW, for the preparation, update, or major amendment of a comprehensive solid waste management plan unless the plan or revision has been prepared with the active assistance and participation of a local solid waste advisory committee.

Sec. 5. Section 9, chapter 134, Laws of 1969 ex. sess. as amended by section 1, chapter 293, Laws of 1971 ex. sess. and RCW 70.95.090 are each amended to read as follows:

Each county and city solid waste management plan shall include the following:

(1) A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies in meeting current solid waste handling needs.

(2) The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

(3) A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

(a) Meet the minimum functional standards for solid waste handling adopted by the department and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;

(b) Take into account the comprehensive land use plan of each jurisdiction;

(c) Contain a six year construction and capital acquisition program for solid waste handling facilities; and

(d) Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

(4) A program for surveillance and control.

(5) A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

(a) Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business and the area covered by his operation;

(b) Any city solid waste operation within the county and the boundaries of such operation;

(c) The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;

(d) The projected solid waste collection needs for the respective jurisdictions for the next six years.

(6) A review of potential areas that meet the criteria as outlined in section 4 of this 1984 act.

Sec. 6. Section 10, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.100 are each amended to read as follows:

The department shall provide to counties and cities technical assistance in the preparation, review, and revision of solid waste management plans required by this chapter. Each comprehensive county solid waste management plan shall be submitted to the department for technical review and approval. The department may recommend revisions essential to the achievement of effective solid waste management and the purposes of this chapter.

Sec. 7. Section 11, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.110 are each amended to read as follows:

The comprehensive county solid waste ~~((handling))~~ management plans and any city solid waste ~~((handling))~~ management plans prepared in accordance with RCW 70.95.080 shall be maintained in a current condition and reviewed and revised periodically by counties and cities as may be required by the department ~~((of environmental quality))~~. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for

twenty years in the future, and a revised construction and capital acquisition program for six years in the future. Each revised solid waste (~~(handling)~~) management plan shall be submitted to the department (~~(of environmental quality)~~).

Each plan shall be reviewed and revised within five years of the effective date of this 1984 act, and thereafter shall be reviewed, and revised if necessary, at least once every five years.

NEW SECTION. Sec. 8. There is added to chapter 70.95 RCW to be codified between RCW 70.95.180 and 70.95.190 a new section to read as follows:

Every permit issued by a jurisdictional health department under RCW 70.95.180 shall be reviewed by the department to ensure that the proposed site or facility conforms with:

(1) All applicable laws and regulations including the minimal functional standards for solid waste handling; and

(2) The approved comprehensive solid waste management plan.

The department shall review the permit within thirty days after the issuance of the permit by the jurisdictional health department. The department may appeal the issuance of the permit by the jurisdictional health department to the pollution control hearings board, as described in chapter 43.21B RCW, for noncompliance with subsection (1) or (2) of this section.

No permit issued pursuant to RCW 70.95.180 after the effective date of this act shall be considered valid unless it has been reviewed by the department.

Sec. 9. Section 19, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.190 are each amended to read as follows:

Every permit for a solid waste disposal site shall be renewed annually on a date to be established by the jurisdictional health department having jurisdiction of the site. Prior to renewing a permit, the health department shall conduct such inspections as it deems necessary to assure that the solid waste disposal site and facilities located on the site meet minimum functional standards of the department (~~(of environmental quality and)~~), applicable local regulations, and are not in conflict with the approved solid waste management plan. The department shall review and may appeal the renewal as set forth for the approval of permits in section 8 of this 1984 act.

A renewal issued under this section shall not be considered valid unless it has been reviewed by the department.

NEW SECTION. Sec. 10. There is added to chapter 70.95 RCW a new section to read as follows:

The department is authorized to use funds under chapter 43.99F RCW to disburse to local governments in developing solid waste recovery or recycling projects. Priority shall be given to those projects that use incineration of solid waste to produce energy and to recycling projects.

NEW SECTION. Sec. 11. Section 12, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.120 are each repealed."

MOTION

On motion of Senator Hughes, the rules were suspended, Substitute House Bill No. 1164, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1164, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1164, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Loe, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Deccio, Newhouse - 2.

Excused: Senator McDermott - 1.

SUBSTITUTE HOUSE BILL NO. 1164, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1373, by Representatives Wang, J. King, Ebersole, B. Williams, Rust, Smitherman, Barrett, Grimm, Schoon, Van Dyken, Fisher, Walk, Kaiser, Brough, Tanner, Powers, Clayton, Long and Mitchell

Developing an environmental profile and assisting businesses to locate in Washington state.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 1373 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1373.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1373, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Vognild: Senators McManus, Newhouse - 2.

Excused: Senator McDermott - 1.

HOUSE BILL NO. 1373, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1159, by Representatives Niemi, Hankins, Sommers, Johnson, Galloway, Sayan, Walk and Miller (by Office of Financial Management request)

Establishing uniform compensation for boards and commissions.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that members of part-time boards, commissions, councils, committees, and other similar groups established by the executive, legislative, or judicial branches of state government make a valuable contribution to the public welfare. This time and talent so generously donated to the state is gratefully acknowledged.

The legislature further finds that membership on certain part-time groups involves responsibility for major policy decisions and represents a significant demand on the time and resources of members. The demands and responsibilities are well beyond reasonable expectations of an individual's gratuitous contribution to the public welfare. It is therefore appropriate to provide compensation to members of specific qualifying groups and further to provide three levels of compensation based on the responsibilities of the group and the time required to perform the group's statutory duties.

NEW SECTION. Sec. 2. There is added to chapter 43.03 RCW a new section to read as follows:

CLASS ONE GROUPS. (1) Any part-time board, commission, council, committee, or other similar group which is established by the executive, legislative, or judicial branch to participate in state government and which functions primarily in an advisory, coordinating, or planning capacity shall be identified as a class one group.

(2) Absent any other provision of law to the contrary, no money beyond the customary reimbursement or allowance for expenses may be paid by or through the state to members of class one groups for attendance at meetings of such groups.

NEW SECTION. Sec. 3. There is added to chapter 43.03 RCW a new section to read as follows:

CLASS TWO GROUPS. (1) Any agricultural commodity commission established pursuant to Title 15 or 16 RCW shall be identified as a class two group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class two group is eligible to receive compensation in an amount not to exceed thirty-five dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

NEW SECTION. Sec. 4. There is added to chapter 43.03 RCW a new section to read as follows:

CLASS THREE GROUPS. (1) Any part-time, statutory board, commission, council, committee, or other similar group which has rule-making authority, performs quasi judicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business, or industry shall be identified as a class three group for purposes of compensation.

(2) Except as otherwise provided in this section, each member of a class three group is eligible to receive compensation in an amount not to exceed fifty dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

NEW SECTION. Sec. 5. There is added to chapter 43.03 RCW a new section to read as follows:

CLASS FOUR GROUPS. (1) A part-time, statutory board, commission, council, committee, or other similar group shall be identified as a class four group for purposes of compensation if the group:

(a) Has rule-making authority, performs quasi-judicial functions, or has responsibility for the administration or policy direction of a state agency or program;

(b) Has duties that are deemed by the legislature to be of overriding sensitivity and importance to the public welfare and the operation of state government; and

(c) Requires service from its members representing a significant demand on their time that is normally in excess of one hundred hours of meeting time per year.

(2) Each member of a class four group is eligible to receive compensation in an amount not to exceed one hundred dollars for each day during which the member attends an official meeting of the group or performs statutorily prescribed duties approved by the chairperson of the group. A person shall not receive compensation for a day of service under this section if the person (a) occupies a position, normally regarded as full-time in nature, in any agency of the federal government, Washington state government, or Washington state local government; and (b) receives any compensation from such government for working that day.

(3) Compensation may be paid a member under this section only if it is authorized under the law dealing in particular with the specific group to which the member belongs or dealing in particular with the members of that specific group.

Sec. 6. Section 3, chapter 157, Laws of 1951 as amended by section 1, chapter 21, Laws of 1969 and RCW 1.08.005 are each amended to read as follows:

For attendance at meetings of the committee or in attending to such other business of the committee as may be authorized thereby, each legislative member of the committee shall receive the per diem and travel allowances provided for such members by RCW 44.04.120, and each other member shall be ~~((entitled to allowances at rates equivalent thereto))~~ compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 7. Section 1, chapter 185, Laws of 1943 as amended by section 1, chapter 42, Laws of 1971 and RCW 2.32.160 are each amended to read as follows:

There is hereby created a commission to supervise the publication of the decisions of the supreme court and court of appeals of this state in both the form of advance sheets for temporary use and in permanent form, to be known as the commission on supreme court reports, and to consist of six members, as follows: The chief justice of the supreme court, who shall be chairman of the commission, the reporter of decisions of the supreme court, the state law librarian, a

judge of the court of appeals designated by the chief judges, the public printer, and a representative of the Washington state bar who shall be appointed by the president thereof. Members of the commission shall serve as such without additional or any compensation: PROVIDED, That members shall be compensated in accordance with section 4 of this 1984 act.

Sec. 8. Section 5, chapter 268, Laws of 1981 and RCW 2.64.040 are each amended to read as follows:

Commission members and alternate members shall ~~((serve without compensation but))~~ be compensated in accordance with section 5 of this 1984 act and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 ~~((as now or hereafter amended))~~.

Sec. 9. Section 5, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 9.46.050 are each amended to read as follows:

(1) Upon appointment of the initial membership the commission shall meet at a time and place designated by the governor and proceed to organize, electing one of such members as chairman of the commission who shall serve until July 1, 1974; thereafter a chairman shall be elected annually.

(2) A majority of the members shall constitute a quorum of the commission: PROVIDED, That all actions of the commission relating to the regulation of licensing under this chapter shall require an affirmative vote by three or more members of the commission.

(3) The principal office of the commission shall be at the state capitol, and meetings shall be held at least quarterly and at such other times as may be called by the chairman or upon written request to the chairman of a majority of the commission.

(4) Members shall be compensated in accordance with section 5 of this 1984 act and shall receive ~~((fifty dollars for each day or major portion thereof spent in performance of their duties plus))~~ reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(5) Before entering upon the duties of his office, each of ~~((said))~~ the members of the commission shall enter into a surety bond executed by a surety company authorized to do business in this state, payable to the state of Washington, to be approved by the governor, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties, and shall take and subscribe to the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state. The premium for said bond shall be paid by the commission.

(6) Any member of the commission may be removed for inefficiency, malfeasance, or misfeasance in office, upon specific written charges filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time of the hearing, which shall be public, and the procedure for the hearing, and the decision of such tribunal shall be final. Removal of any member of the commission by the tribunal shall disqualify such member for reappointment.

Sec. 10. Section 6, chapter 137, Laws of 1981 and RCW 9.94A.060 are each amended to read as follows:

(1) The commission consists of fifteen voting members, one of whom the governor shall designate as chairperson. With the exception of ex officio voting members, the voting members of the commission shall be appointed by the governor, subject to confirmation by the senate.

(2) The voting membership consists of the following:

(a) The head of the state agency having general responsibility for adult correction programs, as an ex officio member;

(b) The director of financial management, as an ex officio member;

(c) Until July 1, 1988, the chairman of the board of prison terms and paroles, as an ex officio member, and thereafter the chairman of the clemency and pardons board, as an ex officio member;

(d) Two prosecuting attorneys;

(e) Two attorneys with particular expertise in defense work;

(f) Four persons who are superior court judges;

(g) One person who is the chief law enforcement officer of a county or city;

(h) Three members of the public who are not and have never been prosecutors, attorneys, judges, or law enforcement officers.

In making the appointments, the governor shall seek the recommendations of Washington prosecutors in respect to the prosecuting attorney members, of the Washington state bar association in respect to the attorney members, of the association of superior court judges in respect to the members who are judges, and of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer.

(3) All voting members of the commission, except ex officio voting members, shall serve terms of three years and until their successors are appointed and confirmed. However, the governor shall stagger the terms by appointing four of the initial members for terms of one year, four for terms of two years, and four for terms of three years.

(4) The speaker of the house of representatives and the president of the senate may each appoint two nonvoting members to the commission, one from each of the two largest caucuses in each house. The members so appointed shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(5) The members of the commission shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~). Legislative members shall be reimbursed by their respective houses as provided under RCW 44.04.120, as now existing or hereafter amended. Members shall be compensated in accordance with section 5 of this 1984 act.

Sec. 11. Section 3, chapter 299, Laws of 1981 and RCW 13.40.025 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following eight members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; and (f) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members (~~shall serve without compensation but~~) shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~as now or hereafter amended~~). Members shall be compensated in accordance with section 4 of this 1984 act.

(6) The commission's first meeting shall be held prior to January 1, 1982. Thereafter, the commission shall meet at least once every six months.

Sec. 12. Section 15.24.050, chapter 11, Laws of 1961 as last amended by section 12, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.24.050 are each amended to read as follows:

In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual meeting shall be filled by vote of the remaining members of the commission. At such annual meeting a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of (~~said~~) the commission.

Each member of the commission shall (~~receive a sum to be determined by the commission but not more than twenty dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with~~) be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 13. Section 10, chapter 129, Laws of 1969 as amended by section 13, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.26.100 are each amended to read as follows:

Each member of the commission shall (~~receive payment to be determined by the commission not to exceed twenty dollars per day for each day spent in actual attendance at commission meetings, or on traveling to and from meetings of the commission, or on special assignments for the commission, together with~~) be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 14. Section 15.28.090, chapter 11, Laws of 1961 as last amended by section 14, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.28.090 are each amended to read as follows:

Each member of the commission shall (~~receive the sum of twenty dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with~~) be compensated in accordance with

section 3 of this 1984 act and shall be reimbursed for actual travel expenses incurred in carrying out the provisions of this chapter. Employees of the commission may also be reimbursed for actual travel expenses when out of state on official commission business.

Sec. 15. Section 15.44.038, chapter 11, Laws of 1961 as last amended by section 15, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.44.038 are each amended to read as follows:

A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. Each member shall ~~((receive a sum not to exceed thirty-five dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with))~~ be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for travel expenses at the rates allowed by RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 16. Section 27, chapter 256, Laws of 1961 as amended by section 19, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.65.270 are each amended to read as follows:

In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term. A majority of the voting members of the board shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board. Each member of the board shall ~~((receive a sum to be specified in the marketing agreement or order not in excess of thirty-five dollars per day for each day spent in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with))~~ be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for travel expenses at the rates allowed state employees in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 17. Section 15.66.130, chapter 11, Laws of 1961 as last amended by section 20, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.66.130 are each amended to read as follows:

Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission. In the event of a vacancy in an elected or appointed position on the commission, the remaining elected members of the commission shall select a qualified person to fill the unexpired term.

Each member of the commission shall ~~((receive a specified sum as provided in the marketing order but not in excess of thirty-five dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with))~~ be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 18. Section 8, chapter 61, Laws of 1961 as last amended by section 21, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 15.76.170 are each amended to read as follows:

There is hereby created a fairs commission to consist of the director of agriculture as ex officio member and chairman, and seven members appointed by the director to be persons who are interested in fair activities; at least three of whom shall be from the east side of the Cascades and three from the west side of the Cascades and one member at large. The first appointment shall be: Three for a one year term, two for a two year term, and two for a three year term, and thereafter the appointments shall be for three year terms.

Appointed members of the commission shall ~~((receive thirty-five dollars for each day actually spent on commission business plus))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses, in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ payable on proper vouchers submitted to and approved by the director, and payable from that portion of the state fair fund set aside for administrative costs under this chapter. The commission shall meet at the call of the chairman, but at least annually. It shall be the duty of the commission to act as an advisory committee to the director, to assist in the preparation of the merit rating used in determining allocations to be made to fairs, and to perform such other duties as may be required by the director from time to time.

Sec. 19. Section 6, chapter 133, Laws of 1969 as amended by section 22, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 16.67.070 are each amended to read as follows:

In the event a position on the commission becomes vacant due to resignation, disqualification, death, or for any other reason, the unexpired term of such position shall be filled by the governor forthwith.

Each member of the commission shall ~~((receive the sum of twenty-five dollars for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with))~~ be compensated in accordance with section 3 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 20. Section 7, chapter 226, Laws of 1949 as last amended by section 22, chapter 234, Laws of 1983 and RCW 18.04.080 are each amended to read as follows:

Each member of the board shall be ~~((paid forty-four dollars for each day or portion thereof spent in the discharge of his official duties))~~ compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses incurred in the discharge of such duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 21. Section 3, chapter 323, Laws of 1959 as amended by section 27, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.08.120 are each amended to read as follows:

There is hereby created a state board of registration for architects, to consist of five members who shall be appointed by the governor, each of whom shall have been a resident of this state for at least eight years and shall have at least eight years' experience in the practice of architecture as a licensed or registered architect in responsible charge of architectural work or responsible charge of architectural teaching immediately preceding appointment.

The members of the first board shall serve for the following terms:

One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until his successor has been appointed and qualified.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

Members shall ~~((receive twenty-five dollars for each day actually performing board duties or traveling on board business))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 22. Section 11, chapter 101, Laws of 1957 as last amended by section 28, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.15.055 are each amended to read as follows:

The secretary shall have a full-time position with a salary to conform with standards set by the department of licensing for similar positions.

Each member of the examining committee shall ~~((receive as compensation twenty-five dollars for each day's attendance at meetings of the committee))~~ be compensated in accordance with section 4 of this 1984 act. Members including the secretary shall be reimbursed for travel expenses incurred in the actual performance of their duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 23. Section 5, chapter 101, Laws of 1957 as last amended by section 29, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.15.140 are each amended to read as follows:

A hearing board is hereby established for the purpose of hearing all charges of violations of any of the provisions of this chapter. The hearing board shall consist of three members to be appointed by the governor in the following manner: Two members, who meet the same requirements as members of the board of examiners, and one member unaffiliated with the barber profession. The first term shall be: One for six years, one for four years, and one for two years; thereafter, the terms shall be for six years and until a successor is appointed and qualified. The governor shall fill any vacancy within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The hearing board shall select one of its members as its chairman and meetings shall be held as often as shall be deemed necessary to perform its duties. All members shall be present before business may be transacted.

Each member of the board shall ~~((receive as compensation for this attendance at hearings or other proper meetings twenty-five dollars for each day or part day in attendance;))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses incurred in the performance of duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

The director of licensing shall exercise direct supervision over the hearing board, and the board shall file a report to the director immediately after each session, outlining the action taken by said board.

Before any license is revoked, or suspended, or any fines levied, the licensee must be given notice in writing of the charge or charges against him. At a day specified in said notice, at least twenty days after the service thereof, he must be afforded a fair hearing by the hearing board, and given full opportunity to produce testimony in his behalf and to confront the witnesses against him. Such charges shall be verified with the oath of the person making same, and a copy thereof shall be served in the manner provided by law for service of summons in civil actions.

The hearing shall be conducted by the hearing board at a date, time, and place as designated by the director. The hearing board shall be the sole judge of the charge or charges and the evidence produced, and the decision of any two members of the board shall be the

decision of the board. If the charges are sustained in the judgment of the board, it may direct the revocation or suspension of such license, or a fine, or both as provided by this law.

The director of licensing is hereby granted the right of subpoena to require the attendance of witnesses and the production of pertinent records; such witnesses shall be entitled to fees and mileage as provided by law.

Any person feeling himself aggrieved by the fine, revocation, or suspension under this chapter, shall have the right to appeal from the decision of the hearing board to the superior court of the county in which he maintains his place of business.

Sec. 24. Section 2, chapter 168, Laws of 1953 as last amended by section 12, chapter 225, Laws of 1982 and RCW 18.18.104 are each amended to read as follows:

(1) The secretary of the examining committee shall keep a record of all the proceedings of the committee. The committee shall meet in order to hold examinations and to conduct any other proper business. The committee shall set a schedule for such meetings a year in advance. The principal office of the committee shall be and is hereby established in Olympia, Washington. A majority of the committee in a duly assembled meeting may exercise all the powers devolving upon the committee. For any urgent purpose a special meeting may be called. Notice from the secretary signed by three members of the committee may convene the committee for a special meeting. The secretary shall notify each licensed cosmetology school by mail with a specific agenda. Only business specified in the notice shall be transacted. The secretary shall arrange for and conduct all examinations called for under the provisions of this chapter. The secretary shall deliver all records and findings of the examining committee as a result of examinations and hearings to the director.

(2) The secretary shall have a full-time position with a salary to conform with standards set by the department of licensing for similar positions. The secretary shall be reimbursed for travel expenses incurred in the actual performance of his duties in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended. Each appointed~~), Members of the committee shall (receive as compensation forty-five dollars for each day in which the member is officially engaged in business or duties of the committee) be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~); PROVIDED, HOWEVER, That all salaries, compensation, and travel expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 25. Section 14, chapter 3, Laws of 1965 ex. sess. as last amended by section 9, chapter 75, Laws of 1977 and RCW 18.18.251 are each amended to read as follows:

A hearing board is hereby established and shall consist of three members to be appointed by the governor in the following manner: One member qualified by at least six years' experience in the cosmetology industry for a six year term; one member from licensed Washington state cosmetology schools for a four year term; and one member who is unaffiliated with any of the foregoing associations for a two year term. Thereafter the terms of the members shall be for six years and until their successors are appointed and qualified. The governor shall fill any vacancy on the board within ninety days after it occurs by an appointment for the remainder of the unexpired term.

The board shall select one of its members as its chairman. Meetings shall be held as often as shall be necessary for the board to perform its duties. All members shall be present before business may be transacted. The director of licensing shall exercise direct supervision over the board's activities and the board shall file such periodic and special reports with the director outlining its activities as the director may require.

Each member of the board shall (~~receive as compensation for his attendance at hearings or other proper meetings thirty-five dollars for each day or part of a day's attendance~~) be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~); PROVIDED, HOWEVER, That all compensation and travel expenses shall come from the license and application fees collected pursuant to this chapter.

Sec. 26. Section 9, chapter 21, Laws of 1982 and RCW 18.22.014 are each amended to read as follows:

The board shall meet at the places and times it determines and as often as necessary to discharge its duties. The board shall elect a chairperson from among its members. (~~each~~) Members shall (receive fifty dollars a day for each day actually spent in the performance of official duties and in traveling to and from the place of performance) be compensated in accordance with section 4 of this 1984 act in addition to travel expenses provided by RCW 43.03.050 and 43.03.060 (~~as now or hereafter amended~~).

Sec. 27. Section 2, chapter 53, Laws of 1959 as last amended by section 32, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall ~~((receive thirty-five dollars a day for each day actually engaged in conducting examinations or in the preparation of examination questions or the grading of examination papers, together with))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.

Sec. 28. Section 2, chapter 46, Laws of 1980 and RCW 18.26.070 are each amended to read as follows:

Members of the board may be ~~((paid thirty-five dollars for each day spent in performing their duties as members of the board))~~ compensated in accordance with section 4 of this 1984 act and may be paid their travel expenses while engaged in the business of the board in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~, with such reimbursement to be paid out of the general fund on vouchers signed by the director of licensing.

Sec. 29. Section 14, chapter 168, Laws of 1983 and RCW 18.29.031 are each amended to read as follows:

The director of licensing shall appoint a committee of three licensed dental hygienists to prepare and conduct examinations for dental hygiene licensure. The committee shall require an applicant for licensure to pass an examination consisting of written and practical tests upon such subjects and of such scope as the committee determines. The standards for passage of the examination shall be set by the committee. Members of the committee shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

At least two examinations shall be given each calendar year in conjunction with examinations for licensure of dentists under chapter 18.32 RCW.

Sec. 30. Section 3, chapter 93, Laws of 1953 as last amended by section 3, chapter 38, Laws of 1979 and RCW 18.32.050 are each amended to read as follows:

The members of the board shall each ~~((receive as compensation the sum of twenty-five dollars for each day actually engaged in the duties of the office, and))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses incurred in attending the meetings of the board in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Board members shall be compensated and reimbursed pursuant to this section for their activities in administering a multi-state licensing examination pursuant to the board's compact or agreement with another state or states or with organizations formed by several states: PROVIDED, That any compensation or reimbursement received by a board member from another state, or organization formed by several states, for such member's services in administering a multi-state licensing examination, shall be deposited in the state general fund.

Sec. 31. Section 10, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.600 are each amended to read as follows:

Members of the board shall be ~~((paid thirty-five dollars per day for time spent in performing their duties as members of the board))~~ compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 ~~((as now or hereafter amended))~~ while engaged in business of the board.

Sec. 32. Section 5, chapter 43, Laws of 1957 and RCW 18.34.050 are each amended to read as follows:

The examining committee shall consist of three persons primarily engaged in the business of dispensing opticians and who currently hold a valid license under this chapter. Members of the committee shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 33. Section 15, chapter 106, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 39, Laws of 1983 and RCW 18.35.150 are each amended to read as follows:

(1) There is created hereby the council on hearing aids. The council shall consist of nine members to be appointed by the governor.

(2) Members of the council shall be residents of this state. Five members shall be persons experienced in the fitting of hearing aids who shall hold valid licenses under this chapter. One member shall be a medical doctor specializing in diseases of the ear. One member shall be a nondispensing audiologist. Two members shall represent the public.

(3) The term of office of a member is three years, except that the governor may appoint the initial members to one or two year terms to ensure an orderly succession of members. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the governor shall appoint a successor to assume his duties at the

expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chairman of the council shall be elected from the membership of the council at the beginning of each year.

(5) The council shall meet at least once each year, at a place, day and hour determined by the council, unless otherwise directed by a majority of council members. The council shall also meet at such other times and places as are requested by the department or by three members of the council.

(6) Members of the council shall be compensated ~~((for their services at the rate of thirty-five dollars per day for each day or part thereof spent conducting meetings, hearings, or other official business;))~~ in accordance with section 4 of this 1984 act and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended)).~~

Sec. 34. Section 9, chapter 93, Laws of 1977 ex. sess. as amended by section 11, chapter 43, Laws of 1981 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall ~~((receive compensation of twenty-five dollars for each board meeting attended, together with))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having "passed" or "failed";

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules; and

(5) To suspend or revoke any license, after proper hearing and notice to the licensee, if the licensee has committed any of the following:

(a) A crime involving moral turpitude and resulting in a conviction;

(b) Unprofessional conduct, which includes:

(i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

(ii) False or misleading advertising as a funeral director or embalmer;

(iii) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

(iv) Employment by the licensee of persons known as "cappers," "steerers," or "solicitors" or other persons to obtain funeral directing or embalming business;

(v) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

(vi) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

(vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

(viii) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

(ix) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

(x) Violation of any of the provisions of this chapter or the rules in support thereof;

(xi) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

(xii) Fraud or misrepresentation in obtaining a license;

(xiii) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

(xiv) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

(xv) Knowingly concealing information concerning a violation of this chapter.

Sec. 35. Section 3, chapter 283, Laws of 1947 as amended by section 37, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.43.030 are each amended to read as follows:

A state board of registration for professional engineers and land surveyors is hereby created which shall exercise all of the powers and perform all of the duties conferred upon it by this chapter. The board shall consist of five registered professional engineers, who shall be appointed by the governor and shall have the qualifications as hereinafter required. The members of the first board shall be appointed within thirty days after ~~((the effective date of this act))~~ June 11, 1947, to serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. On the expiration of the term of any member, the governor shall in the manner hereinbefore provided appoint for a term of five years a registered professional engineer having the qualifications as hereinafter required, to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified.

Each member of the board shall be a citizen of the United States and shall have been a resident of this state for at least five years immediately preceding his appointment, and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

Each member of the board shall ~~((receive the sum of twenty-five dollars each day when actually attending to the work of the board or any of its committees and for the time spent in necessary travel:))~~ be compensated in accordance with section 4 of this 1984 act and, in addition thereto, shall be reimbursed for travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

The governor may remove any member of the board for misconduct, incompetency, or neglect of duty. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as hereinabove provided.

NEW SECTION. Sec. 36. There is added to chapter 18.44 RCW a new section to read as follows:

There is established an escrow commission of the state of Washington, to consist of the director of licensing as ex officio member and chairman, and five members who shall act as advisors to the director as to the needs of the escrow profession and who shall be appointed by the governor, each of whom shall have been a resident of this state for at least five years and shall have at least five years experience in the practice of escrow as an escrow agent or as a person in responsible charge of escrow transactions.

The members of the first commission shall serve for the following terms: One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the commission shall receive a certificate of appointment from the governor and before beginning the member's term of office shall file with the secretary of state a written oath or affirmation for the faithful discharge of the member's official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years or until the member's successor has been appointed and qualified.

The governor may remove any member of the commission for cause. Vacancies in the commission for any reason shall be filled by appointment for the unexpired term.

Members shall be compensated in accordance with section 4 of this 1984 act, and shall be reimbursed for their travel expenses incurred in carrying out the provisions of this chapter in accordance with RCW 43.03.050 and 43.03.060.

Sec. 37. Section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215 are each amended to read as follows:

The ~~((four))~~ escrow commission members shall each ~~((receive fifty dollars per day for each day engaged in official business of the commission, plus))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided for state officials and employees in RCW 43.03.050 and 43.03.060, when called into session by the director or when otherwise engaged in the business of the commission.

Sec. 38. Section 20, chapter 153, Laws of 1965 and RCW 18.44.900 are each amended to read as follows:

RCW 2.48.180 does not apply to certified escrow agents and escrow officers, but nothing in this chapter shall be so construed as to authorize any escrow agent or escrow officer, or ((his)) their employees or agents, to engage in the practice of law, and nothing in this chapter shall be so construed as to impose any additional liability on any depository authorized by this chapter and the receipt or acquittance of the persons so paid by such depository shall be a valid and sufficient release and discharge of such depository.

Sec. 39. Section 11, chapter 117, Laws of 1951 as last amended by section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100 are each amended to read as follows:

The governor shall appoint ~~((am))~~ a nursing home advisory council. The council shall be comprised of:

~~((a))~~ (1) Five members of the general public who are not owners or employees of a nursing home or engaged by a nursing home. Of these five members, one shall be a representative of senior citizens, one shall be a representative of a health care consumer group, and one shall be a licensed certified public accountant;

~~((b))~~ (2) Three members who are nursing home operators, one of whom shall operate a nonprofit nursing home;

~~((c))~~ (3) One member of the association of nursing home administrators;

~~((d))~~ (4) One member of the state medical association; and

~~((e))~~ (5) One member of the state nurses association.

The governor shall choose one of the five members from the general public to be chairman of the advisory nursing home council. Each member of the council shall receive ~~((twenty-five dollars per day as compensation for each day spent upon official business of the council and))~~ travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Each member shall hold office for a term of four years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term and the terms of office of the members first taking office shall expire, as designated at the time of appointment, two at the end of the first year, three at the end of the second year, three at the end of the third year, and two at the end of the fourth year after the date of appointment. Thereafter all appointments shall be for four years. The council shall meet as frequently as the chairman deems necessary, but not less than quarterly each year. Upon request by four or more members, it shall be the duty of the chairman to call a meeting of the council.

Sec. 40. Section 6, chapter 57, Laws of 1970 ex. sess. as last amended by section 45, chapter 158, Laws of 1979 and RCW 18.52.060 are each amended to read as follows:

The board shall elect from its membership a chairman, vice chairman, and secretary-treasurer, and shall adopt rules and regulations to govern its proceedings. The chairman or four board members by signed written request may call board meetings upon reasonable written notice to each member. Each member shall ~~((receive twenty-five dollars for each day or major portion thereof actually spent on official business, plus))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. A full-time or part-time executive secretary for the board may be employed by the director through the department of licensing, and the director through the department of licensing shall provide the executive secretary and the board with such secretarial, administrative, and other assistance as may be required to carry out the purposes of this chapter. Employment of an executive secretary shall be subject to confirmation by the board. The position of executive secretary shall be exempt from the requirements of chapter 41.06 RCW.

Sec. 41. Section 13, chapter 25, Laws of 1963 as last amended by section 39, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.54.130 are each amended to read as follows:

Members of the board are entitled to receive their travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Each member of the board will also be ~~((paid twenty-five dollars for each day or portion thereof spent in discharge of his official duties))~~ compensated in accordance with section 4 of this 1984 act.

Sec. 42. Section 2, chapter 117, Laws of 1979 and RCW 18.57.003 are each amended to read as follows:

There is hereby created an agency of the state of Washington, consisting of seven individuals appointed by the governor to be known as the Washington state board of osteopathic medicine and surgery.

The members of the first board shall be appointed to serve the following terms from the date of their appointment: Two members for two years, two members for three years, and three members for five years, or until their successors are appointed and fully qualified. The respective terms of office of such initial appointees shall be designated by the governor at the time of appointment. On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified. Initial appointments shall be made and vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Each member of the board shall be a citizen of the United States and must be an actual resident of this state. One member shall be a consumer who has neither a financial nor a fiduciary relationship to a health care delivery system, and every other member must have been in active practice as a licensed osteopathic physician and surgeon in this state for at least five years immediately preceding appointment.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings of the board shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of all the members of the board to take any official action.

Each member of the board (~~(may receive the sum of twenty-five dollars per day as compensation for each day or fraction thereof spent on official business and)~~ shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~).

Any member of the board may be removed by the governor for neglect of duty, misconduct, malfeasance or misfeasance in office, or upon written request of two-thirds of the physicians licensed under this chapter and in active practice in this state.

Sec. 43. Section 2, chapter 98, Laws of 1935 as last amended by section 1, chapter 90, Laws of 1979 and RCW 18.64.003 are each amended to read as follows:

Members of the board shall meet at such places and times as it shall determine and as often as necessary to discharge the duties imposed upon it. The board shall elect a chairperson and a vice chairperson from among its members. Each member shall (~~(receive forty dollars a day for each day actually spent in the performance of his or her official duties and in going to and returning from the place of such performance, together with)~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~).

Sec. 44. Section 2, chapter 284, Laws of 1961 as last amended by section 52, chapter 158, Laws of 1979 and RCW 18.71.015 are each amended to read as follows:

There is hereby created a board of medical examiners consisting of six individuals licensed to practice medicine in the state of Washington and one individual who is not a physician, to be known as the Washington state board of medical examiners.

The board shall be appointed by the governor. The members of the first board shall be appointed within thirty days after March 21, 1961, to serve the following terms: One member for one year, one member for two years, one member for three years, one member for four years, one member for five years, from the date of their appointment, or until their successors are duly appointed and qualified. On expiration of the term of any member, the governor shall appoint for a period of five years an individual of similar qualifications to take the place of such member. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been appointed and shall have qualified.

Each member of the board shall be a citizen of the United States, must be an actual resident of this state, and, if a physician, must have been licensed to practice medicine in this state for at least five years.

The board shall meet as soon as practicable after appointment and elect a chairman and a secretary from its members. Meetings shall be held at least four times a year and at such place as the board shall determine and at such other times and places as the board deems necessary.

It shall require the affirmative vote of a majority of the members of the board to carry any motion or resolution, to adopt any rule, to pass any measure, or to authorize or deny the issuance of any certificate.

Each member of the board shall (~~(receive the sum of forty dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel;)~~ be compensated in accordance with section 4 of this 1984 act and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~)). Any such expenses shall be paid from funds appropriated to the department of licensing.

Any member of the board may be removed by the governor for neglect of duty, misconduct, or malfeasance or misfeasance in office.

Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Sec. 45. Section 10, chapter 202, Laws of 1955 as last amended by section 3, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.100 are each amended to read as follows:

Members of the board shall be (~~(paid fifty dollars for each day spent in performing their duties as members of the board)~~ compensated in accordance with section 4 of this 1984 act and shall be repaid their travel expenses while engaged in business of the board in accordance with RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~)). Such compensation and reimbursement for expenses shall be paid out of the general fund on vouchers approved by the director of licensing.

Sec. 46. Section 2, chapter 239, Laws of 1949 as last amended by section 3, chapter 116, Laws of 1983 and RCW 18.74.020 are each amended to read as follows:

The state board of physical therapy is hereby created. The board shall consist of five members who shall be appointed by the governor. Of the initial appointments, two shall be appointed for a term of two years, two for a term of three years, and one for a term of four

years. Thereafter, all appointments shall be for terms of four years. Four members of the board shall be physical therapists licensed under this chapter and residing in this state, shall have not less than five years' experience in the practice of physical therapy, and shall be actively engaged in practice within two years of appointment. The fifth member shall be appointed from the public at large, shall have an interest in the rights of consumers of health services, and shall not be or have been a member of any other licensing board, a licensee of any health occupation board, an employee of any health facility nor derive his primary livelihood from the provision of health services at any level of responsibility. In the event that a member of the board for any reason cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedure stated above to fill the remainder of the term. No member may serve for more than two successive four-year terms.

The director of licensing shall furnish such secretarial, clerical and other assistance as the board may require. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended, receive compensation for each day actually engaged in the discharge of his duties: PROVIDED, HOWEVER, That such compensation shall not exceed fifty dollars per day))~~, be compensated in accordance with section 4 of this 1984 act.

Sec. 47. Section 4, chapter 222, Laws of 1949 as last amended by section 5, chapter 55, Laws of 1983 and RCW 18.78.040 are each amended to read as follows:

Each board member shall ~~((receive fifty dollars for each day engaged in the discharge of his or her duties as a member of the board;))~~ be compensated in accordance with section 4 of this 1984 act and shall be paid travel expenses while away from home in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. The members of the board shall appoint a chairman and a secretary from among its entire members, who shall serve until his or her successor is appointed by the board.

Sec. 48. Section 21, chapter 70, Laws of 1965 as last amended by section 10, chapter 168, Laws of 1983 and RCW 18.83.051 are each amended to read as follows:

Each member of the board shall ~~((receive the sum of twenty-five dollars for each day actually attending to the work of the board or any of its committees and for the time spent in necessary travel;))~~ be compensated in accordance with section 4 of this 1984 act and in addition thereto shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 49. Section 14, chapter 252, Laws of 1941 as last amended by section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080 are each amended to read as follows:

The six board members of the commission shall ~~((receive as compensation twenty-five dollars for each day actually spent on official business))~~ be compensated in accordance with section 4 of this 1984 act, plus travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ when they shall be called into session by the director or when presiding at examinations for applicants for licenses or when otherwise engaged in the business of the commission.

Sec. 50. Section 8, chapter 202, Laws of 1949 as last amended by section 12, chapter 75, Laws of 1977 and RCW 18.88.080 are each amended to read as follows:

The board may adopt such rules and regulations not inconsistent with the law, as may be necessary to enable it to carry into effect the provisions of this chapter. The board shall approve curricula and shall establish criteria for minimum standards for schools preparing persons for licensure under this chapter. It shall keep a record of all its proceedings and make such reports to the governor as may be required. The board shall define by regulation what constitutes specialized and advanced levels of nursing practice as recognized by the medical and nursing professions. The board may adopt regulations in response to questions put to it by professional health associations, nursing practitioners, and consumers in this state concerning the authority of various categories of nursing practitioners to perform particular acts.

The board shall approve such schools of nursing as meet the requirements of this chapter and the board, and the board shall approve establishment of basic nursing education programs and shall establish criteria as to the need for and the size of a program and the type of program and the geographical location. The board shall establish criteria for proof of reasonable currency of knowledge and skill as a basis for safe practice after three years nonpracticing status. The board shall establish criteria for licensure by endorsement. The board shall examine all applications for registration under this chapter, and shall certify to the director for licensing duly qualified applicants.

The department shall furnish to the board such secretarial, clerical and other assistance as may be necessary to effectively administer the provisions of this chapter. Each member of the board shall, in addition to travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ while away from home, ~~((receive twenty-five dollars compensation for each and every day engaged in the discharge of his or her duties))~~ be compensated in accordance with section 4 of this 1984 act.

Sec. 51. Section 13, chapter 124, Laws of 1907 as last amended by section 4, chapter 102, Laws of 1983 and RCW 18.92.040 are each amended to read as follows:

Each member of the board shall ~~((receive twenty-five dollars per day as compensation for each day spent upon official business of the board, and))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. No expense may be incurred by members of the board except in connection with board meetings without prior approval of the director.

Sec. 52. Section 5, chapter 158, Laws of 1969 ex. sess. as amended by section 54, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.96.050 are each amended to read as follows:

The members of the first board shall serve for the following terms:

One member for one year, one member for two years, one member for three years, one member for four years, and one member for five years from the date of appointment or until successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor, and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duties. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of five years, or until his successor has been appointed and qualified: PROVIDED, That no member shall serve more than ten consecutive years.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term. In carrying out the provisions of this chapter, the members of the board shall ~~((receive twenty-five dollars per day as compensation))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses according to the provisions of RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~, such funds to be provided from the landscape architects' account in the state general fund.

Sec. 53. Section 2, chapter 280, Laws of 1975 1st ex. sess. as amended by section 57, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.108.020 are each amended to read as follows:

The state massage examining board is hereby created. The board shall consist of three members who shall be appointed by the governor for a term of three years each. ~~((Each member))~~ Members shall be ~~((a))~~ residents of this state and shall have not less than three years experience in the practice of massage immediately preceding their appointment and shall be actively engaged in the practice of massage during their incumbency. Within thirty days after September 8, 1975, three members shall be appointed by the governor to serve one, two, and three years respectively. In the event that a member cannot complete his term of office, another appointment shall be made by the governor in accordance with the procedures stated in this section to fill the remainder of the term. No member may serve more than two successive terms and shall qualify and receive a license pursuant to ~~((section 7, chapter 280, Laws of 1975 1st ex. sess.))~~ this chapter within ninety days of their appointment.

Subject to the approval of the director, the board shall have the power to promulgate rules and regulations not inconsistent with the law and which may be necessary for the performance of its duties. It shall be the duty of the board to pass upon the qualifications of applicants for licenses, prepare the necessary examination questions and practical demonstrations, conduct examinations from time to time in such places as the director designates, and to determine the applicants who successfully passed the examination, and in turn notify the director of such determinations.

Each member of the board shall ~~((receive as compensation twenty-five dollars for each day's attendance at meetings of the board))~~ be compensated in accordance with section 4 of this 1984 act. Members shall be reimbursed for travel expenses incurred in the actual performance of their duties, as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 54. Section 22, chapter 253, Laws of 1971 ex. sess. as amended by section 58, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 19.16.310 are each amended to read as follows:

Each member of the board appointed by the governor shall ~~((receive as compensation twenty-five dollars for each day, or portion thereof, in which he is actually engaged in the official business and duties of the board))~~ be compensated in accordance with section 4 of this 1984 act and in addition thereto shall be reimbursed for travel expenses incurred while on official business of the board and in attending meetings thereof, in accordance with the provisions of RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 55. Section 7, chapter 96, Laws of 1974 ex. sess. as amended by section 59, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code advisory council to be appointed by the governor.

(1) The state building code advisory council shall consist of the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and thirteen additional members who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction. The council may include state officials as ex officio, nonvoting members. The board shall report annually to the governor and the legislature on the operation and administration of this chapter.

(2) Members shall be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 56. Section 5, chapter 207, Laws of 1963 as last amended by section 60, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical advisory board, consisting of seven members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, and the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the electrical advisory board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the electrical advisory board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; one member shall be an employee or officer of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person not related to the electrical industry to represent the public; one member shall be a recognized electrician; one member shall be a licensed professional engineer qualified to do business in the state of Washington; and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected. The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; the member representing the installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public shall serve two years; the member selected as the recognized electrician shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall (~~be paid twenty-five dollars for each day or portion thereof that the board is in session and each member shall~~) receive (~~in addition thereto~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 57. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123 are each amended to read as follows:

There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor. It shall be the purpose and function of this board to establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of this board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of this board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis. Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be (~~paid twenty-five dollars for each day or portion thereof that the board is in session~~) compensated in accordance with section 4 of this 1984 act, and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter~~

~~amended~~)), which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 58. Section 1, chapter 5, Laws of 1941 as last amended by section 66, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 27.04.020 are each amended to read as follows:

A state library commission is hereby created which shall consist of the superintendent of public instruction, who shall be ex officio chairman of ~~((said))~~ the commission, and four commissioners appointed by the governor, one of whom shall be a library trustee at the time of appointment and one a certified librarian actually engaged in library work at the time of appointment. The first appointments shall be for terms of one, two, three, and four years respectively, and thereafter one commissioner shall be appointed each year to serve for a four year term. Vacancies shall be filled by appointments for the unexpired terms. Each commissioner shall ~~((serve without salary or other compensation for his services, but))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses incurred in the actual performance of their duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 59. Section 11, chapter 119, Laws of 1935 as amended by section 12, chapter 106, Laws of 1973 and RCW 27.08.010 are each amended to read as follows:

(1) There is hereby created a state board for the certification of librarians, which shall consist of the state librarian, the executive officer of the department of librarianship of the University of Washington, and one other member to be appointed by the governor for a term of three years from a list of three persons nominated by the executive committee of the Washington library association. The members of the board shall ~~((serve without salary))~~ be compensated in accordance with section 4 of this 1984 act, shall have authority to establish rules and regulations for their own government and procedure, and shall prescribe and hold examinations to test the qualifications of those seeking certificates as librarians.

(2) The board shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(3) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full-time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the board.

(4) The board shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer. All necessary expenses of the board shall be paid from funds appropriated by the legislature upon the presentation of proper vouchers approved by the board.

(5) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the board.

(6) A full-time professional library position, as intended by this section, is one that requires, in the opinion of the state board for the certification of librarians, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(7) The provisions in this section shall apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning; PROVIDED, That nothing in this section shall apply to the state law library or to county law libraries.

Sec. 60. Section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.04.110 are each amended to read as follows:

The state board of education shall hold an annual meeting and such other regular meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business, such special meetings to be called by the superintendent of public instruction, or by a majority of the board. The persons serving as members of the state board of education shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed by the superintendent of public instruction for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ incurred in the performance of their duties which expenses shall be paid by the state treasurer on warrants out of funds appropriated or otherwise available, upon the order of the superintendent.

Sec. 61. Section 28A.92.050, chapter 223, Laws of 1969 ex. sess. as amended by section 71, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.92.050 are each amended to read as follows:

Each member of the commission from the state of Washington shall be paid, from funds appropriated by the legislature of the state of Washington for that purpose, ~~((the sum of twenty-five dollars per day for each day or major part thereof devoted to the business of the~~

~~commission, together with~~) travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended, in no event shall such commissioner's payments for other than travel expenses exceed fifteen hundred dollars in any one year))~~. Such member may, regardless of any charter or statutory provision to the contrary, be an officer or employee holding another public position.

Sec. 62. Section 3, chapter 169, Laws of 1983 and RCW 28B.07.030 are each amended to read as follows:

(1) The Washington higher education facilities authority is hereby established as a public body corporate and politic, with perpetual corporate succession, constituting an agency of the state of Washington exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010.

(2) The authority shall consist of seven members as follows: The governor, lieutenant governor, executive coordinator of the state council for postsecondary education, and four public members, one of whom shall be the president of a higher education institution at the time of appointment. The public members shall be residents of the state and appointed by the governor, subject to confirmation by the senate, on the basis of their interest or expertise in the provision of higher education and the financing of higher education. The public members of the authority shall serve for terms of four years. The initial terms of the public members shall be staggered in a manner determined by the governor. In the event of a vacancy on the authority due to death, resignation, or removal of one of the public members, and upon the expiration of the term of any public member, the governor shall appoint a successor for a term expiring on the fourth anniversary of the successor's date of the appointment. If any of the state offices are abolished, the resulting vacancy on the authority shall be filled by the state officer who shall succeed substantially to the power and duties of the abolished office. Any public member of the authority may be removed by the governor for misfeasance, malfeasance, willful neglect of duty, or any other cause after notice and a public hearing, unless such notice and hearing shall be expressly waived in writing.

(3) The governor shall serve as chairperson of the authority. The authority shall elect annually one of its members as secretary. If the governor shall be absent from a meeting of the authority, the secretary shall preside. However, the governor may designate an employee of the governor's office to act on the governor's behalf in all other respects during the absence of the governor at any meeting of the authority. If the designation is in writing and is presented to the person presiding at the meetings of the authority who is included in the designation, the vote of the designee has the same effect as if cast by the governor.

(4) Any person designated by resolution of the authority shall keep a record of the proceedings of the authority and shall be the custodian of all books, documents, and papers filed with the authority, the minute book or a journal of the authority, and the authority's official seal, if any. The person may cause copies to be made of all minutes and other records and documents of the authority, and may give certificates to the effect that such copies are true copies. All persons dealing with the authority may rely upon the certificates.

(5) Four members of the authority constitute a quorum. The authority may act on the basis of a motion except when authorizing the issuance and sale of bonds, in which case the authority shall act by resolution. Bond resolutions and other resolutions shall be adopted upon the affirmative vote of four members of the authority, and shall be signed by those members voting yes. Motions shall be adopted upon the affirmative vote of a majority of a quorum of members present at any meeting of the authority. All actions taken by the authority shall take effect immediately without need for publication or other public notice. A vacancy in the membership of the authority does not impair the power of the authority to act under this chapter.

(6) The members of the authority shall ~~((serve without compensation but))~~ be compensated in accordance with section 4 of this 1984 act and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses as determined by the authority incurred in the discharge of their duties under this chapter.

Sec. 63. Section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 19, chapter 338, Laws of 1981 and RCW 28B.16.060 are each amended to read as follows:

(1) There is hereby created a state higher education personnel board composed of three members appointed by the governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after the effective date of this chapter for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.

(2) Each member of the board shall be ~~((paid fifty dollars for each day in which he has actually attended a meeting of the board officially held. The members of the board may receive any number of daily payments for official meetings of the board actually attended))~~ compensated in accordance with section 5 of this 1984 act. Members of the board shall also be

reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

Sec. 64. Section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 30, Laws of 1982 1st ex. sess. and RCW 28B.50.050 are each amended to read as follows:

There is hereby created the "state board for community college education", to consist of eight members, one from each congressional district, as now or hereafter existing, who shall be appointed by the governor, with the consent of the senate. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until the appointment and qualification of his successor. All members shall be citizens and bona fide residents of the state. No member of the college board shall be, during his term of office, also a member of the state board of education, a member of a K-12 board, a member of the governing board of any public or private educational institution, a member of a community college board of trustees, or an employee of any of the above boards, or have any direct pecuniary interest in education within this state.

The board shall not be deemed unlawfully constituted and a member of the board shall not be deemed ineligible to serve the remainder of the member's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts.

~~((No))~~ Members of the college board shall ~~((receive any salary for his services, but))~~ be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ for each day actually spent in attending to ~~((his))~~ the duties as a member of the college board.

The members of the college board may be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, in the manner provided by RCW 28B.10.500.

Sec. 65. Section 12, chapter 277, Laws of 1969 ex. sess. as amended by section 77, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28B.80.110 are each amended to read as follows:

Members of the council ~~((with))~~ shall be compensated in accordance with section 4 of this 1984 act and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 66. Section 8, chapter 174, Laws of 1975 1st ex. sess. as amended by section 79, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28C.04.070 are each amended to read as follows:

Members of the commission shall be compensated in accordance with section 4 of this 1984 act and will receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 67. Section 52, chapter 283, Laws of 1969 ex. sess. as amended by section 76, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 28C.04.300 are each amended to read as follows:

(1) There is hereby created a state advisory council on vocational education, hereinafter referred to as the "advisory council", consisting of not less than thirteen members appointed by the governor, without regard to the civil service laws, for terms of three years, except that in the case of the initial members, at least four shall be appointed for terms of one year each and at least four shall be appointed for terms of two years each, and appointments to fill vacancies shall be only for such terms as remain unexpired. The advisory council shall include persons who are:

(a) Familiar with the vocational needs and the problems of management and labor in the state, and a person or persons representing state industrial and economic development agencies;

(b) Representative of community colleges and other institutions of higher learning, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training;

(c) Familiar with the administration of state and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to

vocational education and who are not involved in the administration of state or local vocational education programs;

(d) Familiar with programs of technical and vocational education, including programs in comprehensive secondary schools;

(e) Representative of local educational agencies, and a person or persons who are representative of school boards;

(f) Representative of manpower and vocational education agencies in the state, including a person or persons from the comprehensive area manpower planning system of the state;

(g) Representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students;

(h) Possessed of special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons; and

(i) Representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph.

The advisory council shall meet at least four times a year at the call of the chairman, who shall be selected by vote of the members (~~but not less than four times a year~~).

(2) Members of the advisory council shall receive (~~twenty-five dollars for each day or portion thereof spent in serving as a member of the advisory council and~~) their travel expenses while engaged in the business of the advisory council in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 68. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall (~~receive no compensation for their services, but~~) be compensated in accordance with section 4 of this 1984 act and shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~), and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or

contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.010(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

Sec. 69. Section 8, chapter 10, Laws of 1982 and RCW 41.06.110 are each amended to read as follows:

(1) There is hereby created a state personnel board composed of three members appointed by the governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

(2) Each member of the board shall be (~~paid fifty dollars for each day in which he has actually attended a meeting of the board officially held~~) compensated in accordance with section 5 of this 1984 act. The members of the board may receive any number of daily payments for official meetings of the board actually attended. Members of the board shall also be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

(3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts.

Sec. 70. Section 4, chapter 263, Laws of 1955 as last amended by section 87, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.270 are each amended to read as follows:

Each member of the state board shall (~~receive twenty five dollars per day for each day actually spent in attending meetings of the state board~~) be compensated in accordance with section 4 of this 1984 act. Each member shall also receive travel expenses, including going to and from meetings of the state board or other authorized business of the state board, in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 71. Section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 146, Laws of 1979 ex. sess. and RCW 41.58.015 are each amended to read as follows:

(1) Each member of the commission shall be (~~paid one hundred dollars for each day during which the member attends a meeting of the commission officially held or attends to other business of the commission authorized by the commission~~) compensated in accordance with section 5 of this 1984 act. Members of the commission shall also be reimbursed for travel

expenses incurred in the discharge of their official duties on the same basis as is provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(2) The commission shall appoint an executive director whose annual salary shall be determined under the provisions of RCW 43.03.028. The executive director shall perform such duties and have such powers as the commission shall prescribe in order to implement and enforce the provisions of this chapter. In addition to the performance of administrative duties, the commission may delegate to the executive director authority with respect to, but not limited to, representation proceedings, unfair labor practice proceedings, mediation of labor disputes, arbitration of disputes concerning the interpretation or application of a collective bargaining agreement, and, in certain cases, fact-finding or arbitration of disputes concerning the terms of a collective bargaining agreement. Such delegation shall not eliminate a party's right of appeal to the commission. The executive director, with such assistance as may be provided by the attorney general and such additional legal assistance consistent with chapter 43.10 RCW, shall have authority on behalf of the commission, when necessary to carry out or enforce any action or decision of the commission, to petition any court of competent jurisdiction for an order requiring compliance with the action or decision.

(3) The commission shall employ such employees as it may from time to time find necessary for the proper performance of its duties, consistent with the provisions of this chapter.

(4) The payment of all of the expenses of the commission, including travel expenses incurred by the members or employees of the commission under its orders, shall be subject to the provisions of RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 72. Section 1, chapter 167, Laws of 1982 as amended by section 2, chapter 54, Laws of 1983 and RCW 41.60.015 are each amended to read as follows:

(1) There is hereby created the productivity board. The board shall administer the employee suggestion program under this chapter and shall review applications for incentive pay for state employees under RCW 41.60.100, 41.60.110, and 41.60.120.

(2) The board shall be composed of:

(a) The secretary of state who shall act as chairperson;

(b) The director of personnel or the director's designee;

(c) The director of financial management or the director's designee; and

(d) Three persons with experience in administering incentives such as those used by industry, with the governor, lieutenant governor, and speaker of the house of representatives each appointing one person. The governor's appointee shall be a representative of an employee organization certified as an exclusive representative of at least one bargaining unit of classified employees, but no one organization may be represented for two consecutive terms.

Initially, the person appointed by the governor shall serve a one-year term, the person appointed by the lieutenant governor shall serve a two-year term, and the person appointed by the speaker shall serve a three-year term. Thereafter, these members shall serve three-year terms.

Members of the board shall be compensated in accordance with section 4 of this 1984 act.

Sec. 73. Section 4, chapter 311, Laws of 1981 and RCW 41.64.030 are each amended to read as follows:

(1) The board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the board shall operate on a full-time basis, each member of the board shall receive an annual salary to be determined by the governor pursuant to RCW 43.03.040 ~~((as now existing or hereafter amended))~~; If it is determined that the board shall operate on a part-time basis, each member of the board shall ~~((receive compensation of one hundred dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson. Such part-time compensation may not, however, exceed twelve thousand dollars for any one member in a fiscal year))~~ be compensated in accordance with section 5 of this 1984 act. Each board member shall receive reimbursement for travel expenses incurred in the discharge of his or her duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(2) Members of the board shall report their financial affairs to the public disclosure commission pursuant to RCW 42.17.240 ~~((as now existing or hereafter amended))~~.

Sec. 74. Section 35, chapter 1, Laws of 1973 as last amended by section 15, chapter 147, Laws of 1982 and RCW 42.17.350 are each amended to read as follows:

There is hereby established a "public disclosure commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after January 1, 1973. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four, and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in

opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist: PROVIDED, That a member or the staff of the commission may lobby to the limited extent permitted by RCW 42.17.190 on matters directly affecting this chapter. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 RCW. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

~~((Each))~~ Members shall ~~((receive seventy five dollars for each day or portion thereof spent in performance of his duties as a member of the commission;))~~ be compensated in accordance with section 5 of this 1984 act and in addition shall be reimbursed for travel expenses incurred while engaged in the business of the commission as provided in RCW 43.03.050 and 43.43.060 ~~((as now or hereafter amended))~~. The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state.

Sec. 75. Section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030 are each amended to read as follows:

The state board of health shall be composed of six members. These shall be the secretary or his designee and five other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation and one person representing the consumers of health care. The chairman shall be selected by the governor from among the five members appointed by him.

Members of the board shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 76. Section 18, chapter 62, Laws of 1970 ex. sess. as amended by section 100, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21A.180 are each amended to read as follows:

The commission shall meet quarterly at a date and place of its choice, and at such other times as shall be designated by the director or upon the written request of a majority of the commission. Members of the commission shall be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for their travel expenses as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 77. Section 6, chapter 44, Laws of 1970 ex. sess. as last amended by section 104, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.475 are each amended to read as follows:

The governor shall appoint a factory built housing and factory built commercial structures advisory board consisting of eleven members. Members appointed shall be broadly representative of the industries and professions involved in the development and construction of factory built housing or factory built commercial structures and shall include representation from building code enforcement agencies, architectural and engineering associations, building construction trades, the contracting and manufacturing industries, legislative bodies of local government, and the general public. The factory built housing and factory built commercial structures advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department when it deems changes advisable. Members ~~((may receive up to twenty five dollars for each day or portion thereof actually spent in attending upon the duties of the board, the rate to be determined by the board, and in addition thereto;))~~ shall be entitled to reimbursement for travel expenses as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 78. Section 43.24.060, chapter 8, Laws of 1965 as last amended by section 15, chapter 227, Laws of 1982 and RCW 43.24.060 are each amended to read as follows:

(1) The director of licensing shall, from time to time, fix such times and places for holding examinations of applicants as may be convenient, and adopt general rules and regulations prescribing the method of conducting examinations.

The governor, from time to time, upon the request of the director of licensing, shall appoint examining committees, composed of three persons possessing the qualifications provided by law to conduct examinations of applicants for licenses to practice the respective professions or callings for which licenses are required.

The committees shall prepare the necessary lists of examination questions, conduct the examinations, which may be either oral or written, or partly oral and partly written, and shall make and file with the director of licensing lists, signed by all the members conducting the examination, showing the names and addresses of all applicants for licenses who have successfully passed the examination, and showing separately the names and addresses of the applicants who have failed to pass the examination, together with all examination questions and the written answers thereto submitted by the applicants.

Each member of a committee shall receive twenty-five dollars per day for each day spent in conducting the examination and in going to and returning from the place of examination, and travel expenses, in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

(2) The director of licensing may appoint advisory committees to advise the department regarding the preparation of examinations for professional licensing and such other specific aspects of regulating the professions within the jurisdiction of the department as the director may designate. Such a committee and its members shall serve at the pleasure of the director.

Each member of an advisory committee shall be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for travel expenses incurred in attending meetings of the committee in accordance with RCW 43.03.050 and 43.03.060.

Sec. 79. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 101, chapter 158, Laws of 1979 and RCW 43.24.110 are each amended to read as follows:

Whenever there is filed with the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint, two qualified practitioners of the profession or calling of the person charged, who, with the director or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. The decision of any two members of such committee shall be the decision of the committee.

The appointed members of the committee shall ~~(receive twenty-five dollars per day for each day spent in the performance of their duties and in going to and returning from the place of hearing, and)~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 80. Section 5, chapter 3, Laws of 1981 and RCW 43.33A.050 are each amended to read as follows:

Members of the state investment board who are public employees shall serve without compensation but shall suffer no loss because of absence from their regular employment. Members of the board who are not public employees shall ~~(receive fifty dollars for each day during which the member attends an official meeting of the board or performs statutorily prescribed duties approved by the chairperson)~~ be compensated in accordance with section 4 of this 1984 act. Members of the board who are not legislators shall be reimbursed for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~). Legislative members shall receive allowances provided for in RCW 44.04.120 (~~as now existing or hereafter amended~~).

Sec. 81. Section 43.49.010, chapter 8, Laws of 1965 and RCW 43.49.010 are each amended to read as follows:

There shall be a nonsalaried commission to be known as the Columbia Basin commission, which shall consist of seven members, namely: One member designated by and from among the directors of the Quincy-Columbia Basin irrigation district, one designated by and from among the directors of the East Columbia Basin irrigation district, one designated by and from among the directors of the South Columbia Basin irrigation district; three members appointed by the governor, and removable by him at his pleasure; and the director of conservation who shall be chairman of the commission.

Not later than the first day of February each year, each of the respective irrigation district boards shall select one of its members to serve on the Columbia Basin commission for the ensuing year, and shall thereupon forthwith certify such selection to the governor. The term of any member designated by an irrigation district shall terminate when his successor has been certified to the governor or upon the expiration of his term as irrigation district director.

Each member of the commission, except the director of conservation, shall ~~(receive fifteen dollars per day and transportation while actually engaged in the performance of his duties within the state)~~ be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 82. Section 43.51.020, chapter 8, Laws of 1965 as last amended by section 116, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.020 are each amended to read as follows:

There is hereby created a "state parks and recreation commission" consisting of seven electors of the state. The members of the commission shall be appointed by the governor by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the governor shall fill the vacancy for the unexpired term of the commissioner whose office has become vacant.

The commissioners incumbent as of August 11, 1969, shall serve as follows: Those commissioners whose terms expire December 31, 1970, shall serve until December 31, 1970; the elector appointed to succeed to the office, the term for which expired December 31, 1968, shall serve

until December 31, 1974; the terms of three of the four remaining commissioners shall each expire on December 31, 1972.

To assure that no more than the terms of three members will expire simultaneously on December 31st in any one even-numbered year, the term of not more than one commissioner incumbent on August 11, 1969, as designated by the governor, who was either appointed or reappointed to serve until December 31, 1972, shall be increased by the governor by two years, and said term shall expire December 31, 1974.

In making the appointments to the commission, the governor shall choose electors who understand park and recreation needs and interests. No person shall serve if he holds any elective or full-time appointive state, county, or municipal office. Members of the commission shall be ~~((entitled to be paid twenty-five dollars for each day actually spent on duties pertaining to the commission;))~~ compensated in accordance with section 4 of this 1984 act and in addition shall be allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Payment of expenses pertaining to the operation of the commission(;) shall be made upon vouchers certified to by such persons as shall be designated by the commission.

Sec. 83. Section 43.57.020, chapter 8, Laws of 1965 as last amended by section 119, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.57.020 are each amended to read as follows:

The commission representing the state on ~~((said))~~ the joint commission shall have full authority to consider and carry on negotiations for such agreement or compact, to attend meetings of the joint commission convening in or out of the state, to employ clerical, legal, and engineering assistance, and generally to perform such duties as shall be required of the members thereof in carrying out the purpose and intent of this chapter; the term of office of ~~((said))~~ the commissioners shall be from June 11, 1953, until an agreement or compact binding on the state of Washington under the provisions of RCW 43.57.030 has been entered into: PROVIDED, HOWEVER, That when a member of the commission is a member of the house of representatives, his term on the commission shall expire when he ceases to be a member of the house, and when a member of the commission is a member of the senate, his term on the commission shall expire when he ceases to be a member of the senate. Any vacancies occurring in the membership of ~~((said))~~ the commission shall be filled by the appointive power shown in RCW 43.57.010. Members of the commission representing the state who are not in the regular employ of the state shall ~~((receive fifteen dollars per day for the time actually spent on the work of the commission;))~~ be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for travel expenses incurred while away from their respective places of abode in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Members of the commission who are in the regular employ of the state shall receive reimbursement for travel expenses incurred while away from their respective places of abode in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Payment of all expenses incurred by the interstate compact commission, including the expenses of its members, shall be made on vouchers approved by its chairman.

Sec. 84. Section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110 are each reenacted and amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, and, by appointment of the governor with the advice and consent of the senate, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall ~~((serve without pay, but))~~ be compensated in accordance with section 4 of this 1984 act and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 85. Section 7, chapter 94, Laws of 1974 ex. sess. as amended by section 126, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.070 are each amended to read as follows:

Members of the commission shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for their travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. Attendance at meetings of the commission shall be deemed performance by a member of the duties of his employment.

Sec. 86. Section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032 are each amended to read as follows:

There is hereby created the Washington state data processing authority consisting of eleven members appointed by the governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973.

Members of the authority shall (not) be compensated for service on the authority ((but) in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060(~~-as now existing or hereafter amended~~)).

The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate.

Sec. 87. Section 3, chapter 4, Laws of 1982 and RCW 43.121.030 are each amended to read as follows:

Council members shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~(as now or hereafter amended)~~). Attendance at meetings of the council shall be deemed performance by a member of the duties of a member's employment.

Sec. 88. Section 7, chapter 273, Laws of 1983 and RCW 43.126.075 are each amended to read as follows:

Members of the board who are not otherwise public employees shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid by the agency that each member represents and, for the four members of the general public, by the department of natural resources.

Sec. 89. Section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of nine persons appointed by the governor and the director of commerce and economic development, the director of planning and community affairs, the director of revenue, the commissioner of employment security, and the chairmen of the committee on commerce and economic development of the house of representatives and the committee on commerce and labor of the senate, or the equivalent standing committees, for a total of seventeen members. The appointive members shall be as follows: A recognized private or public sector economist selected from the governor's council of economic advisors; one port district official; one county official; one city official; one representative of the public; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chairman. Thereafter each succeeding term shall be for three years. The representative from the governor's council of economic advisors shall serve as chairman of the board. The director of the department of commerce and economic development shall serve as vice chairman.

(3) Staff support shall be provided by the department of commerce and economic development.

(4) All appointive members of the board shall be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 (~~(as now or hereafter amended)~~).

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Any members of the board, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.04 RCW.

Sec. 90. Section 4, chapter 161, Laws of 1983 and RCW 43.180.040 are each amended to read as follows:

(1) There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington state housing finance commission. The commission is an instrumentality of the state exercising essential government functions and, for purposes of the code, acts as a constituted authority on behalf of the state when it issues bonds pursuant to this chapter. The commission is a "public body" within the meaning of RCW 39.53.010.

(2) The commission shall consist of the following voting members:

(a) The state treasurer, ex officio;

(b) The director of the planning and community affairs agency, ex officio;

(c) An elected local government official, ex officio, with experience in local housing programs, who shall be appointed by the governor with the consent of the senate;

(d) A representative of housing consumer interests, appointed by the governor with the consent of the senate;

(e) A representative of labor interests, appointed by the governor, with the consent of the senate, after consultation with representatives of organized labor;

(f) A representative of low-income persons, appointed by the governor with the consent of the senate;

(g) Five members of the public appointed by the governor, with the consent of the senate, on the basis of geographic distribution and their expertise in housing, real estate, finance, energy efficiency, or construction, one of whom shall be appointed by the governor as chair of the commission and who shall serve on the commission and as chair of the commission at the pleasure of the governor.

The term of the persons appointed by the governor, other than the chair, shall be four years from the date of their appointment, except that the terms of three of the initial appointees shall be for two years from the date of their appointment. The governor shall designate the appointees who will serve the two-year terms. An appointee may be removed by the governor for cause pursuant to RCW 43.06.070 and 43.06.080. The governor shall fill any vacancy in an appointed position by appointment for the remainder of the unexpired term. If the planning and community affairs agency is abolished, the resulting vacancy shall be filled by a state official who shall be appointed to the commission by the governor. If this official occupies an office or position for which senate confirmation is not required, then his appointment to the commission shall be subject to the consent of the senate. The members of the commission shall ~~((serve without compensation, but))~~ be compensated in accordance with section 4 of this 1984 act and may be reimbursed, solely from the funds of the commission, for expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060. A majority of the commission constitutes a quorum. Designees shall be appointed in such manner and shall exercise such powers as are specified by the rules of the commission.

(3) The commission may adopt an official seal and may select from its membership a vice chair, a secretary, and a treasurer. The commission shall establish rules concerning its exercise of the powers authorized by this chapter. The rules shall be adopted in conformance with chapter 34.04 RCW.

Sec. 91. Section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040 are each amended to read as follows:

There is hereby created a nuclear waste policy and review board to assist the department in carrying out its responsibilities under this chapter. The board shall consist of the following members: The chairman of the advisory council who shall also serve as chairman of the review board, the director of the department or the director's designee, the director of the energy office or the director's designee, the commissioner of public lands or the commissioner's designee, the secretary of social and health services or the secretary's designee, the chairman of the energy facility site evaluation council or the chairman's designee, four members of the state senate, appointed by the president of the senate, and four members of the house of representatives, appointed by the speaker, who shall be selected from each of the caucuses in each house, but no more than two members of each house shall be of the same political party. Legislative members shall be ex officio nonvoting members of the board and shall serve while members of the legislature, at the pleasure of the appointing officer. The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the department in carrying out its duties under this chapter; assisting the department in determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the governor to effectively evaluate federal actions; reviewing the activities of advisory and technical committees created by the governor; advising the director on the need for additional advisory and technical committees; and assisting the department to participate in the consultation and concurrence process provided for in the federal waste management act of 1982 and the low-level waste policy act of 1980 and to monitor and comment on decisions of the north-west interstate compact committee on low-level radioactive waste management.

Nonlegislative members shall be compensated in accordance with section 4 of this 1984 act and shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120. The legislature shall seek reimbursement from available sources, including the federal government, for legislative expenditures incurred pursuant to the provisions of this ~~((act))~~ chapter.

Sec. 92. Section 5, chapter 150, Laws of 1967 ex. sess. as last amended by section 159, chapter 151, Laws of 1979 and RCW 44.60.050 are each amended to read as follows:

The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. Each board shall hold at least one public hearing each year at which the

public will be permitted to testify only on matters relating to present or proposed legislative ethics codes, rules, and laws, as well as the functions and operations of the board. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be compensated in accordance with section 4 of this 1984 act and shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~ from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the director of financial management and signed by the chairman of the board or his designee: PROVIDED, That vouchers for the expenses of the joint board shall be signed and attested by the chairman of the joint board.

Sec. 93. Section 3, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.300 are each amended to read as follows:

(1) The director shall be assisted in the duties and responsibilities of this chapter by the driver instructors' advisory committee, consisting of five members. Members of the advisory committee shall be appointed by the director for two-year terms and shall consist of a representative of the driver training schools, a representative of the driving instructors (who shall not be from the same school as the school member), a representative of the superintendent of public instruction, a representative of the department of licensing, and a representative from the Washington state traffic safety commission. Members shall ~~((receive compensation not to exceed twenty-five dollars for each day spent on official business and shall))~~ be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~. A member who is receiving a salary from the state shall not receive compensation other than travel expenses incurred in such service.

(2) The advisory committee shall meet at least semiannually and shall have additional meetings as may be called by the director. The director or the director's representative shall attend all meetings of the advisory committee and shall serve as chairman.

(3) Duties of the advisory committee shall be to:

(a) Advise and confer with the director or the director's representative on matters pertaining to the establishment of rules necessary to carry out this chapter;

(b) Review violations of this chapter and to recommend to the director appropriate enforcement or disciplinary action as provided in this chapter;

(c) Review and update when necessary a curriculum consisting of a list of items of knowledge and the processes of driving a motor vehicle specifying the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education; and

(d) Prepare the examination for a driver instructor's certificate and review examination results at least once each calendar year for the purpose of updating and revising examination standards.

Sec. 94. Section 6, chapter 151, Laws of 1977 ex. sess. as last amended by section 29, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.061 are each amended to read as follows:

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

The commission shall submit to each regular session of the legislature held in an odd-numbered year its own budget proposal necessary for the commission's operations separate from that proposed for the department.

Each member of the commission shall ~~((receive compensation of sixty dollars per day for each day actually spent in the performance of duties, and))~~ be compensated in accordance with section 5 of this 1984 act and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission, and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the secretary of transportation, but in no event shall a commissioner be compensated in any year for more than one hundred twenty days, except the chairman of the commission who may be paid compensation for not more than one hundred fifty days. Service on the commission shall not be considered as service credit for the purposes of any public retirement system.

Sec. 95. Section 19, chapter 15, Laws of 1983 and RCW 47.64.280 are each amended to read as follows:

(1) There is created the marine employees' commission. The governor shall appoint the commission with the consent of the senate. The commission shall consist of three members: One member to be appointed from labor, one member from industry, and one member from the public who has significant knowledge of maritime affairs. The public member shall be chairman of the commission. One of the original members shall be appointed for a term of three years, one for a term of four years, and one for a term of five years. Their successors shall be appointed for terms of five years each, except that any person chosen to fill a vacancy shall be

appointed only for the unexpired term of the member whom he succeeds. Commission members are eligible for reappointment. Any member of the commission may be removed by the governor, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other cause. Commission members are not eligible for state retirement under chapter 41.40 RCW by virtue of their service on the commission. Members of the commission shall be compensated in accordance with section 5 of this 1984 act and shall receive reimbursement for official travel and other expenses at the same rate and on the same terms as provided for the transportation commission by RCW 47.01.061. The payments shall be made from the Puget Sound ferry operations account.

(2) The marine employees' commission shall: (a) Adjust all complaints, grievances, and disputes between labor and management arising out of the operation of the ferry system as provided in RCW 47.64.150; (b) provide for impasse mediation as required in RCW 47.64.210; (c) conduct fact-finding and provide salary surveys as required in RCW 47.64.220; and (d) provide for the selection of an impartial arbitrator as required in RCW 47.64.240(5).

(3) In adjudicating all complaints, grievances, and disputes, the party claiming labor disputes shall, in writing, notify the marine employees' commission, which shall make careful inquiry into the cause thereof and issue an order advising the ferry employee, or the ferry employee organization representing him or her, and the department of transportation, as to the decision of the commission.

The parties are entitled to offer evidence relating to disputes at all hearings conducted by the commission. The orders and awards of the commission are final and binding upon any ferry employee or employees or their representative affected thereby and upon the department.

The commission shall adopt rules of procedure under chapter 34.04 RCW.

The commission has the authority to subpoena any ferry employee or employees, or their representatives, and any member or representative of the department, and any witnesses. The commission may require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission are enforceable by order of any superior court in the state of Washington for the county within which the proceeding may be pending. The commission may hire staff as necessary, appoint consultants, enter into contracts, and conduct studies as reasonably necessary to carry out this chapter.

Sec. 96. Section 14, chapter 150, Laws of 1967 as amended by section 142, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 48.17.135 are each amended to read as follows:

(1) There is hereby created an insurance advisory examining board, hereafter referred to as the examining board or the board.

(2) The examining board shall consist of seven members, the commissioner who shall serve ex officio as a member and shall act as chairman, and six members appointed by the commissioner. Appointments shall be made within thirty days after June 8, 1967.

(3) The insurance commissioner as chairman shall keep a record of all proceedings of the board, send out notices of meetings of the board, draft rules and regulations of the board, and perform such other duties as may be required.

(4) The members of the board appointed by the commissioner shall have been licensed insurance agents or brokers of this state for at least five years prior to their appointments, three of whom shall have been engaged in the life or disability fields and the remaining three in other insurance fields. Consistent with the representation on the board, it may function as two separate committees, at which meetings the commissioner shall also preside.

(5) The first terms for members of the examining board appointed by the commissioner shall be as follows: Two members for one year; two members for two years; two members for three years. Thereafter, the terms shall be for three years and until their successors are appointed and qualified.

(6) The examining board, or any committee of the board, shall meet at the call of the commissioner. A majority of the members of the board or of a committee shall constitute a quorum for the transaction of business by the board or a committee of the board.

(7) The board shall have the advisory power:

(a) To recommend general policy concerning the scope, contents, procedure and conduct of examinations to be given for respective licenses as agent, broker and solicitor.

(b) To recommend the questions comprising each particular such examination and from time to time to change such questions as the board deems advisable, and where examinations are composed by the board results of these examinations shall be evaluated by the board.

(c) To review other state insurance examination papers and the grading thereof.

(d) To recommend the scope and contents of material furnished agent, broker or solicitor examination applicants by the commissioner under RCW 48.17.120 for the purpose of preparing for any such examination.

(e) To recommend rules and regulations for the procedure to be followed in the conduct of such examinations, including, but not limited to, application for examination, frequency and place of examinations, minimum waiting period before reexamination, monitoring, and the safeguarding of examination questions and papers. The board shall file copies of all such rules

and regulations, and of all amendments or modifications thereof, with the commissioner and with the code reviser for public inspection and information.

(7) To make such recommendations to the commissioner in regard to the administration of the examination requirement as the board from time to time deems appropriate.

(8) Members may be removed by the commissioner for any cause which unreasonably interferes with the proper discharge of the responsibilities of the board or any member thereof. Any vacancy shall be filled by the commissioner within ninety days after it occurs by appointment for the remainder of the unexpired term.

(9) Appointed members of the examining board (~~shall receive compensation from the appropriation to the insurance commissioner at the rate of twenty-five dollars per day while discharging their duties as directed and approved by the commissioner, and~~) shall be reimbursed for their travel expenses incurred in the actual performance of their duties in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

(10) The powers and recommendations of the examining board shall be advisory only.

Sec. 97. Section 1, chapter 231, Laws of 1941 as last amended by section 2, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.010 are each amended to read as follows:

The director of labor and industries shall appoint an apprenticeship council, composed of three representatives each from employer and employee organizations, respectively. The terms of office of the members of the apprenticeship council first appointed by the director of labor and industries shall be as follows: One representative each of employers and employees shall be appointed for one year, two years, and three years, respectively. Thereafter, each member shall be appointed for a term of three years. The governor shall appoint a public member to the apprenticeship council for a three-year term. The appointment of the public member is subject to confirmation by the senate. Each member shall hold office until his successor is appointed and has qualified and any vacancy shall be filled by appointment for the unexpired portion of the term. The state official who has been designated by the commission for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall ex officio be members of said council, without vote. Each member of the council, not otherwise compensated by public moneys, shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) and shall be (~~paid not more than twenty-five dollars for each day spent in attendance at meetings of the council~~) compensated in accordance with section 4 of this 1984 act. The apprenticeship council with the consent of employee and employer groups shall: (1) Establish standards for apprenticeship agreements in conformity with the provisions of this chapter; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this chapter, including a procedure to resolve an impasse should a tie vote of the council occur; and (3) perform such other duties as are hereinafter imposed. Not less than once a year the apprenticeship council shall make a report to the director of labor and industries of its activities and findings which shall be available to the public.

Sec. 98. Section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.070 are each amended to read as follows:

Each member of the board shall be compensated in accordance with section 5 of this 1984 act and, while in session or on official business, shall receive reimbursement for travel expenses incurred during such time in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 99. Section 1, chapter 9, Laws of 1977 and RCW 67.08.003 are each amended to read as follows:

Before entering upon the duties of his office, each commissioner shall enter into a surety bond, executed by a surety company authorized to do business in this state, payable to the state, and approved by the attorney general, in the penal sum of two thousand dollars conditioned upon the faithful performance of his duties, which bond shall be filed with the secretary of state. Each member of the commission shall be reimbursed for the cost of his bond (~~and receive forty dollars per day~~), be compensated in accordance with section 4 of this 1984 act, and be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) while in the performance of his duties.

Sec. 100. Section 2, chapter 233, Laws of 1969 ex. sess. as amended by section 155, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.16.017 are each amended to read as follows:

Each member of the Washington horse racing commission shall (~~receive forty dollars for each day actually spent in the performance of his duties~~) be compensated in accordance with section 5 of this 1984 act and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) in going to, attending, and returning from meetings of the commission, and travel expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid in any one fiscal year in excess of one hundred twenty days, except the chairman of the commission who may be paid for not more than one hundred fifty days.

Sec. 101. Section 27, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.270 are each amended to read as follows:

Each member of the commission shall (~~receive compensation of one hundred dollars per day for each day actually spent in the performance of duties, and~~) be compensated in accordance with section 5 of this 1984 act and shall be reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the commission(;) and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested by a majority vote of the commission or by the director.

Sec. 102. Section 33, chapter 290, Laws of 1953 as amended by section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060 are each amended to read as follows:

Each member of the board shall (~~receive no compensation for his services, but~~) be compensated in accordance with section 4 of this 1984 act and shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 103. Section 3, chapter 147, Laws of 1974 ex. sess. as last amended by section 1, chapter 210, Laws of 1983 and RCW 70.37.030 are each amended to read as follows:

There is hereby established a public body corporate and politic, with perpetual corporate succession, to be known as the Washington health care facilities authority. The authority shall constitute a political subdivision of the state established as an instrumentality exercising essential governmental functions. The authority is a "public body" within the meaning of RCW 39.53.010, as now or hereafter amended. The authority shall consist of the governor who shall serve as chairman, the lieutenant governor, the insurance commissioner, the chairman of the Washington state hospital commission, and one member of the public who shall be appointed by the governor, subject to confirmation by the senate, on the basis of the member's interest or expertise in health care delivery, for a term expiring on the fourth anniversary of the date of appointment. In the event that any of the offices referred to shall be abolished the resulting vacancy on the authority shall be filled by the officer who shall succeed substantially to the powers and duties thereof. The members of the authority shall (~~serve without compensation, but~~) be compensated in accordance with section 4 of this 1984 act and shall be entitled to reimbursement, solely from the funds of the authority, for travel expenses incurred in the discharge of their duties under this chapter, subject to the provisions of RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~). A majority shall constitute a quorum.

The governor may designate an employee of the governor's office to act on behalf of the governor during the absence of the governor at one or more of the meetings of the authority. The vote of the designee shall have the same effect as if cast by the governor if the designation is in writing and is presented to the person presiding at the meetings included within the designation.

The governor may designate a member to preside during the governor's absence.

Sec. 104. Section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050 are each amended to read as follows:

The member representing consumers of health care services shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

Three members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless three members concur therein.

The members of the commission shall (~~receive no compensation but~~) be compensated in accordance with section 5 of this 1984 act and shall be reimbursed for their travel expenses (~~while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44-04-120~~) in accordance with RCW 43.03.050 and 43.03.060.

Sec. 105. Section 2, chapter 32, Laws of 1951 as amended by section 159, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.79.020 are each amended to read as follows:

The members of the board shall (~~serve without salary~~) be compensated in accordance with section 4 of this 1984 act and shall receive travel expenses incurred while in the performance of their duties as members of the board, in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 106. Section 7, chapter 139, Laws of 1973 as amended by section 161, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.95B.070 are each amended to read as follows:

For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second

highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for waterworks operators established pursuant to such act.

The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.

This board shall assist in the development of rules and regulations, shall prepare, administer, and evaluate examinations of operator competency as required in this chapter, and shall recommend the issuance or revocation of certificates. The board shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.

Each member appointed by the governor shall ~~((serve without compensation, but))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses while engaged in the business of the board as prescribed in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

Sec. 107. Section 21, chapter 136, Laws of 1981 and RCW 72.09.150 are each amended to read as follows:

(1) The corrections standards board shall consist of nine voting members appointed by the governor with the consent of the senate. The secretary of corrections shall serve as an ex officio member without a vote. In addition, the speaker of the house of representatives and the president of the senate shall each appoint two nonvoting members, one from each of the two largest caucuses in their respective houses.

(2) The voting members shall serve four-year staggered terms. No member may serve more than two consecutive terms. Of the voting members, initially one-third shall be appointed for two-year terms, one-third for three-year terms, and one-third for four-year terms. The legislative members shall serve two-year terms, or until they cease to be members of the house from which they were appointed, whichever occurs first.

(3) The voting membership of the board shall be divided so that two-thirds of the members reside west of the Cascade mountains and one-third reside east of the Cascade mountains. One-third of the members shall be elected county, city, or town officials, one-third shall be elected or appointed state officials or their designees, and one-third shall be private citizens. In 1983, the members appointed to take the positions of the persons previously appointed to the two-year terms provided under subsection (2) of this section shall have been members of the state jail commission as local government representatives on June 30, 1983. The board shall include women and members of "minority groups" as that term is commonly understood.

(4) The members of the board shall ~~((not receive any compensation for their services but))~~ be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060 for nonlegislative members and under RCW 44.04.120 for legislative members ~~((as now or hereafter amended))~~.

(5) The members shall elect a chairman and such other officers as they deem necessary.

Sec. 108. Section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 173, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 76.09.030 are each amended to read as follows:

(1) There is hereby created the forest practices board of the state of Washington as an agency of state government consisting of members as follows:

(a) The commissioner of public lands or his designee;

(b) The director of the department of commerce and economic development or his designee;

(c) The director of the department of agriculture or his designee;

(d) The director of the department of ecology or his designee;

(e) An elected member of a county legislative authority appointed by the governor: PROVIDED, That such member's service on the board shall be conditioned on his continued service as an elected county official; and

(f) Six members of the general public appointed by the governor, one of whom shall be an owner of not more than five hundred acres of forest land, and one of whom shall be an independent logging contractor.

(2) The members of the initial board appointed by the governor shall be appointed so that the term of one member shall expire December 31, 1975, the term of one member shall expire December 31, 1976, the term of one member shall expire December 31, 1977, the terms of two members shall expire December 31, 1978, and the terms of two members shall expire December 31, 1979. Thereafter, each member shall be appointed for a term of four years. Vacancies on the board shall be filled in the same manner as the original appointments. Each member of the board shall continue in office until his successor is appointed and qualified. The commissioner of public lands or his designee shall be the chairman of the board.

(3) The board shall meet at such times and places as shall be designated by the chairman or upon the written request of the majority of the board. The principal office of the board shall be at the state capital.

(4) Members of the board, except public employees and elected officials, shall ~~((receive forty dollars for each day or major portion thereof actually spent in attending to their duties as board members))~~ be compensated in accordance with section 4 of this 1984 act and in addition they shall be entitled to reimbursement for travel expenses incurred in the performance of their duties as provided in RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(5) The board may employ such clerical help and staff pursuant to chapter 41.06 RCW as is necessary to carry out its duties.

Sec. 109. Section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 5, chapter 47, Laws of 1979 ex. sess. and RCW 76.09.220 are each amended to read as follows:

(1) The appeals board shall operate on either a part-time or a full-time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full-time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part-time basis, each member shall ~~((receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties))~~ be compensated in accordance with section 4 of this 1984 act; PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for travel expenses incurred in the discharge of his duties in accordance with the provisions of RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

(2) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(3) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(4) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(6) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(7) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department.

(8) (a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

Sec. 110. Section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060 are each amended to read as follows:

The commission shall hold regular meetings within the first ten days of January, April, July, and October of each year, and special meetings when called by the chairman or by four members. Four members constitute a quorum for the transaction of business.

The commission at a meeting in each odd-numbered year shall elect one of its members as chairman and another member as vice chairman, each of whom shall serve for a term of two years or until a successor is elected and qualified.

When a vacancy in the office of the director has occurred, the commission shall elect a director by approval of four members. The director shall hold office at the pleasure of the commission.

Members of the commission ~~((may receive twenty-five dollars for each day actually spent in the performance of official duties))~~ shall be compensated in accordance with section 5 of this

1984 act. In addition, members are allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

Sec. 111. Section 2, chapter 18, Laws of 1935 as last amended by section 3, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.020 are each amended to read as follows:

The department of transportation of the state of Washington shall be the office of the board, and all records shall be kept in (~~said~~) the office of the department. Each pilotage commissioner shall (~~receive the sum of forty dollars per day for each day actually engaged in the conduct of the business of the board, together with~~) be compensated in accordance with section 4 of this 1984 act and shall be reimbursed for travel expenses(;;) in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~); to be paid out of the pilotage account on vouchers approved by the chairperson of the board: PROVIDED, That the sums received under this section shall not be considered compensation earnable as defined pursuant to RCW 41.40.010(8).

The board is authorized to employ personnel, pursuant to chapter 41.06 RCW, as necessary to conduct the business of the board.

Sec. 112. Section 4, chapter 304, Laws of 1955 as last amended by section 179, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 89.08.040 are each amended to read as follows:

Members shall (~~receive no compensation, but~~) be compensated in accordance with section 4 of this 1984 act and shall be entitled to travel expenses in accordance with RCW 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~) incurred in the discharge of their duties.

The commission shall keep a record of its official actions, shall adopt a seal, which shall be judicially noticed, and may perform such acts, hold such public hearings, and promulgate such rules and regulations as may be necessary for the execution of its functions under this 1973 amendatory act. The state department of ecology is empowered to pay the travel expenses of the elected and appointed members of the state conservation commission, and the salaries, wages and other expenses of such administrative officers or other employees as may be required under the provisions of this chapter.

NEW SECTION. Sec. 113. There is added to chapter 43.03 RCW a new section to read as follows:

The office of financial management shall review the compensation levels established for the various boards and commissions by sections 2, 3, 4, and 5 of this act. The conclusions of the review, together with any proposed legislation, shall be submitted to the legislative budget committee and the appropriate standing committees of the legislature by December 1, 1988, and every four years thereafter.

NEW SECTION. Sec. 114. Section headings and captions used in sections 2 through 5 of this act do not constitute any part of the law.

NEW SECTION. Sec. 115. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 116. This act shall take effect on July 1, 1985.*

MOTION

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

On page 1, beginning on line 1 of the title, after "state government," strike the remainder of the title and insert "amending section 3, chapter 157, Laws of 1951 as amended by section 1, chapter 21, Laws of 1969 and RCW 1.08.005; amending section 1, chapter 185, Laws of 1943 as amended by section 1, chapter 42, Laws of 1971 and RCW 2.32.160; amending section 5, chapter 268, Laws of 1981 and RCW 2.64.040; amending section 5, chapter 218, Laws of 1973 1st ex. sess. as amended by section 7, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 9.46.050; amending section 6, chapter 137, Laws of 1981 and RCW 9.94A.060; amending section 3, chapter 299, Laws of 1981 and RCW 13.40.025; amending section 15.24.050, chapter 11, Laws of 1961 as last amended by section 12, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.24.050; amending section 10, chapter 129, Laws of 1969 as amended by section 13, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.26.100; amending section 15.28.090, chapter 11, Laws of 1961 as last amended by section 14, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.28.090; amending section 15.44.038, chapter 11, Laws of 1961 as last amended by section 15, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.44.038; amending section 27, chapter 256, Laws of 1961 as amended by section 19, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.65-270; amending section 15.66.130, chapter 11, Laws of 1961 as last amended by section 20, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 as last amended by section 21, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 15.76.170; amending section 6, chapter 133, Laws of 1969 as amended by section 22, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 16.67.070; amending section 7, chapter 226, Laws of 1949 as last amended by section 22, chapter 234, Laws of 1983 and RCW 18.04.080; amending section 3, chapter 323, Laws of 1959 as amended by section 27, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 18.08.120; amending section 11, chapter 101, Laws of 1957 as

last amended by section 28, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.055; amending section 5, chapter 101, Laws of 1957 as last amended by section 29, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.15.140; amending section 2, chapter 168, Laws of 1953 as last amended by section 12, chapter 225, Laws of 1982 and RCW 18.18.104; amending section 14, chapter 3, Laws of 1965 ex. sess. as last amended by section 9, chapter 75, Laws of 1977 and RCW 18.18.251; amending section 9, chapter 21, Laws of 1982 and RCW 18.22.014; amending section 2, chapter 53, Laws of 1959 as last amended by section 32, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.25.017; amending section 2, chapter 46, Laws of 1980 and RCW 18.26-.070; amending section 14, chapter 168, Laws of 1983 and RCW 18.29.031; amending section 3, chapter 93, Laws of 1953 as last amended by section 3, chapter 38, Laws of 1979 and RCW 18.32.050; amending section 10, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.600; amending section 5, chapter 43, Laws of 1957 and RCW 18.34.050; amending section 15, chapter 106, Laws of 1973 1st ex. sess. as last amended by section 12, chapter 39, Laws of 1983 and RCW 18.35.150; amending section 9, chapter 93, Laws of 1977 ex. sess. as amended by section 11, chapter 43, Laws of 1981 and RCW 18.39.175; amending section 3, chapter 283, Laws of 1947 as amended by section 37, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.43.030; amending section 29, chapter 156, Laws of 1977 ex. sess. and RCW 18.44.215; amending section 20, chapter 153, Laws of 1965 and RCW 18.44.900; amending section 11, chapter 117, Laws of 1951 as last amended by section 65, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.100; amending section 6, chapter 57, Laws of 1970 ex. sess. as last amended by section 45, chapter 158, Laws of 1979 and RCW 18.52.060; amending section 13, chapter 25, Laws of 1963 as last amended by section 39, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.54.130; amending section 2, chapter 117, Laws of 1979 and RCW 18.57.003; amending section 2, chapter 98, Laws of 1935 as last amended by section 1, chapter 90, Laws of 1979 and RCW 18.64.003; amending section 2, chapter 284, Laws of 1961 as last amended by section 52, chapter 158, Laws of 1979 and RCW 18.71.015; amending section 10, chapter 202, Laws of 1955 as last amended by section 3, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.100; amending section 2, chapter 239, Laws of 1949 as last amended by section 3, chapter 116, Laws of 1983 and RCW 18.74.020; amending section 4, chapter 222, Laws of 1949 as last amended by section 5, chapter 55, Laws of 1983 and RCW 18.78.040; amending section 21, chapter 70, Laws of 1965 as last amended by section 10, chapter 168, Laws of 1983 and RCW 18.83.051; amending section 14, chapter 252, Laws of 1941 as last amended by section 49, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.85.080; amending section 8, chapter 202, Laws of 1949 as last amended by section 12, chapter 75, Laws of 1977 and RCW 18.88.080; amending section 13, chapter 124, Laws of 1907 as last amended by section 4, chapter 102, Laws of 1983 and RCW 18.92.040; amending section 5, chapter 158, Laws of 1969 ex. sess. as amended by section 54, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.96.050; amending section 2, chapter 280, Laws of 1975 1st ex. sess. as amended by section 57, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 18.108.020; amending section 22, chapter 253, Laws of 1971 ex. sess. as amended by section 58, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.16.310; amending section 7, chapter 96, Laws of 1974 ex. sess. as amended by section 59, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.27.070; amending section 5, chapter 207, Laws of 1963 as last amended by section 60, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 19.28.065; amending section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 1, chapter 79, Laws of 1977 ex. sess. and RCW 19.28.123; amending section 1, chapter 5, Laws of 1941 as last amended by section 66, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 27.04.020; amending section 11, chapter 119, Laws of 1935 as amended by section 12, chapter 106, Laws of 1973 and RCW 27.08.010; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.04.110; amending section 28A.92.050, chapter 223, Laws of 1969 ex. sess. as amended by section 71, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28A.92.050; amending section 3, chapter 169, Laws of 1983 and RCW 28B.07.030; amending section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 19, chapter 338, Laws of 1981 and RCW 28B.16.060; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 30, Laws of 1982 1st ex. sess. and RCW 28B.50.050; amending section 12, chapter 277, Laws of 1969 ex. sess. as amended by section 77, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.80.110; amending section 8, chapter 174, Laws of 1975 1st ex. sess. as amended by section 79, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C-.04.070; amending section 52, chapter 283, Laws of 1969 ex. sess. as amended by section 76, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28C.04.300; amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025; amending section 8, chapter 10, Laws of 1982 and RCW 41.06.110; amending section 4, chapter 263, Laws of 1955 as last amended by section 87, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 41.24.270; amending section 2, chapter 5, Laws of 1975-'76 2nd ex. sess. as last amended by section 2, chapter 146, Laws of 1979 ex. sess. and RCW 41.58.015; amending section 1, chapter 167, Laws of 1982 as amended by section 2, chapter 54, Laws of 1983 and RCW 41.60.015; amending section 4, chapter 311, Laws of 1981 and RCW 41.64.030; amending section 35, chapter 1, Laws of 1973 as last amended by section 15, chapter 147, Laws of 1982

and RCW 42.17.350; amending section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030; amending section 18, chapter 62, Laws of 1970 ex. sess. as amended by section 100, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.21A.180; amending section 6, chapter 44, Laws of 1970 ex. sess. as last amended by section 104, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.475; amending section 43.24.060, chapter 8, Laws of 1965 as last amended by section 15, chapter 227, Laws of 1982 and RCW 43.24.060; amending section 43.24.110, chapter 8, Laws of 1965 as last amended by section 101, chapter 158, Laws of 1979 and RCW 43.24.110; amending section 5, chapter 3, Laws of 1981 and RCW 43.33A.050; amending section 43.49.010, chapter 8, Laws of 1965 and RCW 43.49.010; amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 116, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.51.020; amending section 43.57.020, chapter 8, Laws of 1965 as last amended by section 119, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.57.020; reenacting and amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 206, Laws of 1981 and by section 7, chapter 338, Laws of 1981 and RCW 43.99.110; amending section 7, chapter 94, Laws of 1974 ex. sess. as amended by section 126, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.070; amending section 5, chapter 219, Laws of 1973 1st ex. sess. as amended by section 128, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.105.032; amending section 3, chapter 4, Laws of 1982 and RCW 43.121.030; amending section 7, chapter 273, Laws of 1983 and RCW 43.126.075; amending section 3, chapter 40, Laws of 1982 1st ex. sess. as amended by section 2, chapter 60, Laws of 1983 1st ex. sess. and RCW 43.160.030; amending section 4, chapter 161, Laws of 1983 and RCW 43.180.040; amending section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040; amending section 5, chapter 150, Laws of 1967 ex. sess. as last amended by section 159, chapter 151, Laws of 1979 and RCW 44.60.050; amending section 3, chapter 51, Laws of 1979 ex. sess. and RCW 46.82.300; amending section 6, chapter 151, Laws of 1977 ex. sess. as last amended by section 29, chapter 53, Laws of 1983 1st ex. sess. and RCW 47.01.061; amending section 19, chapter 15, Laws of 1983 and RCW 47.64.280; amending section 14, chapter 150, Laws of 1967 as amended by section 142, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 48.17.135; amending section 1, chapter 231, Laws of 1941 as last amended by section 2, chapter 39, Laws of 1982 1st ex. sess. and RCW 49.04.010; amending section 4, chapter 270, Laws of 1955 as amended by section 145, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 49.60.070; amending section 1, chapter 9, Laws of 1977 and RCW 67.08.003; amending section 2, chapter 233, Laws of 1969 ex. sess. as amended by section 155, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 67.16.017; amending section 27, chapter 7, Laws of 1982 2nd ex. sess. and RCW 67.70.270; amending section 33, chapter 290, Laws of 1953 as amended by section 156, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 68.05.060; amending section 3, chapter 147, Laws of 1974 ex. sess. as last amended by section 1, chapter 210, Laws of 1983 and RCW 70.37.030; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 2, chapter 32, Laws of 1951 as amended by section 159, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.79.020; amending section 7, chapter 139, Laws of 1973 as amended by section 161, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 70.95B.070; amending section 21, chapter 136, Laws of 1981 and RCW 72.09.150; amending section 3, chapter 137, Laws of 1974 ex. sess. as last amended by section 173, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 76.09.030; amending section 22, chapter 137, Laws of 1974 ex. sess. as last amended by section 5, chapter 47, Laws of 1979 ex. sess. and RCW 76.09.220; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 6, chapter 78, Laws of 1980 and RCW 77.04.060; amending section 2, chapter 18, Laws of 1935 as last amended by section 3, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.020; amending section 4, chapter 304, Laws of 1955 as last amended by section 179, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 89.08.040; adding a new section to chapter 18.44 RCW; adding new sections to chapter 43.03 RCW; creating new sections; and providing an effective date."

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1159, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator Warnke, the question I have is about the escrow commission members. This section deals solely and exclusively with the compensation of the members of that board or commission and does not deal with the issue of who can or cannot act as an escrow agent."

Senator Warnke: "The portions of the bill--there are three amendments given to the escrow--the third amendment does. The first one deals with compensation; the second brings the compensation language into the escrow portion; and the third one clarifies that portion of the Supreme Court's decision which said the

escrow people were practicing law and this amendment portion of the bill was agreed to by all parties."

Senator Talmadge: "That included the Bar Association?"

Senator Warnke: "To my recollection, yes."

Senator Talmadge: "Where does that appear in the bill?"

MOTION

On motion of Senator Shinpoch, further consideration of House Bill No. 1159 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1205, by Committee on Commerce and Economic Development (originally sponsored by Representatives Appelwick, Barrett, Powers, Silver, Ellis, Brough, McClure, Sommers, Brekke, Sayan, Braddock, Smitherman, Ebersole, Fisher, Johnson, Tanner, Van Dyken, B. Williams, J. Williams, Wilson, Van Luvan, Hine, Kaiser, Niemi, Schoon, Stratton, Todd, Miller and Halsan)

Establishing a provisional center for international trade in forest products.

The bill was read the second time.

MOTION

Senator Bottiger moved that the following Committee on Commerce and Labor amendments be considered simultaneously and not be adopted:

On page 1, line 14, after "expand" strike "forest-based"

On page 1, line 15, after "trade" insert "of manufactured forest products"

On page 3, line 2, after "in" insert "manufactured" and after "products" insert "from Washington state"

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to not adopt the three Committee on Commerce and Labor amendments.

The motion by Senator Bottiger carried and the committee amendments were not adopted.

MOTION

Senator Goltz moved the following amendments by Senators Goltz and Vognild be considered and adopted simultaneously:

On page 1, line 15, after "trade" add ", emphasizing trade in manufactured forest products"

On page 3, line 2, after "products" insert ", including barriers to manufactured forest products from Washington state"

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. It would appear to me that the amendments expand the scope and object of the bill."

REPLY BY THE PRESIDENT

President Cherberg: "Do you wish to speak to it?"

Senator Pullen: "I've learned over the years, Mr. President, that you do such an outstanding job that it probably wouldn't do much good to point out why it expands the scope and object. I'm sure you and your staff will find out very quickly once you look into the actual language."

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Substitute House Bill No. 1205 was deferred.

SECOND READING

HOUSE BILL NO. 1135, by Representatives Hine, Wang, Sutherland, Armstrong and Crane

Revising the notice requirements for motor vehicle warranties.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 2, on line 2, after "attempts" strike everything through "attempts," on line 3 and insert "and the buyer has notified the manufacturer at least once in writing, the manufacturer shall"

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1135, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1135, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1135, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator McDermott - 1.

HOUSE BILL NO. 1135, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

There being no objection, the Senate resumed consideration of House Bill No. 1159, which was amended and placed on third reading earlier in the day.

THIRD READING

HOUSE BILL NO. 1159, by Representatives Niemi, Hankins, Sommers, Johnson, Galloway, Sayan, Walk and Miller (by Office of Financial Management request)

Establishing uniform compensation for boards and commissions.

The bill was read the third time and placed on final passage.

REMARKS BY SENATOR WARNKE

Senator Warnke: "Mr. President, in answer to Senator Talmadge's question, his concerns are answered in section 38 of the bill."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1159, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1159, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 03; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 44.

Voting nay: Senators Craswell, Metcalf, Pullen - 3.

Absent: Senator Woody - 1.

Excused: Senator McDermott - 1.

HOUSE BILL NO. 1159, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of representatives of the Pacific Science Center in Seattle and a delegation from the People's Republic of China representing the Exhibition China: 7000 years of Discovery, and appointed Senators Rasmussen, Goltz, Guess, Granlund and Hayner to escort the honored guests to the rostrum of the Senate.

The President introduced Mr. Zhu Yi-Xin, the leader of the 25-member delegation from the People's Republic of China; Mr. George Moynihan, the executive director of the Pacific Science Center; Mr. Dan Rameris, a member of the Pacific Science Center; Mr. Jack Barrington, senior vice-president of First Interstate Bank; and Madam Zhu, the interpreter.

With permission of the Senate, business was suspended to permit Mr. Moynihan, Mr. Zhu and Mr. Barrington to address the Senate.

The honored guests were escorted from the Senate Chamber and the Committee was discharged.

MOTIONS

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

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 1205 and the pending amendments to page 1, line 15, and page 3, line 2, by Senators Goltz and Vognild.

MOTIONS

On motion of Senator Pullen and there being no objection, the Point of Order raised on the amendments by Senators Goltz and Vognild was withdrawn.

On motion of Senator Goltz and there being no objection, the amendment on page 1, line 15, was withdrawn.

Senator Goltz moved that the following amendment be adopted and considered with the amendment on page 3, line 2.

On page 1, line 15, after "trade" insert ", including trade in manufactured forest products"

The President declared the question before the Senate to be adoption of the two amendments by Senators Goltz and Vognild.

The motion by Senator Goltz carried and the two amendments were adopted.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1205, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1205, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1205, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Haley, Metcalf, Pullen, Quigg - 5.

SUBSTITUTE HOUSE BILL NO. 1205, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 3:47 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 4:02 p.m.

SECOND READING

HOUSE BILL NO. 1219, by Representatives R. King, Allen, Fisher, Miller, Sayan, Brekke, Fisch, Burns, Lux, McMullen and D. Nelson

Establishing collective bargaining procedures for community college employees.

The bill was read the second time.

MOTIONS

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Rinehart, Gaspard and Kiskaddon was adopted:

On page 3, line 10, after "party," insert "These agreements will not be binding upon future actions of the legislature."

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Rinehart, Gaspard and Kiskaddon was adopted:

On page 5, line 6, after "closed" insert "or union"

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Rinehart, Gaspard and Kiskaddon was adopted:

On page 9, after line 11, insert the following:

"NEW SECTION, Sec. 10. Nothing in this chapter shall authorize the right to strike."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Senator Hemstad, the following amendments by Senators Hemstad, Rinehart, Gaspard and Kiskaddon were considered and adopted simultaneously:

On page 10, line 4, after "Sec. 12." strike "(1)"

On page 10, after line 8, strike all material down to and including "faith." on line 13.

On motion of Senator Hemstad, the following amendment by Senators Hemstad, Rinehart, Gaspard and Kiskaddon was adopted:

On page 11, line 4, strike "either upon its own motion or"

MOTION

Senator Patterson moved the following amendment be adopted:

On page 10, after line 35, insert:

"(4) The terms of a collective bargaining agreement relating to salaries, wages and fringe benefits by the employer and the exclusive bargaining representative shall not be mutually agreed upon until adoption by the legislature and approval by the governor of the biennial budget. No collective bargaining agreement shall extend beyond the end of the biennium covered by the agreement."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Patterson, as I read your proposed amendment, even if the bargaining process--the employer and the bargaining representative were to agree upon salaries, wages and fringe benefits, which would be less than that appropriated by the Legislature--they could not do that according to this. They would have to wait until the Legislature had adjourned and the Governor had signed the bill or until the Legislature had passed the appropriation and the Governor signed the bill. Is that correct?"

Senator Patterson: "Well, there's nothing in this that says that you couldn't agree upon something less. In other words, you could go ahead and go through the whole process and the thing that I wanted to make sure is that we didn't delay the process and the opportunity for them to go ahead and bargain. When it came down to that final factor on salaries, wages and fringe benefits, that they didn't agree to something that might include a proviso in the budget bill, for example,

prohibiting something to happen. You can do the bargaining in good faith and feel that you have something that is going to be workable in your community college district, but in the end the Legislative Budget Bill could take that away."

Further debate ensued.

MOTION

On motion of Senator Clarke, the following amendment to the Patterson amendment was adopted:

On line 3 of the amendment, strike "mutually" and insert "finally"

Further debate ensued.

Senator Rinehart demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Patterson, as amended.

ROLL CALL

The Secretary called the roll and the motion by Senator Patterson failed and the amendment, as amended, was not adopted by the following vote: Yeas, 20; nays, 28; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Absent: Senator Shinpoch - 1.

MOTIONS

On motion of Senator Rinehart, the following amendment by Senators Rinehart and Patterson was adopted:

On page 10, after line 35, insert the following:

"(4) In no event shall the collective bargaining agreement between the employer and the exclusive bargaining representative contain salary, wage and fringe benefit increases from any fund source whatsoever in excess of the increases specified in the biennial operating budget."

On motion of Senator Rinehart, the rules were suspended, House Bill No. 1219, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1219, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1219, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 18; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wcjohn - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Absent: Senator Woody - 1.

HOUSE BILL NO. 1219, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 69, by Committee on State Government (originally sponsored by Representatives Wang, Johnson, Burns, Niemi, Allen, Locke, Patrick, Smitherman, O'Brien, Fisher, D. Nelson, Belcher, Lux, Egger, Powers, Rust, Addison, Charnley, McClure and Lewis)

Providing for Martin Luther King, Jr.'s birthday as a state and school holiday.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 69 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 69.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 69, and the bill passed the Senate by the following vote: Yeas, 33; nays, 15; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, McCaslin, Metcalf, Quigg, Rasmussen - 15.

Absent: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 69, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:50 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 5:10 p.m.

SECOND READING

SENATE BILL NO. 4767, by Senators Rasmussen, Goltz, Shinpoch, Hemstad, Haley, Clarke, McDonald and Quigg (by Insurance Commissioner, Treasurer, Secretary of State, Superintendent of Public Instruction, Lt. Governor, Auditor, Attorney General, Commissioner of Public Lands request)

Modifying the salaries of elected public officials.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4767 was substituted for Senate Bill No. 4767 and the substitute bill was placed on second reading and read the second time.

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

After the enacting clause, strike everything up to and including "1984" on page 3, line 5, and insert the following:

"Sec. 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 3, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) ~~(Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, fifty-eight thousand nine hundred dollars; lieutenant governor, twenty-six thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-eight thousand nine hundred dollars; state treasurer, thirty-four thousand eight~~

hundred dollars; state auditor, thirty-four thousand eight hundred dollars; attorney general, forty-four thousand dollars; superintendent of public instruction, forty thousand dollars; commissioner of public lands, forty thousand dollars; state insurance commissioner, thirty-four thousand eight hundred dollars. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions:

(2) Effective July 1, 1986:) The annual salaries of the following named state elected officials shall be: Governor, ~~((sixty-three thousand))~~ eighty-one thousand nine hundred dollars; lieutenant governor, ~~((twenty-eight thousand six hundred))~~ thirty-seven thousand one hundred eighty dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, ~~((thirty-one thousand))~~ forty thousand three hundred dollars; state treasurer, ~~((thirty-seven thousand two hundred))~~ forty-eight thousand three hundred sixty dollars; state auditor, ~~((thirty-seven thousand two hundred))~~ forty-eight thousand three hundred sixty dollars; attorney general, ~~((forty-seven thousand one hundred))~~ sixty-one thousand two hundred thirty dollars; superintendent of public instruction, ~~((forty-two thousand eight hundred))~~ fifty-five thousand six hundred forty dollars; commissioner of public lands, ~~((forty-two thousand eight hundred))~~ fifty-five thousand six hundred forty dollars; state insurance commissioner, ~~((thirty-seven thousand two hundred))~~ forty-eight thousand three hundred sixty dollars. Members of the legislature shall receive for their service ~~((eleven thousand two hundred dollars per annum, effective January 12, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 10, 1983, and))~~ thirteen thousand seven hundred fifty dollars effective January 1, 1984, and fifteen thousand dollars effective January 1, 1985; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.

(2) On January 1, 1986, and on January 1 of each year thereafter until and including January 1, 1990, the salaries specified in subsection (1) of this section shall be increased by seven percent for each of those years. This subsection applies only to those members of the legislature elected or reelected after the effective date of this act.

NEW SECTION, Sec. 2. To effect the salary increases provided by section 1 of this act, the respective agencies are authorized to expend such sums as are necessary from their respective appropriations under the omnibus operating appropriations act, chapter 76, Laws of 1983 1st ex. sess. as amended by the 1984 supplemental appropriations act.

NEW SECTION, Sec. 3. This act shall take effect on July 1, 1984.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4767 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4767.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4767, and the bill failed to pass the Senate by the following vote: Yeas, 24; nays, 24; absent, 01; excused, 00.

Voting yea: Senators Bender, Benitz, Bluechel, Clarke, Conner, Fleming, Goltz, Granlund, Haley, Hansen, McDermott, McDonald, Moore, Newhouse, Owen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Zimmerman - 24.

Voting nay: Senators Barr, Bauer, Bottiger, Creewell, Deccio, Fuller, Gaspard, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Patterson, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Wojahn - 24.

Absent: Senator Woody - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4767, having failed to receive the constitutional majority, was declared lost.

SECOND READING

ENGROSSED HOUSE BILL NO. 596, by Representatives Todd Isaacson, D. Nelson, Long, Gallagher, Miller

Modifying provisions on the state building code.

The bill was read the second time.

MOTION

Senator Bender moved the following amendment by Senators Bender, Owen, McManus, McCaslin, Guess, Vognild, Hayner and Hansen be adopted:

On page 1, line 5, add a new section to read as follows:

"Sec. 1. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by Section 1, chapter 8, Laws of 1980 and RCW 19.27.030 are each amended to read as follows:

The legislature declares that it is the intent of RCW 19.27.030 to preclude local governments from adopting building codes more stringent than the codes enumerated in RCW 19.27.030. The state building code, or any successor state building code, shall preempt requirements adopted by local governments which exceed the state-wide code: PROVIDED, That the amendment set forth herein to RCW 19.27.030(6) shall remain in effect and together with RCW 19.27.200 through 19.27.300 shall supercede any rules enacted before August 1, 1983, pursuant to RCW 19.27.075 or any other administrative authority over energy conservation until the Legislature adopts thermal performance and design standards based upon the results of the Residential Standards Demonstration Program administered by the Washington State Energy Office.

There shall be in effect in all cities, towns, and counties of the state a state building code which shall consist of the following codes which are hereby adopted by reference:

(1) Uniform Building Code (~~and Related Standards, 1976~~) 1982 edition, published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, ((1976)) 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials (~~and the International Association of Plumbing and Mechanical Officials~~);

(3) The Uniform Fire Code (~~with appendices thereto~~), ((1976)) 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code, ((1976)) 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapter ((++)) 12 of such code is not adopted(~~:-PROVIDED, That notwithstanding any wording in this code, nothing in this code shall apply to the installation of any gas piping, water heaters, or vents for water heaters~~);

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and

(6) The thermal performance and design standards for dwellings as set forth in RCW 19.27.210 through 19.27.290. This subsection shall be of no further force and effect when RCW 19.27.200 through 19.27.290 expire as provided in RCW 19.27.300.

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

POINT OF ORDER

Senator Williams: "Mr. President, I would like to raise a scope and object on the amendment. The object of House Bill No. 596 deals only with changes to four specific statewide codes--the building codes, mechanical codes, fire and plumbing codes. It simply updates the references to the most recent additions of those four codes.

"The amendment expands the scope and object of the bill by adding consideration of energy standards. The amendment rolls back the 1980 state energy code and establishes the 1977 code as the state energy code. The amendment expands the scope and object of the bill by dealing with local government authorities to amend all codes, which goes well beyond the object of adopting uniform codes."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Williams, the President finds that Engrossed House Bill No. 596 is a measure which simply updates the edition of the Uniform Building, Mechanical, Fire and Plumbing Codes, which together constitute the major portion of the state building code.

"The amendment proposed by Senator Bender, et al, while incorporating the provisions of the original bill, would preempt local governments from adopting building construction standards which are more restrictive than those contained in the state building code.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator Bender moved the following amendments be considered and adopted simultaneously:

On page 1, line 11, strike "Uniform Building Code Standards".

On page 1, line 18, strike "and Uniform Fire Code Standards".

On page 1, line 24, strike "and Uniform Plumbing Code Standards".

POINT OF ORDER

Senator Williams: "Mr. President, I'd like to raise the scope and object on these amendments, also. The object of the uniform building code is to establish uniform standards and our codes have always referenced uniform standards one way or another. It's only in the last few years that the process of codifying these uniform codes have set the standards out separately from the codes themselves. If, in fact, we were to adopt these amendments, we would not be adopting the standards along with the codes and, therefore, we would not end up with uniform standards. So, the whole principal of uniform codes with standards that are uniform would be negated by these amendments."

Debate ensued.

MOTIONS

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 596 was deferred.

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed Substitute House Bill No. 255, and the pending amendment to the Committee on Ways and Means amendment to page 4, line 23, proposed by Senator McDermott earlier today.

On motion of Senator McDermott and there being no objection, the amendment to page 4, line 23, to the Committee on Ways and Means amendment was withdrawn.

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 5, line 4, after "1983" strike all material through "services," on line 8 and insert: and may provide compensation for those municipal corporations in the county which are parties to the agreement and which provide boating safety services, including fire suppression and rescue services only as related to boating safety."

MOTIONS

On motion of Senator Bluechel, Senator Newhouse was excused.

Senator Bottiger moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 7, after line 1, insert:

"Sec. 5. Section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260 are each amended to read as follows:

The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon. This section shall apply to all assessment rolls and the warrants thereto attached: PROVIDED, That taxes imposed but not collected on boats for the years 1980 through 1982 may not be collected."

Renumber the remaining section.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Bottiger to the Committee on Ways and Means amendment.

The motion by Senator Bottiger carried and the amendment to the committee amendment was adopted on a rising vote.

MOTION

Senator Quigg moved adoption of the following amendment by Senators Quigg, Vognild and Metcalf to the Committee on Ways and Means amendment:

On page 7, line 1, after "repealed," insert:

"Sec. 8. Section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260 are each amended to read as follows:

The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon. This section shall apply to all assessment rolls and the warrants thereto attached: PROVIDED, That no taxes imposed on boats for the years 1980 through 1982 may be collected.

NEW SECTION. Sec. 9. Property taxes paid on a boat for the years 1980 through 1982 shall be allowed as a credit against any taxes due under chapter 82.49 RCW for the boat. This credit shall apply to the current owner regardless of who owned the boat during the period 1980 through 1982."

Renumber the remaining section accordingly.

Debate ensued.

POINT OF ORDER

Senator Shinpoch: "Mr. President, I rise to a point of order. I challenge the amendment on scope and object. I apologize to the body. I thought logic would prevail and it never occurred to me that anyone would pass that last amendment, or I would have challenged it, also. To me, at least, we have a bill that deals with registration and I don't see anything that deals with property taxes, and the exemption of property taxes in here. It seems to me like it clearly expands the scope and object of the bill."

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 255 was deferred.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Peterson served notice that he would move to reconsider the vote by which Substitute Senate Bill No. 4767 failed to pass the Senate earlier today.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 271, by Committee on Ways and Means (originally sponsored by Representatives Vekich, Fiske, Charnley and Zellinsky) (by State Patrol request)

Modifying provisions relating to survivors' benefits under the state patrol retirement system.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 3, beginning on line 17, delete all of section 2 and insert the following:

*NEW SECTION. Sec. 2. This act shall apply only to surviving spouses receiving benefits under RCW 43.43.270(2) on or after the effective date of this act. No surviving spouse whose benefits under RCW 43.43.270(2) were terminated before the effective date of this act due to remarriage shall be governed by this act, and this act shall neither retroactively nor prospectively restore such terminated benefits. This act shall apply only to surviving unmarried children receiving benefits under RCW 43.43.270 (3) or (4) on or after the effective date of this act. No benefits shall be paid under RCW 43.43.270 (3)(b) or (4)(b) for any period before the effective date of this act.

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

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

In line 3 of the title, after "43.43.270;" strike "and"

In line 4 of the title, after "section" and before the period, insert "; and declaring an emergency"

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 271, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 271, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 271, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

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

Voting nay: Senator Barr - 1.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 271, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 880 and the pending amendment to page 1, line 12, proposed by Senator Bender earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Clarke, the President finds that House Bill No. 880 is a measure which deals with the subject of assuring that certain health care providers who are not participants in a health care service contract are reimbursed for their services.

"The amendment proposed by Senator Bender also deals with the subject of assuring that certain health care providers who are not participants in a health care service contract are reimbursed for their services.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment was ruled in order.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Bender.

ROLL CALL

The Secretary called the roll and the motion by Senator Bender carried and the amendment was adopted by the following vote: Yeas, 26; nays, 21; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, Williams, Wojahn - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, McDonald, Quigg, Talmadge, von Reichbauer, Warnke, Woody, Zimmerman - 21.

Absent: Senator Owen - 1.

Excused: Senator Newhouse - 1.

MOTION

Senator Vognild moved the following amendments be considered and adopted simultaneously:

On page 1, line 10, after "contractor," insert "shall be mailed directly to the provider, and"

On page 1, line 13, after "insured" insert ", and mailed directly to the insured,"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Vognild.

The motion by Senator Vognild carried and the amendments were adopted on a rising vote.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 880, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 880, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 880, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, Moore, Patterson, Peterson, Pullen, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Granlund, Guess, McCaslin, McDonald, McManus, Metcalf, Owen, Quigg, Rinehart - 16.

Absent: Senator Conner - 1.

Excused: Senator Newhouse - 1.

HOUSE BILL NO. 880, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Woody served notice that she would move to reconsider the vote by which the Bottiger amendment on page 7, line 1, to Engrossed Substitute House Bill No. 255 was adopted by the Senate earlier today.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 15, 1984

SHB 710 Prime Sponsor, Representative D. Nelson: Authorizing municipal corporations to develop electrical generation facilities. Reported by Committee on Energy and Utilities

MAJORITY recommendation: Do pass as amended. Signed by Senators Williams, Chairman; Benitz, Goltz, Hemstad, McManus.

Passed to Committee on Rules for second reading.

February 22, 1984

SHB 1197 Prime Sponsor, Representative Sommers: Providing mechanisms for cooperation among postsecondary institutions. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended by Committee on Education. Signed by Senators McDermott, Chairman; Bottiger, Craswell, Deccio, Hughes, Lee, McDonald, Thompson, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

February 23, 1984

SHB 1531 Prime Sponsor, Representative Grimm: Modifying provisions on flooding. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Talmadge, Thompson, Warnke, Woody.

Passed to Committee on Rules for second reading.

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

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 699,

SUBSTITUTE HOUSE BILL NO. 1207,

SUBSTITUTE HOUSE BILL NO. 1407, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3118,

ENGROSSED SENATE BILL NO. 3208,

SENATE BILL NO. 4345,

SENATE BILL NO. 4351,

SUBSTITUTE SENATE BILL NO. 4423,

SENATE BILL NO. 4428.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 699,

SUBSTITUTE HOUSE BILL NO. 1207,

SUBSTITUTE HOUSE BILL NO. 1407.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1121,

SUBSTITUTE HOUSE BILL NO. 1179,

SUBSTITUTE HOUSE BILL NO. 1270,

ENGROSSED HOUSE BILL NO. 1361,

SUBSTITUTE HOUSE BILL NO. 1668,

SUBSTITUTE HOUSE BILL NO. 1698.

MOTION

At 6:22 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Friday, February 24, 1984.

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

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 24, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Conner, Fuller, Guess, Haley, Hurley, McDermott, McManus, Newhouse, Pullen, Quigg, Warnke and Woody. On motion of Senator Vognild, Senators Hurley and Warnke were excused.

The Sergeant at Arms Color Guard, consisting of Pages Sonia Chadha and Sean Little, presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 23, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on February 23, 1984, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3379

Relating to fishing licenses.

Senate Bill No. 4312

Relating to reporting of financial affairs.

Senate Bill No. 4469

Relating to polling places.

Senate Bill No. 4506

Relating to membership in the judicial retirement system.

Substitute Senate Bill No. 4620

Relating to veterans.

Senate Bill No. 4475

Relating to motor vehicle title and registration transfers.

Sincerely,
C. Kenneth Grosse,
Counsel to the Governor

MESSAGES FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3133,

SUBSTITUTE SENATE BILL NO. 3620,

SUBSTITUTE SENATE BILL NO. 4313,

ENGROSSED SENATE BILL NO. 4513,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4775, and the same are herewith transmitted.

SHARON L. CASE, Assistant Clerk

February 23, 1984

Mr. President:

The House has passed:

SENATE JOINT MEMORIAL NO. 127.

ENGROSSED SENATE JOINT MEMORIAL NO. 131, and the same are herewith transmitted.

SHARON L. CASE, Assistant Clerk

February 23, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1179, and the same is herewith transmitted.

DEAN R. FOSTER, Clerk

February 23, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1121, SUBSTITUTE HOUSE BILL NO. 1270,

HOUSE BILL NO. 1361,

SUBSTITUTE HOUSE BILL NO. 1668,

SUBSTITUTE HOUSE BILL NO. 1698, and the same are herewith transmitted.

DEAN R. FOSTER, Clerk

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Catherine May Haas as a member of the Human Rights Commission was confirmed.

APPOINTMENT OF CATHERINE MAY HAAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 00; absent, 11; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Williams, Wojahn, Zimmerman - 36.

Absent: Senators Benitz, Conner, Guess, Haley, Hayner, McDermott, McManus, Newhouse, Pullen, Quigg, Woody - 11.

Excused: Senators Hurley, Warnke - 2.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1282, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Zellinsky, L. Smith, Pruitt, Barnes, Taylor, Tilly, Dellwo, Johnson, Wilson, Ballard, Mitchell, G. Nelson, Ebersole, Miller, Schmidt, Long, Schoon, Todd and Van Dyken (by Governor Spellman request) (by Secretary of State request)

Revising qualifying procedures for indigent candidates.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 6, line 31, strike "gross"

On page 6, line 32, strike "gross"

On motion of Senator Zimmerman, Senators Haley, Newhouse and Pullen were excused.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1282, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1282, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1282, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 03; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 40.

Voting nay: Senator Rinehart - 1.

Absent: Senators Conner, McDermott, Woody - 3.

Excused: Senators Haley, Hurley, Newhouse, Pullen, Warnke - 5.

SUBSTITUTE HOUSE BILL NO. 1282, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

The President introduced the Honorable Lennæ Hemmer, Washington State Wheat Queen, the guest of Senators Irving Newhouse and Scott Barr, who was seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Queen Lennæ to address the Senate.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, by Committee on Judiciary (originally sponsored by Representatives Locke, Padden, Belcher and Tanner)

Penalizing custodial interference.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, Senator McDermott was excused.

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1687, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1687.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1687, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 03; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Conner, Moore, Woody - 3.

Excused: Senators Haley, Hurley, McDermott, Newhouse, Pullen, Warnke - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1413, by Representatives Walk and Egger

Revising regulation of railroads.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 81.04.130, chapter 14, Laws of 1961 and RCW 81.04.130 are each amended to read as follows:

Whenever any public service company (~~shall~~), other than a railroad company, files with the commission any schedule, classification, rule, or regulation, the effect of which is to change any rate, fare, charge, rental, or toll (~~theretofore~~) previously charged, the commission (~~shall have~~) has power, either upon its own motion or upon complaint, upon notice, to (~~enter upon~~) hold a hearing concerning (~~such~~) the proposed change and the reasonableness and justness (~~thereof; and~~) of it. Pending (~~such~~) the hearing and the decision (~~thereon~~) the commission may suspend the operation of (~~such~~) the rate, fare, charge, rental, or toll, if (~~such~~) the change is proposed by a common carrier subject to the jurisdiction of the commission, for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier, for a period not exceeding ten months from the time the (~~same~~) change would otherwise go into effect(~~and~~). After a full hearing the commission may make such order in reference (~~thereto~~) to the change as would be provided in a hearing initiated after the (~~same~~) change had become effective.

At any hearing involving any change in any schedule, classification, rule, or regulation the effect of which is to increase any rate, fare, charge, rental, or toll theretofore charged, the burden of proof to show that such increase is just and reasonable (~~shall be~~) is upon the public service company(~~PROVIDED, HOWEVER, THAT~~). When any common carrier subject to the jurisdiction of the commission (~~shall~~) files any tariff, classification, rule, or regulation the effect of which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable (~~shall be~~) is upon (~~such~~) the common carrier.

Sec. 2. Section 81.04.150, chapter 14, Laws of 1961 and RCW 81.04.150 are each amended to read as follows:

Whenever the commission (~~shall~~) finds, after hearing had upon its own motion or upon complaint as (~~herein~~) provided in this chapter, that any rate, toll, rental, or charge (~~which~~) that has been the subject of complaint and inquiry is sufficiently remunerative to the public service company, other than a railroad company, affected (~~thereby;~~) by it, the commission may order that (~~such~~) the rate, toll, rental, or charge shall not be changed, altered, abrogated, or discontinued, nor shall there be any change in the classification (~~which~~) that will change or alter (~~such~~) the rate, toll, rental, or charge without first obtaining the consent of the commission authorizing (~~such~~) the change to be made.

Sec. 3. Section 81.04.250, chapter 14, Laws of 1961 and RCW 81.04.250 are each amended to read as follows:

The commission (~~shall have~~) has the power upon complaint or upon its own motion to prescribe and authorize just and reasonable rates for the transportation of persons or property by carriers other than railroad companies, and shall exercise (~~such~~) that power whenever and as often as if (~~shall~~) deems necessary or proper. The commission shall, before any hearing is had upon (~~such~~) the complaint or motion, notify the complainants and the carrier concerned of the time and place of (~~such~~) the hearing by giving at least ten days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of prescribing and authorizing (~~such~~) the rates(~~which~~). The notice (~~shall be~~) is sufficient to authorize the commission to inquire into and pass upon the matters designated in this section.

In exercising (~~its aforesaid~~) this power the commission may use any standard, formula, method, or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing just and reasonable rates.

In the exercise of (~~said~~) this power the commission may (~~in its discretion~~) give consideration, in (~~the~~) addition to other factors, to the following:

- (1) To the effect of (~~such~~) the rates upon movement of traffic by (~~such~~) the carriers;
- (2) To the public need for adequate transportation facilities, equipment, and service at the lowest level of charges consistent with the provision, maintenance, and renewal of (~~such~~) the facilities, equipment and service; and
- (3) To the carrier need for revenue of a level (~~which~~) that under honest, efficient, and economical management is sufficient to cover the cost (~~including~~) all operating expenses, depreciation accruals, rents, and taxes of every kind of providing adequate transportation service, plus an amount equal to (~~such~~) the percentage of (~~said~~) that cost as (~~shall be~~) is reasonably necessary for the provision, maintenance, and renewal of (~~said~~) the transportation facilities or equipment and a reasonable profit to the carrier. The relation of carrier expenses to carrier revenues may be deemed the proper test of a reasonable profit.

This section does not apply to railroad companies, which shall be regulated in this regard by sections 10 through 20 of this act and rules adopted thereunder.

Sec. 4. Section 81.28.040, chapter 14, Laws of 1961 and RCW 81.28.040 are each amended to read as follows:

Every common carrier shall file with the commission and shall print and keep open (~~to the~~) for public inspection, schedules showing the rates, fares, charges, and classification for the transportation of persons and property within the state between each point upon (~~its~~) the carrier's route and all other points thereon; and between each point upon its route and all

points upon every route leased, operated, or controlled by it; and between each point on its route or upon any route leased, operated, or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate ~~((shall))~~ have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers participating in ~~((such))~~ the through route shall file, print, and keep open ~~((to the))~~ for public inspection, ~~((as aforesaid))~~ the separately established rates, fares, charges, and classifications ~~((applied))~~ that apply to the through transportation. The schedules printed ~~((as aforesaid))~~ shall plainly state the places between which property and persons will be carried, ~~((and))~~ shall also contain classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges ~~((which))~~ that the commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations ~~((which))~~ that may in ~~((anywise))~~ any way change, affect, or determine any part, or the aggregate of, such ~~((aforesaid))~~ rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. ~~((Such))~~ The schedule shall be plainly printed in large type, and a copy ~~((thereof))~~ of it shall be kept by every ~~((such))~~ carrier readily accessible to ~~((and for))~~ inspection by the public in every station or office of ~~((such))~~ the carrier where passengers or property are respectively received for transportation, when ~~((such))~~ the station or office is in charge of any agent ~~((and in every station or office of such carrier where passenger tickets for transportation or tickets covering sleeping or parlor car or other train accommodation are sold or bills of lading or receipts for property are issued))~~. All or any of ~~((such))~~ the schedules kept as ~~((aforesaid))~~ provided in this section shall be immediately produced by ~~((such))~~ the carrier for inspection upon the demand of any person. A notice printed in bold type and stating that ~~((such))~~ the schedules are on file with the agent and open to inspection by any person and that the agent will assist any ~~((such))~~ person to determine from ~~((such))~~ the schedules any transportation rates or fares or rules or regulations ~~((which))~~ that are in force shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of ~~((every such))~~ each schedule shall be prescribed by the commission ~~((and shall conform in the case of railroad companies as nearly as may be to the form of schedules required by the interstate commerce commission under the act of congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto))~~.

The commission ~~((shall have))~~ has power, from time to time, ~~((in its discretion))~~ to determine and prescribe by order such changes in the form of ~~((such))~~ the schedules as may be found expedient, and to modify the requirements of this section in respect to publishing, posting, and filing of schedules either in particular instances or by general rule or order applicable to special or peculiar circumstances or conditions.

The commission may, in its discretion, suspend the operation of this section in whole or in part as applied to vessels engaged in jobbing business not operating on regular routes. This section does not apply to rail transportation contracts regulated by section 16 of this act or to railroad services or transactions exempted under section 20 of this act.

Sec. 5. Section 81.28.050, chapter 14, Laws of 1961 as amended by section 1, chapter 116, Laws of 1981 and RCW 81.28.050 are each amended to read as follows:

Unless the commission otherwise orders, no change ~~((shall))~~ may be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier other than a rail carrier, except after thirty days' notice to the commission and to the public. The notice shall be published as provided in RCW 81.28.040 ~~((which))~~ and shall plainly state the changes proposed to be made in the schedule then in force~~((:))~~ and the time when the changed rate, classification, fare, or charge will go into effect~~((and))~~. All proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. In the case of a change proposed by a rail carrier, except for changes to rail contracts between a rail carrier and a shipper authorized under section 16 of this act, which changes become effective in accordance with that section, a proposal resulting in a rate increase or a new rate shall not become effective for twenty days after the notice is published, and a proposal resulting in a rate decrease shall not become effective for ten days after the notice is published. The commission, for good cause shown, may by order allow changes in rates without requiring the notice and the publication time periods specified in this section. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to ~~((such))~~ the change by some character on the schedule ~~((such))~~. The character and its placement ~~((to))~~ shall be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

Sec. 6. Section 81.28.180, chapter 14, Laws of 1961 and RCW 81.28.180 are each amended to read as follows:

~~((No))~~ A common carrier shall not, directly or indirectly, by any special rate, rebate, drawback, or other device or method, charge, demand, collect, or receive from any person or corporation a greater or lesser compensation for any service rendered or to be rendered in the transportation of persons or property, except as authorized in this title, than it charges,

demands, collects, or receives from any person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions. This section does not apply to railroad companies, which shall be regulated in this regard by sections 10 through 20 of this act and rules adopted thereunder.

Sec. 7. Section 81.28.190, chapter 14, Laws of 1961 and RCW 81.28.190 are each amended to read as follows:

~~(No)~~ A common carrier shall not make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. This section does not apply to railroad companies, which shall be regulated in this regard by sections 10 through 20 of this act and rules adopted thereunder.

Sec. 8. Section 81.28.200, chapter 14, Laws of 1961 and RCW 81.28.200 are each amended to read as follows:

~~(No)~~ A common carrier~~(:)~~ subject to the provisions of this title~~(:)~~ shall not charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates, subject to the provisions of this title~~(-but)~~. This shall not be construed as authorizing any such common carrier to charge and receive as great a compensation for a shorter as for a longer distance or haul. Upon application of a common carrier the commission may by order authorize it to charge less for a longer than for a shorter distance for the transportation of persons or property in special cases after investigation by the commission, but the order must specify and prescribe the extent to which the common carrier making ~~((such))~~ the application is relieved from the operation of this section~~(-and)~~. Only to the extent so specified and prescribed ~~((shall))~~ is any common carrier ~~((be))~~ relieved from the operation and requirements of this section. This section does not apply to railroad companies, which shall be regulated in this regard by sections 10 through 20 of this act and rules adopted thereunder.

Sec. 9. Section 81.28.230, chapter 14, Laws of 1961 and RCW 81.28.230 are each amended to read as follows:

Whenever the commission ~~((shall))~~ finds, after a hearing had upon its own motion or upon complaint, as ~~((herein))~~ provided in this chapter, that the rates, fares, or charges demanded, exacted, charged, or collected by any common carrier for the transportation of persons or property within the state or in connection therewith, or that the regulations or practices of ~~((such))~~ the common carrier affecting ~~((such))~~ those rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in ~~((anywise))~~ any way are in violation of the provisions of law, or that ~~((such))~~ the rates, fares, or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine and fix by order the just, reasonable, or sufficient rates, fares, or charges, or the regulations or practices to be thereafter observed and enforced ~~((and shall fix the same by order))~~. This section does not apply to railroad companies, which shall be regulated in this regard by sections 10 through 20 of this act and rules adopted thereunder.

NEW SECTION. Sec. 10. In determining whether a rate established by a railroad company is reasonable for purposes of this title, the commission shall follow the Interstate Commerce Commission policy, which provides that railroad companies shall earn adequate revenues. Further, in regulating railroad company rates under this title, the commission has no jurisdiction over general rate increases, inflation-based rate adjustments, or fuel adjustment surcharges approved by the Interstate Commerce Commission.

NEW SECTION. Sec. 11. The commission shall exercise the authority granted under this chapter to regulate railroads in a manner consistent with the Interstate Commerce Act and in a manner that allows the state of Washington to continue to regulate railroad rates to the maximum extent allowable under federal law and to be certified, in accordance with 49 U.S.C. Sec. 10501 by the federal government to continue such regulation. In compliance with this chapter, the commission, in addition to such other procedures as it may establish, shall administer and follow the provisions of this chapter as nearly as practicable in accordance with the statutes, regulations, and decisions construing federal law.

NEW SECTION. Sec. 12. The commission shall use the standards and procedures established in this chapter to determine reasonableness when acting upon any complaint or protest or in any proceeding concerning any railroad's rate or a classification, rule, or practice related to a rate subject to regulation under this chapter. The commission shall adopt rules relating to the determination of market dominance. The rules shall allow rate increases, not subject to suspension, if the rail carrier proposing the increase is found by the commission not to have market dominance. Market dominance is defined as an absence of effective competition from other carriers or modes of transportation for the transportation to which a rate applies.

When a rate for transportation by a rail carrier is challenged as being unreasonably high, the commission shall not make such a finding until it has determined that there is market dominance and that the rate exceeds a maximum reasonable level for the transportation to which the rate applies. A finding of market dominance does not presumptively establish that the proposed rate exceeds a reasonable maximum.

NEW SECTION. Sec. 13. (1) A railroad company subject to the jurisdiction of the commission may not charge or receive from a person a different compensation by using a special rate, rebate, drawback, or other means, for a service rendered, or to be rendered, than it charges or receives from another person for performing a like or contemporaneous service in the transportation of a like kind of traffic under substantially similar circumstances. A railroad company that charges or receives such a different compensation for that service engages in unreasonable discrimination.

(2) A railroad company providing transportation or service subject to the jurisdiction of the commission may not subject a person, place, port, or type of traffic to unreasonable discrimination.

(3) Differences of rates, classifications, rules, and practices of railroad companies subject to the jurisdiction of the commission do not constitute a violation of this section if the differences result from different services provided by rail carriers.

(4) This section does not apply to: (a) Contracts approved under sections 16 and 17 of this act; (b) surcharges or cancellations authorized by the Interstate Commerce Commission; (c) separate rates for distinct rail services; (d) rail rates applicable to different routes; or (e) expenses authorized under 49 U.S.C. Sec. 10751 by the Interstate Commerce Commission, except that with respect to rates described in (b), (c), and (d) of this subsection, nothing in this subsection affects the commission's authority under this section with respect to rate relationships between ports or within the same port.

NEW SECTION. Sec. 14. The commission may suspend the filing of a schedule, classification, rule, or regulation by a railroad company only upon complaint and only when it is determined that: (1) It is substantially likely that the protesting party will prevail on the merits; (2) without suspension the proposed change will cause substantial injury to the protesting party; (3) and because of the peculiar economic circumstances of the protesting party the provisions requiring refund of moneys in excess of amounts found to be reasonable do not protect the protesting party.

The suspension period for a proceeding to determine the reasonableness of a filing by a railroad company shall not exceed five months. If the commission has not reached a final decision at the end of the fifth month after the schedule, classification, rule, or regulation was to become effective, it shall, if suspended take effect, and if in effect, remain in effect and not be subject to suspension. If a suspension is not ordered, but an investigation is instituted, the commission shall require the railroad to account for all amounts received under the increase until final determination is made and the proceeding is completed. The accounting shall specify by whom and for whom the amounts are paid. When the commission makes its final determination, it shall require the carrier to refund to the person for whom the amounts were paid that part of the increased rate found to be unreasonable, plus interest. If a rate is suspended and any portion of the rate is later found to be reasonable, the carrier shall collect from each person using the transportation to which the rate applies the difference between the original rate and the portion of the suspended rate found to be reasonable for any services during the period of suspension, plus interest. Interest, if required, shall be paid at a rate equal to the average yield, on the date the statement is filed, of marketable securities of the federal government having a duration of ninety days.

NEW SECTION. Sec. 15. (1) The commission shall adopt rules in conformance with 49 U.S.C. Sec. 10707a allowing: (a) Rate increases not subject to suspension based upon an adjusted base rate of rail carriers in this state, including a cost-adjustment factor; (b) rate increases that do not exceed a specified percentage of the adjusted base rate.

(2) A rate increase under subsection (1)(b) of this section is not subject to suspension except: (a) Upon complaint by an interested party alleging that the rate increase violates the provisions of this chapter; or (b) if the rate increase is equal to or greater than revenue-variable cost percentage limits specified in 49 U.S.C. Sec. 10707a(e).

(3) For the purposes of this chapter "adjusted base rate" has the same meaning with respect to rail carriers in this state as in 49 U.S.C. Sec. 10707a(a).

NEW SECTION. Sec. 16. A railroad company providing transportation of property may enter into a contract with one or more purchasers of that transportation to provide specified services under specified rates and conditions. Contracts, together with summaries of them, shall be filed with the commission under special rules adopted by the commission relating to contents of contracts, summaries of contracts, and other rules relating thereto. Contents of summaries shall contain nonconfidential information and shall be available for public inspection.

Contracts filed under this section shall be approved by the commission to be effective at any date determined by the commission within sixty days after the filing of the contract or if not disapproved in a proceeding under this section, sixty days after filing.

A contract may, after hearing, be disapproved if the commission determines that the contract does any of the following:

(1) As to contracts other than contracts for the transportation of agricultural products, forest products, and paper: (a) Upon complaint filed by a shipper, that the contract unduly impairs the ability of the contracting railroad company or railroad companies to meet their common carrier obligations; (b) upon complaint filed by a port, that the contract harms or causes unjust discrimination against such port.

(2) As to contracts for the transportation of agricultural products, including forest products and paper, upon showing of a shipper: (a) That the railroad company unjustly discriminates against the shipper by refusing to enter into a contract with the shipper for rates and services for transportation of the same type of commodity under similar conditions to the contract at issue, and that the shipper is ready, willing, and able to enter into the contract at a time essentially contemporaneous with the period during which the contract at issue was offered; or (b) that the railroad company provides rates, services, or other practices that constitute destructive competition. For the purpose of making a determination of what constitutes destructive competition, the commission shall consider the difference between contract rates and published single car rates.

(3) As to contracts that apply only to the transportation of agricultural commodities (including forest products but not including wood pulp, woodchips, pulpwood, or paper) the contract may be disapproved if it requires the use of more than forty percent of the capacity of the railroad's owned or leased equipment, by major car type, in the performance of the terms of the contract. On request of a railroad or other party or on its own initiative, the commission may grant relief from the limitation, as it considers appropriate, if it determines that the additional equipment may be made available without harming the railroad company's ability to meet its carrier obligations.

A contract that is approved under this section and transportation under the contract may not be subsequently challenged before the commission or in any court on the grounds that the contract violates a provision of this section. The exclusive remedy for any alleged breach of a contract entered into under this section is in an appropriate state or federal court, unless the parties otherwise agree.

NEW SECTION. Sec. 17. The commission may hold a proceeding to review contracts filed under section 16 of this act under the following conditions:

(1) Notwithstanding any other provision of law, the proceedings must begin no later than thirty days after the filing of the contract:

(2) A proceeding may be initiated by the commission, or:

(a) By a shipper to determine whether a contract violates section 16(1)(a) or 16(2)(a) or (b) of this act, but only upon a showing of harm to the shipper;

(b) By a port to determine violation of section 16(1)(b) of this act, but only upon a showing of harm to the port;

(c) By any person the commission finds has an interest under section 16(3) of this act.

If a proceeding is initiated under this section the commission must determine whether the contract is in violation of section 16 of this act within thirty days after commencement of the proceeding. If the commission finds that the contract is not in violation of section 16 of this act, the contract shall become effective. If the commission finds that the contract violates section 16 of this act, the commission shall disapprove the contract, unless the contract unjustly discriminates against a shipper as stated in section 16(2)(a) of this act, in which case the carrier shall be ordered, subject to section 16 of this act, to provide rates and services substantially similar to the contract at issue with such differentials in terms and conditions as are justified by the evidence at the proceeding.

NEW SECTION. Sec. 18. In addition to the liability limitations and exceptions allowed under RCW 81.29.020, a railroad company providing transportation or service subject to jurisdiction of the commission may establish rates for transportation of property under which the liability of the carrier for the property is limited to a value established by written declaration of the shipper or by a written agreement between the shipper and the carrier, and may provide in the written declaration or agreement for specified amounts to be deducted from any claim against the carrier for loss or damage to the property or for delay in the transportation of the property.

NEW SECTION. Sec. 19. Notwithstanding any other provision of law, all railroad companies providing transportation subject to the commission's jurisdiction shall maintain rates for the transportation of recyclable or recycled materials, other than recyclable or recycled iron or steel, at revenue-to-variable-cost ratios that are equal to or less than the average revenue-to-variable-cost ratio that rail carriers would be required to realize, under honest, economical, and efficient management, in order to cover total operating expenses, including depreciation and obsolescence, plus a reasonable and economic profit or return, or both, on capital employed in the business sufficient to attract and retain capital in adequate amounts to provide a sound transportation system.

NEW SECTION. Sec. 20. In a matter related to a railroad company providing transportation, the commission shall, upon its own motion or the motion of any interested person, exempt persons, classes of persons, transactions, or service from the provisions of this chapter as the commission determines are appropriate and in the public interest. The commission may begin a proceeding either upon its own motion or upon the motion of any interested person. Exemptions established under this section may be temporary, may be subject to revocation, or may be subject to any other conditions that the commission determines are required in the public interest.

Sec. 21. Section 31, chapter 1, Laws of 1973 as last amended by section 10, chapter 133, Laws of 1983 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under section 16 of this act, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(2) The exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 22. There is added to chapter 64.04 RCW a new section to read as follows:

Railroad properties, including but not limited to rights-of-way, land held in fee and used for railroad operations, bridges, tunnels, and other facilities, are declared to be suitable for public use upon cessation of railroad operations on the properties. It is in the public interest of the state of Washington that such properties retain their character as public utility and transportation corridors, and that they may be made available for public uses including highways, other forms of mass transportation, conservation, energy production or transmission, or recreation.

NEW SECTION. Sec. 23. There is added to chapter 64.04 RCW a new section to read as follows:

(1) Public utility and transportation corridors are railroad properties (a) on which railroad operations have ceased; (b) that have been found suitable for public use by an order of the Interstate Commerce Commission of the United States; and (c) that have been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of its political subdivisions, or a public utility.

(2) A public utility and transportation corridor retains its public use character as long as it is owned by a public agency or utility. A public utility and transportation corridor is not subject to reversion, taking by adverse possession, or any similar property interests ripening on the cessation of railroad operations.

NEW SECTION. Sec. 24. Sections 10 through 20 of this act shall constitute a new chapter in Title 81 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Peterson, the following title amendment was adopted:
On line 14 of the title, after "42.17.310;" insert "adding new sections to chapter 64.04 RCW;"

MOTIONS

On motion of Senator Bluechel, Senator Hemstad was excused.

On motion of Senator Peterson, the rules were suspended, House Bill No. 1413, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1413, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1413, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 03; excused, 06.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Conner, Craswell, Woody - 3.

Excused: Senators Haley, Hemstad, Hurley, Newhouse, Pullen, Warnke - 6.

HOUSE BILL NO. 1413, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1427, by Representatives Sutherland, Patrick, West, Wang, Gallagher, R. King, Fisher, Walk and Hankins

Requiring identification placards on vehicles using alternative fuel sources.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 4, after "RCW 46.37" insert ".467"

On motion of Senator Peterson, the following title amendment was adopted:
On page 1, line 2, after "RCW 46.37" insert ".467"

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 1427, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1427, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1427, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 03; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 42.

Absent: Senators Conner, Williams, Woody - 3.

Excused: Senators Haley, Hurley, Newhouse, Warnke - 4.

ENGROSSED HOUSE BILL NO. 1427, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 739, by Representatives Clayton, Ellis, Wilson, Martinis, Hankins, C. Smith, Dickie and Barrett

Authorizing special operating permits to be granted for antique boilers.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, House Bill No. 739, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 739.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 739, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn, Zimmerman - 41.

Absent: Senators Benitz, Conner, Williams, Woody - 4.

Excused: Senators Haley, Hurley, Newhouse, Warnke - 4.

HOUSE BILL NO. 739, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1191, by Committee on Environmental Affairs (originally sponsored by Representatives Ebersole, Wang, Lux, Rust, Todd, Fisher, Grimm, Haugen and Hine)

Mandating water quality testing by public water supply systems.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) In order to protect public health from chemical contaminants in drinking water, the state board of health shall conduct public hearings and, where technical data allow, establish by rule standards for allowable concentrations. For purposes of this chapter, the words "chemical contaminants" are limited to synthetic organic chemical contaminants and to any other contaminants which in the opinion of the board constitute a threat to public health. If adequate data to support setting of a standard is available, the state board of health shall adopt by rule a maximum contaminant level for water provided to consumers' taps. Standards set for contaminants known to be toxic shall consider both short-term and chronic toxicity. Standards set for contaminants known to be carcinogenic shall be consistent with risk levels established by the state board of health.

(2) The board shall consider the best available scientific information in establishing the standards. The board may review and revise the standards. State and local standards for chemical contaminants may be more strict than the federal standards.

NEW SECTION. Sec. 2. The state board of health shall conduct public hearings and establish by rule monitoring requirements for chemical contaminants in public water supplies. Results of tests conducted pursuant to such requirements shall be submitted to the department of social and health services and to the local health department. The state board of health may review and revise monitoring requirements for chemical contaminants.

NEW SECTION. Sec. 3. Each local health department serving a county of the first class or larger may establish water quality standards for its jurisdiction more stringent than standards established by the state board of health. Each local health department establishing such standards shall base the standards on the best available scientific information.

NEW SECTION. Sec. 4. Public water supply systems as defined by RCW 70.119.020 that the state board of health or local health department determines do not comply with the water quality standards applicable to the system shall immediately initiate preparation of a corrective plan designed to meet or exceed the minimum standards for submission to the department of social and health services. The owner of such system shall within one year take any action required to bring the water into full compliance with the standards: PROVIDED, That the department of social and health services may require compliance as promptly as necessary to abate an immediate public health threat or may extend the period of compliance if substantial new construction is required: PROVIDED FURTHER, That the extension shall be granted only upon a determination by the department, after a public hearing, that the extension will not pose an imminent threat to public health. Each such system shall include a notice identifying the water quality standards exceeded, and the amount by which the water tested exceeded the standards, in all customer bills mailed after such determination. The notification shall continue until water quality tests conducted in accordance with this chapter establish that the system meets or exceeds the minimum standards.

NEW SECTION. Sec. 5. The state board of health in determining monitoring requirements for public water supply systems shall take into consideration economic impacts as well as public health risks.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 70 RCW."

On motion of Senator Hughes, the rules were suspended, Substitute House Bill No. 1191, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1191, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1191, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 03; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Melcalf, Moore, Owen, Patterson, Peterson, Guigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Zimmerman - 41.

Voting nay: Senator Pullen - 1.

Absent: Senators Benitz, Conner, Woody - 3.

Excused: Senators Haley, Hurley, Newhouse, Warnke - 4.

SUBSTITUTE HOUSE BILL NO. 1191, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1649, by Representatives J. King, Ellis, Silver and Heck

Expanding ex parte communications in quasi-judicial proceedings.

The bill was read the second time.

MOTIONS

Senator Thompson moved the following Committee on Local Government amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 6, chapter 229, Laws of 1982 and RCW 42.36.060 are each amended to read as follows:

During the pendency of any quasi-judicial proceeding, no member of a decision-making body may engage in ex parte communications with opponents or proponents with respect to the proposal which is the subject of the proceeding unless that person:

(1) Places on the record the substance of any written or oral ex parte communications concerning the decision of action; and

(2) Provides that a public announcement of the content of the communication and of the parties' rights to rebut the substance of the communication shall be made at each hearing where action is considered or taken on the subject to which the communication related. This prohibition does not preclude a member of a decision-making body from seeking in a public hearing specific information or data from such parties relative to the decision if both the request and the results are a part of the record. Nor does such prohibition preclude correspondence between a citizen and his or her elected official if any such correspondence is made a part of the record when it pertains to the subject matter of a quasi-judicial proceeding."

Debate ensued.

POINT OF ORDER

Senator Rasmussen: "Mr. President, I want to raise a point of order on scope and object on the amendment to the bill. The original bill requires notarized affidavits by both parties and the proposed amendment completely changes that and changes the intent of the bill that they have notarized statements that they have met. I would urge the President to look at that with a careful eye as he usually does."

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 1649 was deferred.

SECOND READING

ENGROSSED HOUSE BILL NO. 392, by Representatives Ebersole, Smitherman and Fisher

Modifying the hearing procedures for the formation of local improvement districts.

The bill was read the second time.

MOTIONS

Senator Thompson moved the following amendment by Senators Thompson, Benitz, Hansen and Hayner be adopted:

On page 2, after line 12, insert the following:

"Sec. 2. Section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040 are each amended to read as follows:

When a sufficient petition, as determined by the rules set forth in RCW 35A.01.040, is filed with the legislative body of each of such contiguous municipal corporations, signed by electors of each such corporation in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous municipal corporations as a noncharter code city under one of the plans of government authorized by this title, naming such plan and setting forth a name for the proposed consolidated city, the legislative body of the municipal corporation in which the largest number of inhabitants reside (hereinafter called principal legislative body) shall cause to be submitted to the electors of each of such corporations, at the next general municipal election, if one is to be held within one hundred and eighty days, or at a special election to be called for that purpose not less

than ((~~ninety~~)) sixty nor more than ((~~one~~)) two hundred and ((~~eighty~~)) twenty days after the filing of the petition, the question whether such corporation shall become consolidated as a non-charter code city under the plan of government proposed in the petition.

NEW SECTION. Sec. 3. Section 2 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, your reference to the tri-city legislation consolidation bill that we did pass--if we pass this amendment, they could apply that extended period of time and put it at a different time for their election. Is that what you're saying--a little further down the road than the May date?"

Senator Thompson: "Senator Patterson, if we don't pass this, there is substantial confusion as to when the election could be held. Opinions differ with regard to it, but it's general law and special law that could be read against this problem. This would settle the question and provide certain opportunity to hold the election either at the special election date--I think it's the third Tuesday of May--or wait until the regular September primary date to hold that referendum election."

Senator Patterson: "Who would make that decision in the situation of the tri-cities? What body would make that decision?"

Senator Thompson: "My understanding is it would have to be an agreement among the city councils of those three communities."

Senator Patterson: "And all three would have to agree to it? Is that what's in your mind?"

Senator Thompson: "That would be my understanding."

Further debate ensued.

MOTIONS

On motion of Senator Thompson, the following title amendments were adopted:

On page 1, line 1 of the title, after "government;" strike "and"

On page 1, line 2 of the title after "35.43.140" insert "; amending section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040; and declaring an emergency"

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 392, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 392, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 392, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Pullen - 1.

Absent: Senator McDonald - 1.

Excused: Senators Hurley, Newhouse, Warnke - 3.

ENGROSSED HOUSE BILL NO. 392, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 29, by Committee on Education (originally sponsored by Representatives Haugen, Allen, Galloway, Moon, Ellis, Brough, Armstrong, Charnley, Brække, Taylor, Rust, Powers and Johnson)

Removing forty percent validation requirement for excess levy elections.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendments be considered and adopted simultaneously:

On page 2, line 11, after "for" strike "the support of".

On page 2, line 34, after "for" strike "the support of".

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, I guess I have to take a look at the amendments for a minute. I'm opposed to the bill--I don't know what the amendments do. Do they take away the forty percent, Senator Gaspard?"

Senator Gaspard: "Yes, Senator Rasmussen."

Senator Rasmussen: "Does this take away the forty percent of vote requirement?"

Senator Gaspard: "That's the intent of the bill. That's what we have before us. These two amendments would clarify other than maintenance and operation levies. There are such levies that are used for capital purposes, building purposes and for transportation and for vehicle funds."

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the two Committee on Education amendments.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the committee amendments were adopted by the following vote: Yeas, 35; nays, 12; absent, 00; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Guess, Haley, Hansen, McCaslin, Metcalf, Pullen, Quigg, Rasmussen - 12.

Excused: Senators Hurley, Newhouse - 2.

MOTION

On motion of Senator Gaspard, the following Committee on Education amendment was adopted:

On page 2, line 16, strike "the support of the common schools may provide such support", and insert "~~((the support of the common schools may provide such support))~~ the common schools may be provided"

MOTIONS

On motion of Senator Bottiger, further consideration of Second House Joint Resolution No. 29 was deferred.

At 10:31 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 11:41 a.m.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3133,

SUBSTITUTE SENATE BILL NO. 3620,

SUBSTITUTE SENATE BILL NO. 4313,

SENATE BILL NO. 4513,

SUBSTITUTE SENATE BILL NO. 4775,

SENATE JOINT MEMORIAL NO. 127,

SENATE JOINT MEMORIAL NO. 131.

There being no objection, the Senate resumed consideration of Second Substitute House Joint Resolution No. 29.

MOTION

Senator Craswell moved the following amendments be considered and adopted simultaneously:

On page 2, line 12, after "schools" insert "at a November general election"

On page 2, line 34, after "schools" insert "at a November general election"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Craswell.

The motion by Senator Craswell failed and the amendments were not adopted.

MOTION

Senator Craswell moved adoption of the following amendment:

On page 1, after line 7, strike everything down to and including "resort." on page 3, line 12, and insert the following:

"Article 7, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one per centum of the true and fair value of such property in money; PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election; PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting ((on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election)) "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election; PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort."

Debate ensued.

Senator Gaspard demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment was not adopted by the following vote: Yeas, 16; nays, 30; absent, 02; excused, 01.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Lee, McCaslin, Metcalf, Patterson, Pullen, Quigg, Sellar, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 30.

Absent: Senators McDonald, von Reichbauer - 2.

Excused: Senator Newhouse - 1.

MOTION

On motion of Senator Gaspard, the rules were suspended, Second Substitute House Joint Resolution No. 29, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

MOTIONS

On motion of Senator Shinpoch, further consideration of Second Substitute House Joint Resolution No. 29 was deferred.

At 11:54 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

MOTION

On motion of Senator Zimmerman, Senators Haley and von Reichbauer were excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Peterson, the appointment of Captain M. R. Flavel as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF CAPTAIN M. R. FLAVEL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 05; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Warnke, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Conner, Hurley, Quigg, Thompson, Williams - 5.

Excused: Senators Haley, Newhouse, von Reichbauer - 3.

MOTION

On motion of Senator Peterson, the appointment of Burt A. Shearer as a member of the Board of Pilotage Commissioners was confirmed.

APPOINTMENT OF BURT A. SHEARER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 05; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Bender, Deccio, McManus, Owen, Warnke - 5.
 Excused: Senators Haley, Newhouse - 2.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1227, by Committee on Environmental Affairs (originally sponsored by Representatives Jacobsen, Allen, Charnley, Rust and Belcher)

Providing for management of state park land.

The bill was read the second time.

MOTIONS

Senator Hughes moved the following Committee on Parks and Ecology amendment be adopted:

On page 3, after line 12, insert:

NEW SECTION, Sec. 3. There is added to chapter 43.51 a new section to read as follows:

There is created a Washington state parks and recreation commission conservation area to be known as West Hylebos Creek wetlands conservation area. The area is an approximately seventy-five acre urban wilderness, contiguous to the industrially zoned part of Federal Way, Washington, bounded by So. 348th and So. 356th streets on the sides and by Highway 99 and First Avenue South on the ends. The area shall be preserved, as much as possible, in the pristine ecological state of the wetlands, consistent with the development of an interpretive center and a lengthened nature trail necessary for the increased public enjoyment of the area.

The state parks and recreation commission is authorized and directed to acquire such real property, easements, or rights in the West Hylebos Creek wetlands in King County, together with such real property, easements and rights as is necessary for the creation and operation of the West Hylebos Creek wetlands conservation area.

The state parks and recreation commission shall encourage private entities, tax-exempt organizations, and volunteers to support the acquisition, development, operation and maintenance of the West Hylebos Creek wetlands conservation area."

On motion of Senator Hughes, the following amendment by Senator Haley to the Committee on Parks and Ecology amendment was adopted:

On page 1, line 1 of the amendment, after "Sec" strike "3" and insert "5"

POINT OF ORDER

Senator Bottiger: "Mr. President, I raise the point of order that the Committee on Parks and Ecology amendment expands the scope and object of the bill."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1227 was deferred.

SECOND READING

HOUSE BILL NO. 1138, by Representatives Ebersole, Rust, Allen, Brekke, Burns, Brough, Charnley, Crane, Fisher, Galloway, Wang, Kaiser, Lux, Nealey, Todd and Miller

Requiring comprehensive plans to provide for protection of ground water.

The bill was read the second time.

MOTION

Senator Hughes moved that the following amendment by Senators Hughes and Lee be adopted:

On page 3, following section 4, add a new section to read as follows:

NEW SECTION, Sec. 5. There is added to chapter 90.54.RCW a new section to read as follows:

The legislature hereby declares that the protection of groundwater aquifers which are the sole drinking water source for a given jurisdiction shall be of the uppermost priority of the state department of ecology, department of social and health services, and all local government agencies with jurisdiction over such areas. In administration of programs related to the disposal of wastes and other practices which may impact such water quality, the department of ecology, department of social and health services, and such affected local agencies shall explore all possible measures for the protection of the aquifer, including any appropriate

incentives, penalties, or other measures designed to bring about practices which provide for the least impact on the quality of the groundwater."

POINT OF INQUIRY

Senator Bottiger: "Senator Hughes, I understand that this is to insure pure drinking water for the city of Spokane."

Senator Hughes: "Well, that's not quite accurate, Senator. It will also include aquifer protection for Camano and Whidbey as well."

Senator Bottiger: "But, aquifer means under the ground water. It wouldn't apply to providing clear, pure drinking water out of a river."

Senator Hughes: "Hopefully, the water that would come out of it would be pure and clean."

POINT OF INQUIRY

Senator Deccio: "Senator Hughes, would you explain to us what those excess baggage amendments do to 3415?"

Senator Hughes: "There's a little disagreement between some of the members of this body and the House on some other ground water issues and they have been tied to the bill. I suspect that there will be some heads popping out and I would just as soon keep this clean bill separate from those larger ships and leave it as we have passed it here twice previously."

Senator Deccio: "I guess if Senator Hughes would explain what those amendments do--I think for the benefit of the body we probably should have some explanation of what they do."

POINT OF INQUIRY

Senator Warnke: "Senator Hughes, on the last part of your amendment, it says 'local agencies shall explore all possible measures for the protection of the aquifer, including any appropriate incentives, penalties or other measures.' Could that also be the closing down of a total watershed, for example?"

Senator Hughes: "I don't think this gives any authority that doesn't already exist in current law. It's just a restatement of that, Senator Warnke. I would seriously doubt that there is any additional authority. I would suspect that they may have that authority now in the local statutes and as I said this is no enhancement of that at all. The essence of this amendment is that it gives priority to sole source aquifer protection and that basically addresses three areas, but my understanding when we've had discussion on this bill before is that it gives no greater authority in those areas."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Mr. President, I asked a question and I don't think I got an answer on it and I would like to ask it again, if I might."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Hansen has volunteered to answer Senator Deccio."

REMARKS BY SENATOR HANSEN

Senator Hansen: "Yes, Senate Bill 3415 is the exact bill that this amendment is. We sent 3415 over to the House and the House sent 1138 back to us with their ruling that as far back in history as you wanted, anyone who interferred would have to make restitution to the other water rights. This would fill the courts for twenty years. I cut the retroactive part out of the bill, because we have the Odessa sub area up there--about six hundred wells and all of these wells costing from fifty thousand to two hundred thousand dollars and they've got a drop in the water table there and the hundred million dollar bond issue that we put in, would put water into that area and alleviate that decline in that water table.

"So, they're sitting on a hundred million dollar bond bill and then they amend this other bill on that that would put that area into litigation and so whatever the Department of Ecology would say would further sustain yields, whether a hundred and seventy-five wells or four hundred wells. Then the balance of the other wells

would be liable for all the draw down and have to make restitution to the other four hundred. We can't have that, Senator Deccio. We'll never live long enough to watch all those claims fought in court, so the best thing to do is to not make it retro-active and when they found out I did that then they amended that bill onto Senator Hughes' bill and so we're taking Senator Hughes' bill, putting it back on this one and we'll fight the other battle when that bill gets back."

REMARKS BY SENATOR HUGHES

Senator Hughes: "Mr. President, if I could respond to Senator Deccio. That issue will be before us again, because 3415 is coming over with that baggage and I'd just as soon move this good clean bill that has passed this place twice without getting involved in that competition."

Senator Deccio: "Then, we will be acting on concurrent 3415?"

Senator Hughes: "3415 will be before us again."

Senator Deccio: "Thank you."

Further debate ensued.

POINT OF ORDER

Senator Barr: "Mr. President, I respectfully challenge this amendment as to scope and object. The bill requiring comprehensive plans to provide for protection of ground water, even though it deals with ground water comes, in my humble opinion, a long ways from including what another complete bill like this one would--where the legislature declared the protection of aquifers. It sets up a very simple straight forward special piece of legislation that does not have much to do with county comprehensive plans."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of House Bill No. 1138 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1438, by Committee on Environmental Affairs (originally sponsored by Representatives Brekke, Patrick, Rust and Allen)

Modifying provisions relating to dangerous wastes.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 70.105 RCW a new section to read as follows:

(1) Independent of the processing or issuance of any or all federal, state, and local permits for disposal of dangerous wastes, no disposal of dangerous wastes at a commercial off-site land disposal facility may be undertaken prior to July 1, 1986, unless:

(a) The disposal results from actions taken under RCW 70.105A.060 (2) and (3), or results from other emergency situations; or

(b) Studies undertaken by the department under RCW 70.105.160 to determine the best management practices for various waste categories under the priority waste management methods established in RCW 70.105.150 are completed for the particular wastes or waste categories to be disposed of and any regulatory revisions deemed necessary by the department are proposed and do not prohibit land disposal of such wastes; or

(c) Final regulations have been adopted by the department that allow for such disposal.

(2) Construction of facilities used solely for the purpose of disposal of wastes that have not met the requirements of subsection (1) of this section shall not be undertaken by any developer of a dangerous waste disposal facility.

(3) The department shall prioritize the studies of waste categories undertaken under RCW 70.105.160 to provide initial consideration of those categories most likely to be suitable for land disposal. Any regulatory changes deemed necessary by the department shall be proposed and subjected to the rule-making process by category as the study of each waste category is completed. All of the study shall be completed, and implementing regulations proposed, by July 1, 1986.

(4) Any final permit issued by the department before the adoption of rules promulgated as a result of the study conducted under RCW 70.105.160 shall be modified as necessary to be consistent with such rules.

Sec. 2. Section 2, chapter 70, Laws of 1983 1st ex. sess. and RCW 70.105.160 are each amended to read as follows:

The department shall conduct a study to determine the best management practices for categories of waste for the priority waste management methods established in RCW 70.105.150, with due consideration in the course of the study to sound environmental management and available technology. As an element of the study, the department shall review methods that will help achieve the priority of RCW 70.105.150(1)(a), waste reduction. Before issuing any proposed regulations, the department shall conduct public hearings regarding the best management practices for the various waste categories studied by the department. After conducting the study, the department shall prepare new rules or modify existing rules as appropriate to promote implementation of the priorities established in RCW 70.105.150 for management practices which assure use of sound environmental management techniques and available technology. The preliminary study shall be completed by July 1, 1986, and the rules shall be adopted by July 1, 1987. The solid waste advisory committee shall review the studies and the new or modified rules and submit recommendations to the legislature by January 1, 1988, regarding policy options (such as fee incentives, disposal bans, etc.) that will be used to reduce the production of dangerous and extremely hazardous waste in Washington state.

The studies shall be updated at least once every five years. The funding for these studies shall be from the hazardous waste control and elimination account, subject to legislative appropriation.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On motion of Senator Hughes, the rules were suspended, Substitute House Bill No. 1438, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1438, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1438, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 05; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Bluechel, Clarke, Deccio, Haley, Hayner - 5.

Absent: Senators Owen, Quigg, Thompson - 3.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1438, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1142, by Representatives Dellwo, R. King, Belcher, Sayan, Fisher, Fisch, Brekke, McMullen and Lux

Modifying procedures for filing claims for occupational disease.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 51.28.050, chapter 23, Laws of 1961 and RCW 51.28.050 are each amended to read as follows:

No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued, except as provided in RCW 51.28.055.

Sec. 2. Section 51.28.055, chapter 23, Laws of 1961 as amended by section 34, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.055 are each amended to read as follows:

Claims for occupational disease or infection to be valid and compensable must be filed within (one year) two years following the date the worker had written notice from a physician: (1) Of the existence of his or her occupational disease, ((without reference to its date of origin)) and (2) that a claim for disability benefits may be filed. The notice shall also contain a statement that the worker has two years from the date of the notice to file a claim. The physician shall file the notice with the department. The department shall send a copy to the worker and to the self-insurer if the worker's employer is self-insured. However, a claim is valid if it is filed within two years from the date of death of the worker suffering from an occupational disease.

Sec. 3. Section 51.28.020, chapter 23, Laws of 1961 as last amended by section 33, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.020 are each amended to read as follows:

Where a worker is entitled to compensation under this title he or she shall file with the department or his or her self-insuring employer, as the case may be, his or her application for such, together with the certificate of the physician who attended him or her, and it shall be the duty of the physician to inform the injured worker of his or her rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the worker. The department shall provide physicians with a manual which outlines the procedures to be followed in applications for compensation involving occupational diseases, and which describes claimants' rights and responsibilities related to occupational disease claims. If application for compensation is made to a self-insuring employer, he or she shall forthwith send a copy thereof to the department."

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

On page 1, line 1 of the title, after "diseases;" strike the remainder of the title and insert "amending section 51.28.050, chapter 23, Laws of 1961 and RCW 51.28.050; amending section 51.28.055, chapter 23, Laws of 1961 as amended by section 34, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.055; and amending section 51.28.020, chapter 23, Laws of 1961 as last amended by section 33, chapter 350, Laws of 1977 ex. sess. and RCW 51.28.020."

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1142, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1142, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1142, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Haley, Quigg - 2.

Absent: Senators Deccio, Moore - 2.

Excused: Senator Newhouse - 1.

ENGROSSED HOUSE BILL NO. 1142, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Second Substitute House Joint Resolution No. 29, which had been amended and placed on third reading earlier today.

THIRD READING

SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 29, by Committee on Education (originally sponsored by Representatives Haugen, Allen, Galloway, Moon, Ellis, Brough, Armstrong, Charnley, Brekke, Taylor, Rust, Powers and Johnson)

Removing forty percent validation requirement for excess levy elections.

The resolution was read the third time and placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Joint Resolution No. 29, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Joint Resolution No. 29, as amended by the Senate, and the resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 32; nays, 16; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Guess, Hansen, Hayner, Hurley, McCaslin, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar - 16.

Excused: Senator Newhouse - 1.

SECOND SUBSTITUTE HOUSE JOINT RESOLUTION NO. 29, as amended by the Senate, having failed to receive the constitutional two-thirds majority, was declared lost.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1227 and the pending Committee on Parks and Ecology amendment, as amended, to page 3, line 12, proposed earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Bottiger, the President finds that Engrossed Substitute House Bill No. 1227 is a measure which deals with the subject of the management of state park land, but does not provide for the acquisition of any land.

"The amendment proposed by the Senate Committee on Parks and Ecology establishes an entirely new Washington State Parks and Recreation Commission conservation area, to be known as the West Hylebos Creek Wetlands Conservation Area.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The committee amendment was ruled out of order.

MOTION

On motion of Senator Hughes, the rules were suspended, Engrossed Substitute House Bill No. 1227, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1227.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1227, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators McManus, Sellar - 2.

Excused: Senator Newhouse - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1174, by Committee on Ways and Means (originally sponsored by Representatives Rust, Allen, Kreidler, Van Dyken, Lux, Fisher, Todd, Charnley and Jacobsen)

Regulating acid deposition pollution.

The bill was read the second time.

MOTIONS

On motion of Senator Hughes, the following Committee on Parks and Ecology amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes that:

- (1) Acid deposition resulting from commercial, industrial or other emissions of sulphur dioxide and nitrogen oxides pose a threat to the delicate balance of the state's ecological systems, particularly in alpine lakes that are known to be highly sensitive to acidification;
- (2) Failure to act promptly and decisively to mitigate or eliminate this danger may soon result in untold and irreparable damage to the fish, forest, wildlife, agricultural, water, and recreational resources of this state;
- (3) There is a direct correlation between emissions of sulphur dioxides and nitrogen oxides and increases in acid deposition;
- (4) Acidification is cumulative; and
- (5) Once an environment is acidified, it is difficult, if not impossible, to restore the natural balance.

It is therefore the intent of the legislature to mitigate or eliminate the acid deposition problem by curbing sources of acid deposition within the state and to assure that adequate monitoring is conducted in alpine lakes in order to allow for early detection of acidification and the resulting environmental degradation.

NEW SECTION, Sec. 2. "Acid deposition," as used in sections 1 through 5 of this act means the wet or dry deposition from the atmosphere of chemical compounds with a pH of less than 5.6.

NEW SECTION, Sec. 3. (1) The joint legislative committee on science and technology is directed to establish a consultant selection committee that includes the chairs of the senate parks and ecology committee and the house environmental affairs committee and one member appointed by the department of ecology. A consultant shall be selected to:

- (a) Evaluate existing information and research on acid deposition in the Pacific Northwest region;
- (b) Identify data gaps that need to be filled to provide sound base-line information on acid deposition in the region; and
- (c) Coordinate with the department of ecology the evaluations specified under subsections (a) and (b) of this section.

(2) In addition to the consultant selected under subsection (1) of this section, the joint committee on science and technology may execute an interagency agreement with the department of ecology for the purpose of providing financial assistance for the department's comprehensive evaluation of the phenomenon known as acid rain. The amount of financial assistance to be provided under this subsection shall not exceed fifty thousand dollars or be less than twenty-five thousand dollars.

NEW SECTION, Sec. 4. The joint legislative committee on science and technology shall report the results of the study authorized in section 3 of this act to the legislature by January 1, 1985.

NEW SECTION, Sec. 5. The joint legislative committee on science and technology is authorized to apply for and receive moneys from the federal government or other sources, public or private, to finance any of the activities authorized or mandated by sections 1 through 3 and 5 of this act.

NEW SECTION, Sec. 6. The department of ecology is responsible for periodic monitoring of the alpine lakes and other appropriate areas of the state to ensure early detection of acidification and environmental degradation.

NEW SECTION, Sec. 7. The department of ecology shall initiate in consultation with the joint science and technology committee a comprehensive evaluation of the phenomenon known as acid deposition or acid rain. The study shall evaluate the:

- (1) Scope and extent of acid rain, if any, that is present within the various geographic areas of the state, including lakes and other water bodies;
- (2) Present and potential effects on the state's land and water bodies;
- (3) Present and potential impacts of acid rain upon the economic and environmental welfare of the state;
- (4) Factors which contribute to creation of acid rain now existing in the state;
- (5) Means and methods for controlling, reducing, and eliminating acid rain now in place within the state as well as preventing its recurrence in the future;
- (6) Range of funds needed, on a continuing basis, to implement the means and methods set forth in subsection (5) of this section together with the proposed funding sources as well as the economic impacts associated with these means and methods; and
- (7) Sufficiency of existing pollution control laws of the state to resolve satisfactorily the problems of the state associated with acid rain.

NEW SECTION. Sec. 8. (1) There is appropriated from the general fund to the house of representatives for the biennium ending June 30, 1985, the sum of fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

(2) There is appropriated from the general fund to the senate for the biennium ending June 30, 1985, the sum of fifty thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 9. Sections 1 through 3, and 5 through 7 of this act are each added to chapter 70.94 RCW.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

On motion of Senator Hughes, the rules were suspended, Second Substitute House Bill No. 1174, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1174, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1174, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Craswell, Owen, Sellar, Warnke - 4.

Excused: Senator Newhouse - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1174, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1153, by Committee on Environmental Affairs (originally sponsored by Representatives Ellis and Lewis)

Modifying provisions on radioactive materials.

The bill was read the second time.

MOTION

On motion of Senator Williams, the rules were suspended, Substitute House Bill No. 1153, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1153.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1153, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1153, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1295, by Representatives Dellwo, Ballard, Fisch, Vander Sloep, Tilly, Charnley, Wang and Miller (by Governor Spellman request)

Requiring a report on dam safety.

The bill was read the second time.

MOTION

On motion of Senator Hughes, the rules were suspended, House Bill No. 1295, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1295.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1295, and the bill passed the Senate by the following vote: Yeas, 42; nays, 06; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Craswell, Guess, Haley, McCaslin, McDonald - 6.

Excused: Senator Newhouse - 1.

HOUSE BILL NO. 1295, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637, by Committee on Energy and Utilities (originally sponsored by Representatives D. Nelson, Sutherland, Locke, Rust and Brekke)

Providing for agreements with the federal government on the long-term disposal of high-level radioactive waste.

The bill was read the second time.

MOTION

Senator Williams moved the following Committee on Energy and Utilities amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) "Board" means the nuclear waste board established in RCW 43.200.040.

(2) "Federal department of energy" means the federal department of energy or any successor agency assigned responsibility for the long-term disposal of high-level radioactive waste.

(3) "High-level radioactive waste" means "high-level radioactive waste" as the term is defined in 42 U.S.C. Sec. 10101 (P.L. 97-425).

(4) "Department" means the department of ecology.

Sec. 2, Section 2, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.020 are each amended to read as follows:

The ~~((department of ecology is herein designated as the executive branch agency to))~~ nuclear waste board shall carry out the authority and responsibility set forth in this chapter ~~((including))~~. The department of ecology is designated as the executive branch agency for participation in the federal nuclear waste policy act of 1982 and the federal low-level radioactive waste policy act of 1980, however the legislature retains an autonomous role with respect to participation in all aspects of the federal nuclear waste policy act of 1982. The board and the department may receive federal financial assistance for carrying out radioactive waste management activities, including assistance for expenses, salaries, travel, and monitoring and evaluating the program of repository exploration and siting undertaken by the federal government.

The ~~((department))~~ board shall submit a written report at least semiannually to the governor and to each member of the legislature on the radioactive waste program, its progress in carrying out its responsibilities, and any recommendations for legislative or administrative action that will improve the state's management and control activity in maximizing public health and safety.

NEW SECTION. Sec. 3. (1) The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory council to determine how state agencies may be responsive to the needs of the board in carrying out its duties under this chapter; determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the state to effectively evaluate federal actions; reviewing the activities of advisory and technical committees; studying the need for additional advisory and technical committees; and participating in the consultation and concurrence process provided for in the federal waste management act of 1982 and assisting the department to participate in the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management.

(2) The board shall disseminate or arrange with the federal department of energy or other federal agency to disseminate information received pursuant to its activities under this chapter to the legislature, appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the radioactive waste advisory council, and persons who have requested in writing to receive this information.

(3) The board shall serve as a spokesman on behalf of the citizens of this state before the federal department of energy and other federal agencies on matters related to the disposal of high-level radioactive waste.

(4) The board shall promote and coordinate through the radioactive waste advisory council educational programs which provide information on the nature of high-level radioactive waste, the disposal of these wastes, the activities of the board, the activities of the federal department of energy and other federal agencies related to the disposal of high-level radioactive waste, and the opportunities of the public to participate in procedures and decisions related to the disposal of high-level radioactive waste.

(5) The board shall monitor activity in congress and the federal government related to the disposal of high-level radioactive waste. The board may advise the congressional delegation from this state of action which is needed to protect the interests of the state.

(6) The board may request and delegate to the department the undertaking of any of the activities assigned to the board by the provisions of this chapter. The board may delegate administrative matters to the department to assist the board in carrying out its activities under this chapter.

Sec. 4. Section 3, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.030 are each amended to read as follows:

All departments, agencies, and officers of this state and its subdivisions shall cooperate with the ~~((department))~~ board in the furtherance of any of its activities pursuant to this chapter.

Sec. 5. Section 4, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.040 are each amended to read as follows:

(1) There is hereby created a nuclear waste ((policy and review)) board ((to assist the department in carrying out its responsibilities under this chapter)). The board shall consist of the following members: The chairman of the advisory council who shall also serve as chairman of the review board, the director of ~~((the department))~~ ecology or the director's designee, the director of the energy office or the director's designee, the commissioner of public lands or the commissioner's designee, the secretary of social and health services or the secretary's designee, the chairman of the energy facility site evaluation council or the chairman's designee, the director of the Washington state water research center or the director's designee, four members of the state senate, appointed by the president of the senate, and four members of the house of representatives, appointed by the speaker, who shall be selected from each of the caucuses in each house, but no more than two members of each house shall be of the same political party. Legislative members shall be ex officio nonvoting members of the board and shall serve while members of the legislature, at the pleasure of the appointing officer.

((The board shall be responsible for identifying and reviewing state agency policies relating to the management of radioactive wastes; analyzing recommendations of the advisory

council to determine how state agencies may be responsive to the needs of the department in carrying out its duties under this chapter; assisting the department in determining ways in which coordination among state agencies can be improved; carrying out such review activities that will enable the governor to effectively evaluate federal actions; reviewing the activities of advisory and technical committees created by the governor; advising the director on the need for additional advisory and technical committees; and assisting the department to participate in the consultation and concurrence process provided for in the federal waste management act of 1982 and the low-level waste policy act of 1980 and to monitor and comment on decisions of the northwest interstate compact committee on low-level radioactive waste management.)

(2) Nonlegislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 44.04.120. The legislature shall seek reimbursement from available sources, including the federal government, for legislative expenditures incurred pursuant to the provisions of this ~~(act)~~ chapter.

Sec. 6. Section 5, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.050 are each amended to read as follows:

(1) An advisory council is hereby established of not less than fifteen members appointed by the governor to provide advice, counsel, and recommendations to the ~~((department))~~ board on all aspects of the radioactive waste management program. The council shall particularly advise the ~~((department))~~ board on maximizing opportunities for public involvement in the program, soliciting public input, and assisting in the need for wide understanding of the issues involved in nuclear waste management. The governor shall appoint the chairman of the advisory council who shall also serve as chairman of the nuclear waste ~~((policy and review))~~ board. Members of the council shall be selected from all areas of the state and shall include a broad range of citizens, representatives of local governments, and representatives of such other interests as the governor determines will best further the purposes of this chapter. A representative of an affected Indian tribe may be an ex officio nonvoting member of the council. Terms of council members shall not exceed two years and they shall continue to serve until their successors are appointed. Vacancies shall be filled in the same manner as original appointments. Members may be reappointed. The governor may appoint a replacement for any council member who is temporarily unable to fulfill the responsibilities required of a council member. The replacement shall serve at the pleasure of the governor. Members shall receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

Sec. 7. Section 6, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.060 are each amended to read as follows:

The ~~((department))~~ board may establish such additional advisory and technical committees as it deems necessary. Members of any advisory or technical committee established under this section may receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

Sec. 8. Section 7, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.070 are each amended to read as follows:

The board and/or the department of ecology ~~((s))~~ are authorized to adopt such rules as are necessary to carry out ~~((its responsibility))~~ responsibilities under this chapter. The department of social and health services is authorized to adopt such rules as are necessary to carry out its responsibilities under chapter 43.145 RCW.

NEW SECTION. Sec. 9. (1) The board shall be the lead agency in negotiations and shall negotiate agreements and modifications to agreements with the federal department of energy. The legislature may appoint one or more representatives to participate in the negotiations. Additionally the board shall consult with the radioactive waste advisory council, the department of ecology, and the legislature during the negotiation of any agreement or modification to an agreement with the federal department of energy.

(2) The board shall conduct more than one public hearing on any proposed agreement or modification to an agreement negotiated under subsection (1) of this section. The board shall provide fourteen days notice of the date and location of hearings conducted under this subsection. The board shall prepare a written summary of testimony presented at hearings conducted under this subsection and shall consider the need for modifications to the negotiated agreement as a result of the hearings.

(3) No agreement or modification to an agreement negotiated under subsection (1) of this section may take effect unless it is recommended to be approved by a majority of the members of the full board.

(4) No agreement or modification to an agreement negotiated under subsection (1) of this section may take effect unless it is reviewed under section 10 of this act.

(5) In performing their responsibilities under this section, the board and its membership shall use good faith efforts and their best judgments to: (a) Develop an ongoing program to

inform the public of its actions and to address concerns of the public as they arise; (b) insure, to the maximum extent feasible, that:

(i) No right or opportunity for participation to which the state is entitled under the Nuclear Waste Policy Act of 1982 (42 U.S.C. Sec. 10101 et seq.) be waived by written agreement;

(ii) The state be afforded adequate remedies in the event of breach of the written agreement;

(iii) Wherever possible, the state obtain through agreement additional rights and privileges which are not inconsistent with the Nuclear Waste Policy Act;

(iv) The written agreement incorporate the funding under provisions of section 116 of the Nuclear Waste Policy Act as a federal contractual obligation with the state of Washington;

(v) The written agreement contains provisions specifying the level of funding that the state will receive from the United States department of energy under the Nuclear Waste Policy Act with respect to but not limited to public health and safety, environmental, socioeconomic, and related impacts which are anticipated at the time of agreements; allows for cost escalation and scope of project changes; and further contains provisions specifying how the amount of funding will be determined with respect to later environmental, socioeconomic and related impacts;

(vi) The consultation and cooperation agreement provided for in the Nuclear Waste Policy Act be executed by the earliest possible date reasonably attainable in order that the state be adequately protected by such agreement at all points in the federal-state relationship; and

(vii) The Washington state legislature be fully apprised of the status of the negotiation of the written agreement.

NEW SECTION. Sec. 10. (1) The board shall submit any written agreement or modification of an agreement recommended to be approved by the board and approved by the federal department of energy to the governor, the speaker of the house of representatives, the president of the senate, and to the chairs of the energy and utilities committees of the house of representatives and the senate.

(2) The energy and utilities committees of the house of representatives and the senate shall review the proposed written agreement or modification to an agreement on behalf of the legislature within thirty days after receipt of the board recommendation under subsection (1) of this section. The committees may recommend approval or disapproval of the written agreement or modification of the agreement via a concurrent resolution if the legislature is in session to the speaker of the house of representatives and the president of the senate for review by the legislature. If the legislature is not in session, the committees may recommend approval or disapproval of the written agreement or modification of the agreement by a written statement from either committee to the speaker of the house and/or the president of the senate.

(3) The board may execute an agreement or modification recommended under subsection (1) of this section at any time after sixty days of receipt of the agreement or modification as provided in subsection (2) of this section unless, prior to its execution, the board receives a disapproval thereto embodied in either a concurrent resolution if the legislature is in session or a written statement from either committee if the legislature is not in session.

NEW SECTION. Sec. 11. (1) The board may negotiate what in the board's judgment are technical revisions to any agreement approved under section 10 of this act.

(2) No technical revision to an agreement negotiated under subsection (1) of this section may take effect unless it is recommended to be approved by a majority of the members of the full board.

(3) No technical revision to an agreement negotiated under subsection (1) of this section may take effect unless it is considered approved under section 12 of this act.

NEW SECTION. Sec. 12. (1) The board shall submit any technical revision to a written agreement negotiated under section 11(1) of this act, approved by the board and approved by the federal department of energy or other federal agency, to the presiding officer of each house of the legislature and to the governor.

(2) Each presiding officer shall refer the technical revision to the committee on energy and utilities of the appropriate house within seven working days after the day on which the revision is received. Each presiding officer shall cause a statement to appear in the journal of the appropriate house that a technical revision to an agreement approved under section 10 of this act is submitted for review.

(3) Either committee on energy and utilities may object to the technical revision by taking action in executive session within thirty days after the revision is referred to the committee. If a committee objects to the revision, it shall submit a written notice of the objection to the presiding officer of that house for review by the legislature. The presiding officer shall cause the written notice of the objection to appear in the journal of the appropriate house. If the legislature is not in session, the committees shall transmit a written notice of the objection to the presiding officer of each house.

(4) The governor may object to the technical revision by taking action within thirty days after the revision is received. If the governor objects to the revision, the governor shall submit a written notice of the objection to the presiding officer of each house of the legislature and each presiding officer shall cause the written notice of the objection to appear in the journal of the respective house.

(5) If neither committee nor the governor objects to a technical revision within the thirty-day review period, the revision is considered approved and shall take effect.

NEW SECTION. Sec. 13. (1) If the federal department of energy recommends a site in the state to the president of the United States for the development of a repository for the long-term disposal of high-level radioactive waste, the board shall review the selected site. The review shall include a full review of the adequacy of the selected site. The board shall solicit written comments on the selected site from the radioactive waste advisory council. The board shall use recognized experts in conducting its review. The board shall conduct more than one public hearing concerning the selected site and shall make available to the public arguments and evidence for and against the selected site. The board shall provide at least fourteen days notice of the date and location of the public hearings. The board shall solicit comments from appropriate state agencies, local units of government, regional planning commissions, American Indian tribal governing bodies, the general public, and interested citizen groups on the adequacy of the selected site. The board shall make these comments available to the public.

(2) After completing this review but not later than fifteen days after the date on which the president recommends a site for repository development to the congress, the board shall submit a recommendation to the speaker of the house of representatives, the president of the senate, the governor, and the committees on energy and utilities of the house of representatives and senate on whether the state should accept the site selected by the federal department of energy. The recommendation to the speaker of the house of representatives and the president of the senate shall be accompanied by a request for the introduction of a concurrent resolution to approve the site selected or by a request for the introduction of a concurrent resolution to disapprove the site.

(3) Pursuant to Article II, section 12 of the state Constitution, the secretary of the senate and the chief clerk of the house of representatives shall poll the members of the legislature if the president recommends a site in the state for the development of a repository for disposal of high-level radioactive waste to determine if the legislature desires a special session to address the repository site selection issue.

(4) The energy and utilities committees of the house of representatives and the senate shall review the board's recommendation within thirty days after receipt of the board's recommendation under subsection (2) of this section. The committees may recommend approval or disapproval of the recommendation or modification of the recommendation via a concurrent resolution if the legislature is in session to the speaker of the house of representatives and the president of the senate for review and action by the full legislature. If the legislature is not in session and has not convened a special session pursuant to subsection (3) of this section, the committees may recommend approval or disapproval of the written agreement or modification of the agreement by a written statement from either committee submitted to the speaker of the house and/or the president of the senate.

(5) After the governor or the legislature take action under subsection (4) of this section, the chief clerk of the house of origin or the governor shall notify the board of the action taken and the board shall send a report to the president of the United States, the members of the United States senate, the members of the United States house of representatives, the federal department of energy, and other appropriate federal agencies. The report shall contain a summary of the review undertaken by the board in accordance with subsection (1) of this section, the recommendation made by the board under subsection (2) of this section, and the action of the legislature under subsection (4) of this section.

NEW SECTION. Sec. 14. The department shall provide administrative and technical staff support as requested by the board. As directed by the board, the department shall be responsible for obtaining and coordinating technical expertise necessary for board participation in nuclear waste programs and shall be responsible for ongoing technical coordination and administration of program activities. Other state agencies shall assist the board in fulfilling its duties to the fullest extent possible. The board and/or the department may contract with other state agencies to obtain expertise or input uniquely available from that agency.

Sec. 15. Section 10, chapter 19, Laws of 1983 1st ex. sess. and RCW 43.200.900 are each amended to read as follows:

The rules of strict construction do not apply to this ~~((act))~~ chapter and it shall be liberally construed in order to carry out the objective for which it is designed, in accordance with the legislative intent to give the ~~((department of ecology))~~ board the maximum possible freedom in carrying the provisions of this ~~((act))~~ chapter into effect.

NEW SECTION. Sec. 16. Sections 1, 3, and 9 through 14 of this act are each added to chapter 43.200 RCW.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Energy and Utilities amendment.

The motion by Senator Williams carried and the committee amendment was adopted on a rising vote.

MOTION

On motion of Senator Williams, the following title amendment was adopted:
On page 1, on line 10 of the title, after "section;" strike "and"
On page 1, on line 11 of the title, after "RCW" insert "; and declaring an emergency"

MOTION

On motion of Senator Williams, the rules were suspended, Engrossed Substitute House Bill No. 1637, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benitz: "Senator Williams, on page 9, lines 35 and 36 of the adopted amendment, it indicates that the Legislature may appoint one or more. If it's only one, would you interpret that to be a possible unlawful delegation of authority?"

Senator Williams: "I'm not sure that I can answer that. The reason the language is put in there was primarily to recognize the fact that we have appointed two staff members, actually, to serve on that negotiating team and, basically, it recognizes the circumstances that have occurred as opposed to dealing, in essence, with what may happen. But in any case, I think, we were trying to recognize that both houses should be represented on that negotiating team."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Guess, what firm was it that made the study there on Hanford regarding waste disposal?"

Senator Guess: "Rockwell."

Senator Rasmussen: "Rockwell? Then, what department of the government was it that came in and knocked holes in that report?"

Senator Guess: "U.S.G.S. and I'm not so sure, Senator, that they knocked any holes in it. The U.S.G.S. says that there is a possibility of ground water infiltration in the area to some thirty-seven hundred feet below the ground surface, and it might be that the ground water would be impregnated with it. They did not take into consideration, Senator, that those fuel rods will be in a stainless steel case and inside the stainless steel case there will be a lead case and inside of that there will be iron cases."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Guess: "A point of personal privilege. Senator Rasmussen hasn't got the slightest conception of what he's talking about. I never have worked for the U.S.G.S. in my life and I don't and I won't."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1637, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1637, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 32; nays, 15; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Patterson, Pullen, Quigg, Sellar - 15.

Absent: Senator Deccio - 1.

Excused: Senator Newhouse - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of House Bill No. 1138 and the pending amendment to page 3, proposed by Senators Hughes and Lee earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Barr, the President finds that House Bill No. 1138 is a measure which deals with protecting the quality and quantity of ground water used for public water supplies.

"The amendment proposed by Senators Hughes and Lee also deals with the subject of protecting the quality and quantity of ground water used for public water supplies.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment by Senators Hughes and Lee was ruled in order.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Hughes and Lee.

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

MOTIONS

On motion of Senator Hughes, the following title amendment was adopted:
On line 2 of the title, after "adding" strike "a new section" and insert "new sections"

On motion of Senator Hughes, the rules were suspended, House Bill No. 1138, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1138, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1138, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Fuller, McCaslin, Pullen - 7.

Absent: Senators Granlund, Quigg - 2.

Excused: Senator Newhouse - 1.

HOUSE BILL NO. 1138, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute House Bill No. 843, which was amended and placed on third reading on February 22, 1984.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 843, by Committee on Ways and Means (originally sponsored by Representatives Monohon, B. Williams, Sommers and Grimm)

Modifying provisions relating to retirement from public services.

The bill was read the third time and placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 843, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 843, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Conner, Granlund, Hansen, Sellar, Vognlild, Warnke - 6.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 843, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President Pro Tempore returned the Senate to the sixth order of business.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 255 and the pending amendment to the Committee on Ways and Means amendment to page 7, line 1, proposed by Senators Quigg, Vognlild and Metcalf on February 23, 1984.

MOTION

On motion of Senator Quigg and there being no objection, the amendment to page 7, line 1, proposed by Senators Quigg, Vognlild and Metcalf was withdrawn.

MOTION

Senator Quigg moved the following amendment be adopted:

On page 7, line 1, after "repealed," insert:

"NEW SECTION. Sec. 9. Property taxes paid pursuant to operation of law as determined by RCW 84.04.080 and RCW 84.36.005 on a boat for the years 1980 through 1982 shall be allowed as a credit against any taxes due under chapter 82.49 RCW for the boat. This credit shall apply to the current owner regardless of who owned the boat during the period 1980 through 1982."

Renumber the remaining section accordingly.

Debate ensued.

MOTIONS

On motion of Senator McDermott, further consideration of Engrossed Substitute House Bill No. 255 was deferred.

On motion of Senator McDermott, Substitute House Bill No. 1123 was moved down and held its place on the second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 1133, by Representatives Sommers, Long, Jacobsen, Fisher, Miller, Barnes, Pruitt, Schoon, Patrick, Wang, Todd and Lux

Specifying requirements for political advertising.

The bill was read the second time.

MOTION

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

On page 1, line 15, after "rule" delete "or on a case-by-case basis"

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1133, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Moore: "In the days in the state when politics was colorful, we had some great names on the ballot, such as radio speaker, John C. Stevenson; we have progressive Jack Taylor and others. Now I would like to ask Senator Talmadge, if one were to use an epithet like 'honest Slim Rasmussen,' would that be an assumed name?"

Senator Talmadge: "Senator, in Senator Rasmussen's case, of course not."

"With respect to that question, I think the assumed name is the problem of using a name that is completely different than the name by which you are accustomed to passing. For example, if you all of a sudden were campaigning as Dianne Woody when, in fact, you were Ray Moore, I think that would present a problem. That's the kind of assumed name that we're talking about."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1133, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1133, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 05; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Barr, Benitz, Craswell, Guess, Metcalf - 5.

Absent: Senators Fuller, Granlund - 2.

Excused: Senator Newhouse - 1.

ENGROSSED HOUSE BILL NO. 1133, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1123, by Committee on Ways and Means (originally sponsored by Representatives Monohon, Grimm, J. King, Wang and Halsan)

Permitting the state employees' insurance board to expand its methods for providing insurance coverage.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025 are each amended to read as follows:

(1) There is hereby created a state employees' insurance board to be composed of the members of the present board holding office on the day prior to July 1, 1977, which such members shall serve until the expiration of the period of time of the term for which they were appointed and until their successors are appointed and qualified. Thereafter the board shall be composed as follows: The governor or the governor's designee; one administrative officer representing all of higher education to be appointed by the governor; two higher education faculty members to be appointed by the governor; the director of the department of personnel who shall act as trustee; one representative of an employee association certified as an exclusive representative of at least one bargaining unit of classified employees and one representative of an employee union certified as exclusive representative of at least one bargaining unit of classified employees, both to be appointed by the governor; one person who is retired and is covered by a program under the jurisdiction of the board, to be appointed by the governor; one member of the senate who shall be appointed by the president of the senate; and one member of the house of representatives who shall be appointed by the speaker of the house. The terms of office of the administrative officer representing higher education, the two higher education faculty members, the representative of an employee association, the retired person, and the representative of an employee union shall be for four years: PROVIDED, That the first term of one faculty member and one employee association or union representative member shall be for three years. Meetings of the board shall be at the call of the director of personnel. The board shall prescribe rules for the conduct of its business and shall elect a chairman and vice chairman annually. Members of the board shall receive no compensation for their services, but shall be paid for their travel expenses while on official business in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and legislative members shall receive allowances provided for in RCW 44.04.120.

(2) The board shall study all matters connected with the providing of adequate health care coverage, life insurance, liability insurance, accidental death and dismemberment insurance, and disability income insurance or any one of, or a combination of, the enumerated

types of insurance and health care plans for employees and their dependents on the best basis possible with relation both to the welfare of the employees and to the state: PROVIDED, That liability insurance shall not be made available to dependents. The board shall design benefits, devise specifications, analyze carrier responses to advertisements for bids, determine the terms and conditions of employee participation and coverage, and decide on the award of contracts which shall be signed by the trustee on behalf of the board: PROVIDED, That all contracts for insurance, health care plans, including panel medicine plans, or protection applying to employees covered by RCW 28B.10.660 and chapters 41.04 and 41.05 RCW shall provide that the beneficiaries of such insurance, health care plans, or protection may utilize on an equal participation basis the services of practitioners licensed pursuant to chapters 18.22, 18.25, 18.32, 18.53, 18.57, 18.71, 18.74, 18.83, and 18.88 RCW: PROVIDED FURTHER, That the boards of trustees and boards of regents of the several institutions of higher education shall retain sole authority to provide liability insurance as provided in RCW 28B.10.660. The board shall from time to time review and amend such plans. Contracts for all plans shall be rebid and awarded at least every five years.

(3) The board shall develop and provide as a part of the employee insurance benefit program an employee health care benefit plan which may be provided through a contract or contracts with regularly constituted insurance carriers or health care service contractors as defined in chapter 48.44 RCW, and a plan to be provided by a panel medicine plan in its service area only when approved by the board. The board may but shall not be required to pay more for health benefits under a panel medicine plan than it would otherwise be required to pay for health benefits by a contract with a regularly constituted insurance carrier or health care service contractor in effect at the time the panel medicine plan is included in the employee health care benefit plan. Except for panel medicine plans, the board may but is not required to contract with more than one insurance carrier or health care service contractor to provide similar benefits: PROVIDED, That employees may choose participation in only one of the health care benefit plans sponsored by the board. Active employees, as defined in RCW 41.05.01(2), eligible for medicare benefits shall have the option of continuing participation in health care programs on the same basis as all other employees or participation in medicare supplemental programs as may be developed by the board. These health care benefit plans shall provide coverage for all officials and employees and their dependents without premium or subscription cost to the individual employees and officials, unless the board approves a panel medicine plan at a subscription rate in excess of the premium of the regularly constituted insurance carrier or health care service contractor, in which circumstances an employee contribution may be authorized at an amount equal to such excess. Rates for self pay segments of state employee groups will be developed from the experience of the entire group. Such self pay rates will be established based on a separate rate for the employee, the spouse, and children.

(4) The board shall review plans proposed by insurance carriers who desire to offer property insurance and/or accident and casualty insurance to state employees through payroll deduction. The board may approve any such plan for payroll deduction by carriers holding a valid certificate of authority in the state of Washington and which the board determines to be in the best interests of employees and the state. The board shall promulgate rules setting forth criteria by which it shall evaluate the plans.

(5) (a) The state employees' insurance board may self-fund, self-insure, or enter into other methods of providing for programs under its jurisdiction, except property and casualty insurance authorized under subsection (4) of this section. The board may contract for payment of claims or other administrative services including the purchase of reinsurance for programs under its jurisdiction. If a program does not require the prepayment of reserves the board shall establish that such reserves be maintained for the payment of claims as are normally required for that method of providing that type of insurance. Reserves established by the board shall be held in a separate trust account of the state employees' insurance fund by the state treasurer and shall be known as the state employees' insurance fund—reserve account hereby created. The state investment board is authorized to invest moneys in the state employees' insurance fund in accordance with the provisions of RCW 43.84.150. Except as provided in RCW 43.33A.160, one hundred percent of all earnings from these investments shall accrue directly to the state employees' insurance fund.

(b) Any savings realized as a result of a program created under this subsection (5) shall not be used to increase benefits unless such use is authorized by statute.

(c) The state employees' insurance board shall keep or cause to be kept full and adequate accounts and records of the assets, obligations, transactions and affairs of any program created under this subsection (5).

(d) The state employees' insurance board shall file an annual report of the financial condition, transactions and affairs of any program under the board's jurisdiction. The report shall also contain actuarial information regarding the adequacy of the reserves established for the type of insurance being offered. A copy of the annual report shall be filed with the speaker of the house of representatives, the president of the senate, and the office of the state auditor. The statement shall be signed by a member of the American Academy of Actuaries certifying that

the actuarial amounts are computed in accordance with commonly accepted actuarial standards; and include all actuarial reserves and related statement items required for the sound operation of any employee benefits program.

(e) Members of the board shall be deemed to stand in a fiduciary relationship to the employees covered by any insurance program created under this subsection (5) and shall discharge the duties of their respective positions in good faith and with that diligence, care and skill which ordinary prudent persons would exercise under similar circumstances in like positions.

NEW SECTION. Sec. 2. There is appropriated for the biennium ending June 30, 1985, from the state employees' insurance fund to the department of personnel, the sum of seventy-five thousand dollars or so much thereof as may be necessary, for the contractual services to assist the board in the conversion to a self-insured health benefit program.

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

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

On page 1, on line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025; making an appropriation; and declaring an emergency."

Debate ensued.

MOTION

On motion of Senator McDermott, further consideration of Substitute House Bill No. 1123 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1279, by Committee on State Government (originally sponsored by Representatives Niemi, Betrozoff, Belcher, Hankins, Silver, Braddock, Sanders, Holland, O'Brien and G. Nelson)

Exempting the state convention and trade center from civil service.

The bill was read the second time.

MOTION

Senator Bottiger moved the following amendments by Senators Bottiger and Shinpoch be considered and adopted simultaneously:

On page 2, line 15, after "RCW" insert ", chapter 41.05 RCW, RCW 43.01.040 through 43.01.044, chapter 41.04 RCW and chapter 41.40 RCW"

On page 6, line 7, strike all of section 3 and insert:

"NEW SECTION. Sec. 3. There is added to chapter 41.05 RCW a new section to read as follows:

The provisions of this chapter shall not be applicable to the officers and employees of the nonprofit corporation formed under chapter 67.40 RCW.

NEW SECTION. Sec. 4. There is added to chapter 43.01 RCW a new section to read as follows:

The provisions of RCW 43.01.040 through 43.01.044 shall not be applicable to the officers and employees of the nonprofit corporation formed under chapter 67.40 RCW.

NEW SECTION. Sec. 5. There is added to chapter 41.04 RCW a new section to read as follows:

The provisions of this chapter shall not be applicable to the officers and employees of the nonprofit corporation formed under chapter 67.40 RCW.

NEW SECTION. Sec. 6. There is added to chapter 41.40 RCW a new section to read as follows:

The provisions of this chapter shall not be applicable to the officers and employees of the nonprofit corporation formed under chapter 67.40 RCW."

Renumber the remaining sections.

On page 6, after line 14, insert:

"NEW SECTION. Sec. 4. This act shall not terminate or modify any right acquired under a contract of employment in existence prior to the effective date of this act.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Bottiger, when I was off the floor--the first amendment, page 2, with all the RCW's, those are the RCW's dealing with the pensions?"

Senator Bottiger: "Yes, we asked through Marty Brown of our staff and through the attorneys for the Trade Convention Center and we reached an agreement as to the RCW's that pick up sick leave, state employees' medical plan, state employees' pension system and we exempted them from all of those."

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Bottiger and Shinpoch.

The motion by Senator Bottiger carried and the amendments were adopted.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1279, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1279, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1279, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Benitz, Deccio, Granlund, McManus - 4.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1279, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 571, by Committee on Local Government (originally sponsored by Representatives Hankins, Isaacson, Sutherland, Dickie, Stratton, Lewis, Moon, Nealey, Clayton and Van Dyken)

Specifying procedure for removal of territory from public hospital districts.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 571, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 571.

ROLL CALL

The Secretary called the roll on final passage of Substitute Bill No. 571, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Rinehart - 1.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 571, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Reengrossed Substitute House Bill No. 480 was moved down and held its place on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1400, by Committee on Education (originally sponsored by Representatives Galloway, Dickie, Schoon, P. King, Heck, Taylor, Holland, Long, Egger, Betrozoff and Powers)

Revising the laws governing associated student bodies in the common schools.

The bill was read the second time.

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1400 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1400.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1400, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1266, by Committee on State Government (originally sponsored by Representatives Kreidler, Van Dyken, Van Luven, Braddock, Belcher, Miller, Allen, Lewis, Long, Patrick, Vander Stoep, Zellinsky, Fisher, Powers, Sanders, McMullen, Barrett, Dellwo, O'Brien, Struthers, Taylor, Wang, Hastings, P. King, Fuhrman, Mitchell, Ebersole, Betrozoff, Schmidt, Halsan, Todd, Tanner and Schoon) (by Secretary of State, Department of Veterans Affairs request)

Creating a memorial honoring Washington residents who died or are missing in action in southeast Asia.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, Substitute House Bill No. 1266, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1266.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1266, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner,

Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1266, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1328, by Representatives Kreidler, Barrett, L. Smith, Wang, Egger, Stratton and Mitchell

Revising provisions relating to the abuse of elderly and dependent adults.

The bill was read the second time.

MOTION

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 1328, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1328.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1328, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Barr - 1.

Excused: Senator Newhouse - 1.

ENGROSSED HOUSE BILL NO. 1328, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1409, by Representative Prince

Including driving records of owner-operators within the employment driving record.

The bill was read the second time.

MOTION

Senator Haley moved adoption of the following amendment:

On page 2, after line 26, insert the following:

"Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 84, chapter 136, Laws of 1979 ex. sess. and RCW 46.52.130 are each amended to read as follows:

Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering the period of not more than three years last past, and such abstract whenever possible, shall include an enumeration of motor vehicle accidents in which such person was involved; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. Such enumeration shall include any reports of failure to appear in

response to a traffic citation or failure to respond to a notice of infraction served upon such person by an arresting officer.

The abstract herein provided to an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident. The abstract provided to the insurance company shall also exclude any traffic infraction of violating energy use restrictions under RCW 46.61.400(2).

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

Sec. 3, Section 1, chapter 16, Laws of 1963 as amended by section 54, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.400 are each amended to read as follows:

(1) ~~(No)~~ A person ~~(shall)~~ commits the traffic infraction of violating the basic speed rule if he drives a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) A person commits the traffic infraction of violating energy resource use restrictions if he operates a motor vehicle on: (a) A highway posted at fifty-five miles per hour at a speed in excess thereof but not over the speed posted for the highway on October 1, 1973; (b) a highway constructed or reconstructed and posted at fifty-five miles per hour at a speed in excess thereof but not over the speed that would have been posted for the highway before October 1, 1973, if the speed were set using the criteria set forth in RCW 46.61.400, 46.61.410, and 46.61.430.

(3) The traffic infractions described in subsections (1) and (2) of this section are separate and distinct infractions, but no person may be cited for both infractions simultaneously.

(4) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

~~((3))~~ (5) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

Sec. 4, Section 4, chapter 16, Laws of 1963 as last amended by section 36, chapter 151, Laws of 1977 ex. sess. and RCW 46.61.415 are each amended to read as follows:

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

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

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400~~((2))~~(4) but shall not exceed sixty miles per hour.

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

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

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

Sec. 5. Section 46.48.026, chapter 12, Laws of 1961 and RCW 46.61.465 are each amended to read as follows:

The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described ~~((shall be)), other than a violation of RCW 46.61.400(2), is~~ prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof."

POINT OF ORDER

Senator Fleming: "Mr. President, I raise the question of scope and object on this amendment. Just briefly, Mr. President, I think Senator Haley is going too fast."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 1409 was deferred.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1105, by Committee on Social and Health Services (originally sponsored by Representatives Ebersole, Kreidler, Dellwo, Miller, Braddock, Stratton, Crane and Fisch)

Requiring the reporting of sentinel birth defects and the surveillance of environmental hazards.

The bill was read the second time.

MOTION

On motion of Senator McManus, the following Committee on Social and Health Services amendments were considered and adopted simultaneously:

On page 1, line 14, after "registrar" insert "and to the parents, or legal guardians of the child."

On page 2, beginning on line 22, strike all material down to and including line 35 and insert the following:

"(1) The department shall not disclose the identity of a sentinel birth defect child from reports required under RCW 70.58.320 unless:

- (a) There is a demonstrated public health need for the individual identity;
- (b) The department obtains written consent of the parent or guardian of the child; and
- (c) The department assures that the identity of the child shall not be released without the written consent of the parent or guardian.

(2) If there is a demonstrated need for the individual identity of children without sentinel birth defects to conduct a case-control investigation, subsection (1) (a), (b), and (c) of this section shall apply."

On page 3, line 7, after "act." insert "A parent or legal guardian of a child who is the subject of a report required by RCW 70.58.320 shall have access to such report or reports."

MOTIONS

Senator McManus moved that the following Committee on Social and Health Services amendment not be adopted:

On page 1, line 15, after "services," insert "No report shall be made without the parents' or legal guardians' consent."

Senator Craswell moved that the Committee on Social and Health Services amendment to page 1, line 15, be adopted.

Debate ensued.

MOTIONS

On motion of Senator Bottiger, further consideration of Substitute House Bill No. 1105 was deferred.

At 4:47 p.m., on motion of Senator Shinpoch, the Senate recessed until 5:45 p.m.

SECOND AFTERNOON SESSION

The President Pro Tempore called the Senate to order at 6:19 p.m.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1105 and the pending Committee on Social and Health Services amendment on page 1, line 15.

The President Pro Tempore declared the question before the Senate to be the positive motion by Senator Craswell to adopt the Committee on Social and Health Services amendment.

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

MOTION

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 1105, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1105, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1105, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 02; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Craswell, Pullen - 2.

Absent: Senators Bluechel, Deccio, Owen, Quigg, von Reichbauer - 5.

Excused: Senator Newhouse - 1.

SUBSTITUTE HOUSE BILL NO. 1105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 596 and the pending amendments proposed by Senator Bender to page 1, line 11, page 1, line 18, and page 1, line 24, proposed February 23, 1984.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Williams, the President finds that Engrossed House Bill No. 596 is a measure which updates the edition of the Uniform Building, Mechanical, Fire and Plumbing Codes, which together constitutes the major portion of the state building code.

"The amendments proposed by Senator Bender simply delete language contained in the bill with regard to Uniform Building, Fire and Plumbing Code standards.

"The President, therefore, finds that the proposed amendments do not expand the scope and object of the bill and that the point of order is not well taken."

The amendments were ruled in order.

MOTIONS

On motion of Senator Bender, and there being no objection, the three amendments were withdrawn.

On motion of Senator Zimmerman, Senators Bluechel, Deccio and von Reichbauer were excused.

On motion of Senator Vognild, Senator Owen was excused.

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 596 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 596.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 596, and the bill passed the Senate by the following vote: Yeas, 39; nays, 01; absent, 04; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Zimmerman - 39.

Voting nay: Senator Pullen - 1.

Absent: Senators Metcalf, Guigg, Wojahn, Woody - 4.

Excused: Senators Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 5.

ENGROSSED HOUSE BILL NO. 596, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 255 and the pending amendment, proposed earlier today by Senator Guigg on page 7, line 1, to the Committee on Ways and Means amendment.

POINT OF ORDER

Senator Shipoch: "Mr. President, I challenge the amendment on scope and object. The first portion of this may only be unconstitutional. It may not be outside the scope and object of the bill. However, the second portion which applies the credit to the current owner, regardless of who owned the boat between 80 and 83 is probably, also, unconstitutional, but in addition to that, I find nothing in the bill that would allow you to apply a credit of any taxes that were paid to apply to the credit. I challenge it on scope and object."

Debate ensued.

MOTION

On motion of Senator Shipoch, further consideration of Substitute House Bill No. 255 was deferred.

MOTION

On motion of Senator Shipoch, the Senate resumed consideration of Substitute House Bill No. 1123, which was amended and deferred earlier in the day.

MOTION FOR RECONSIDERATION

On motion of Senator McDermott, the Senate reconsidered the vote by which the striking Committee on Ways and Means amendment was adopted earlier in the day.

Senator McDermott: "Mr. President, I move that the rules be suspended and the Senate reconsider the vote by which the striking amendment by the Committee on Ways and Means was adopted earlier today. I do this with a certain amount of reluctance. We have adopted a striking amendment which would preclude the offering of amendments that, apparently, were prepared and just did not get placed on the desk. In order to give a semblance of fairness to this whole process, I think we should go back to second reading, so I urge you adopt the motion."

Debate ensued.

The President Pro Tempore declared the question be adoption of the motion by Senator McDermott to reconsider the vote by which the striking amendment by the Committee on Ways and Means to Substitute House Bill No. 1123 passed the Senate earlier today.

The motion by Senator McDermott carried and the Senate resumed consideration of the striking amendment by the Committee on Ways and Means to Substitute House Bill No. 1123.

MOTION

On motion of Senator McDermott, the following amendments to the Committee on Ways and Means amendment were considered simultaneously and adopted:

On page 6 of the amendment, line 22, after "IF" delete a "a program does" and insert "programs do"

On page 6 of the amendment, line 30, after "in" delete "a separate trust account" and insert "respective separate trust accounts"

On page 6 of the amendment, beginning on line 32, delete "and shall be known as the state employees' insurance fund--reserve account hereby created"

On page 7 of the amendment, line 6, after "fund" insert "and the separate accounts which may be created"

MOTION

Senator McDonald moved the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 6 of the committee amendment, line 18, after "board" strike "may" and insert "shall"

On page 6 of the committee amendment, line 19, after "claims" strike "or" and insert "and"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator McDonald to the Committee on Ways and Means amendment.

The motion by Senator McDonald failed and the amendments to the committee amendment were not adopted.

MOTION

On motion of Senator McDonald, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 7 of the committee amendment, after "fund." insert: "(b) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide conversion rights in accordance with RCW 48.21.210."

Realphabetize the remaining subsections accordingly.

MOTION

Senator Quigg moved adoption of the following amendment by Senator Deccio to the Committee on Ways and Means amendment:

On page 7, line 6 of the committee amendment, after "fund." insert: "(b) Group disability coverage provided as a self-insured program of the state employees' insurance board shall provide coverage as required by RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.150, 48.21.155 and 48.21.180."

(c) Group disability coverage provided as a self-insured program of the state employees' insurance board shall conform with the requirements of RCW 48.21.200 (1) and (2)."

Realphabetize the remaining subsection accordingly.

MOTIONS

On motion of Senator McDermott, further consideration of Substitute House Bill No. 1123 was deferred.

On motion of Senator Shinpoch, Senate Concurrent Resolution No. 146 was placed at the bottom of the second reading calendar.

SECOND READING

HOUSE BILL NO. 1119, by Representatives Walk, Sayan and Todd
Clarifying provisions of emergency purchases by state agencies.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the rules were suspended, House Bill No. 1119 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1119.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1119, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 5.

HOUSE BILL NO. 1119, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of House Bill No. 1649 and the pending striking amendment by the Committee on Local Government, proposed February 23, 1984.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that House Bill No. 1649 is a measure which deals with the subject of ex parte communications in quasi-judicial proceedings.

"The amendment proposed by the Senate Committee on Local Government also deals with the subject of ex parte communications in quasi-judicial proceedings.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The committee amendment was ruled in order.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Local Government amendment.

The motion by Senator Thompson carried and the committee amendment was adopted.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1649, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1649, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1649, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Quigg, Sellar, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Hughes, Hurley, Lee, Metcalf, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Williams - 10.

Excused: Senators Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 5.

HOUSE BILL NO. 1649, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1123 and the pending amendment by Senator Deccio on page 7, line 6, to the Committee on Ways and Means amendment, proposed earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Deccio to the Committee on Ways and Means amendment.

The motion by Senator Quigg carried and the Deccio amendment to the Committee on Ways and Means amendment was adopted:

MOTION

Senator McDermott moved the following amendments by Senator Deccio to the Committee on Ways and Means amendment be considered simultaneously and not be adopted:

On page 7 of the committee amendment, line 24 after "jurisdiction" insert: "on a form prescribed by the insurance commissioner"

On page 7 of the committee amendment, line 32, after "senate," insert: "the insurance commissioner,"

On page 8 of the committee amendment, line 15, after "positions," insert:

"Sec. 2. Section .03.01, chapter 79, Laws of 1947 as last amended by section 1, chapter 181, Laws of 1982 and RCW 48.03.010 are each amended as follows:

(1) The commissioner shall examine the affairs, transactions, accounts, records, documents, and assets of each authorized insurer or self insurer as authorized by RCW 41.05.025 as often as ~~((he the commissioner~~ deems advisable. ~~((He))~~ The commissioner shall so examine each domestic insurer not less frequently than every five years. Examination of an alien insurer may be limited to its insurance transactions in the United States.

(2) As often as ~~((he))~~ the commissioner deems advisable and at least once in five years, the commissioner shall fully examine each rating organization and examining bureau licensed in this state. As often as ~~((he))~~ the commissioner deems it advisable ~~((he))~~ the commissioner may examine each advisory organization and each joint underwriting or joint reinsurance group, association, or organization.

(3) The commissioner shall in like manner examine each insurer or rating organization applying for authority to do business in this state.

(4) In lieu of making ~~((his own))~~ an examination, the commissioner may accept a full report of the last recent examination of a nondomestic insurer or rating or advisory organization, or joint underwriting or joint reinsurance group, association or organization, certified to by the insurance supervisory official of the state of domicile or of entry.

(5) The commissioner may elect to accept and rely on an audit report made by an independent certified public accountant for the insurer in the course of that part of the commissioner's examination covering the same general subject matter as the audit. The commissioner may incorporate the audit report in ~~((his))~~ the commissioner's report of the examination."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be to not adopt the three amendments by Senator Deccio to the Committee on Ways and Means amendment.

The three amendments by Senator Deccio to the Committee on Ways and Means amendment were not adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted.

On page 1, on line 1 of the title, after "insurance;" strike the remainder of the title and insert "amending section 2, chapter 136, Laws of 1977 ex. sess. as last amended by section 91, chapter 3, Laws of 1983 and RCW 41.05.025; making an appropriation; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended. Substitute House Bill No. 1123, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator McDonald: "A point of parliamentary inquiry—I would like, since we have adopted some amendments that do make substantial differences and since it is such a tight bill anyway, as far as the cost benefits, I would, pursuant to RCW 43.88A.040, request a fiscal note of OFM to be drawn up on the bill as passed by this body."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, the fiscal note on this bill is the amount of money that we appropriate for health care benefits for state employees."

Senator McDonald: "I don't know if you're speaking to the parliamentary inquiry, but that's clearly not true. There was a fiscal note on House Bill 1123 and it's outdated now. I would like to see, and indeed we do have a right to ask, for a fiscal note to be drawn up on this bill as it stands—if, indeed, it is passed by this body."

POINT OF INQUIRY

Senator Shinpoch: "Mr. Chairman, could I request Senator McDonald to give me the citation again?"

Senator McDonald: "It's 43.88A.040. If you're worried, Senator Shinpoch, that you have to have this before final passage, that's not part of the law. We can roll right along, but I do request that fiscal note."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The request has been noted."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1123, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1123, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Benitz, Clarke, Craswell, Guess, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Quigg, Sellar - 14.

Absent: Senator Zimmerman - 1.

Excused: Senators Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 5.

SUBSTITUTE HOUSE BILL NO. 1123, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 255 and the pending amendment by Senator Quigg on page 7, line 1, to the Committee on Ways and Means amendment, proposed by Senator Quigg earlier today.

MOTION

On motion of Senator Hayner, Senator Benitz was excused.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Shinpoch, the President finds that Engrossed Substitute House Bill No. 255, as amended by the Senate, is a measure which modifies provisions with regard to boat registration and taxation, and specifically deals with those taxes imposed between the years 1980 and 1982.

"The amendment proposed by Senator Quigg also deals with boat taxes imposed between the years 1980 and 1982.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment to the committee amendment was ruled in order.

Debate ensued.

Senator Quigg demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Shinpoch: "Mr. President, I'm not sure--how do you go about asking--well, a parliamentary inquiry--I don't know how to go about in this body to find out who is voting that has a personal interest and how do you go about doing that?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The matter of personal interest has been a matter of individual conscience and personal declaration."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Hemstad: "A point of personal privilege. I want to state that having spoken on the issue that I want it to be known that I do not own a boat and I never have."

PERSONAL PRIVILEGE

Senator Bottiger: "A point of personal privilege. I own a boat and I am going to vote against the tax refund."

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Quigg to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Quigg failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 25; absent, 01; excused, 06.

Voting yea: Senators Barr, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Quigg, Sellar, Zimmerman - 17.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Pullen - 1.

Excused: Senators Benitz, Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 6.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

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

MOTION

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

On line 23 of the title, after "82.49.070;" insert "amending section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260;"

On page 7, line 21, after "RCW 88.02.030;" strike all material through "RCW 82.49.070;" on line 23.

On page 1, line 1 of the title, after "watercraft;" strike the remainder of the title and insert "amending section 43, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.020; amending section 16, chapter 7, Laws of 1983 as amended by section 44, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.030; amending section 49, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.070; adding a new section to chapter 84.08 RCW; creating a new section; repealing section 53, chapter 3, Laws of 1983 2nd ex. sess. (uncodified); and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 255, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 255, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 255, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 06; absent, 01; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Craswell, Fleming, Haley, Quigg, Rasmussen, Shinpoch - 6.

Absent: Senator Pullen - 1.

Excused: Senators Benitz, Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 255, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1409 and the pending amendment on page 2, line 26, proposed by Senator Haley earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Fleming, the President finds that Substitute House Bill No. 1409 is a measure which provides that the driving abstract of an owner-operator of a commercial vehicle is separable into employment and personal driving records.

"The amendment proposed by Senator Haley establishes the traffic infraction of violating energy resource use restrictions and provides that these violations will be excluded from an individual's driving abstract.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and the point of order is well taken."

The amendment was ruled out of order.

MOTION

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1409 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Granlund: "Senator Peterson, is it the intent of this bill that only those infractions by an owner-operator occurring while driving in the course of business be included on the commercial driving record, and that infractions while driving for pleasure or other personal use would continue to be included on the personal driving record?"

Senator Peterson: "Yes, that is correct, Senator Granlund. I'm glad you raised that point, because it does clarify the intent of the bill."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1409.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1409, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 02; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Pullen, Quigg - 2.

Excused: Senators Benitz, Bluechel, Deccio, Newhouse, Owen, von Reichbauer - 6.

ENGROSSED HOUSE BILL NO. 1409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Rules Committee was relieved of further consideration of House Bill No. 1582.

On motion of Senator Bottiger, House Bill No. 1582 was advanced to second reading and placed on the second reading calendar.

MOTION

At 7:51 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, February 26, 1984.

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

FORTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, February 25, 1984

The Senate was called to order at 9:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Deccio, Haley, Hayner, Hughes, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Pullen, Quigg and Woody. On motion of Senator Zimmerman, Senators Barr, Benitz, Newhouse and Pullen were excused.

The Sergeant at Arms Color Guard, consisting of Pages Aimee Gerry and Jennifer Shavey, presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 24, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3118,

SENATE BILL NO. 3208,

SENATE BILL NO. 4345,

SENATE BILL NO. 4351,

SUBSTITUTE SENATE BILL NO. 4423,

SENATE BILL NO. 4428, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 24, 1984

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 3117,

SUBSTITUTE SENATE BILL NO. 4220,

SENATE BILL NO. 4300,

SENATE BILL NO. 4348,

SUBSTITUTE SENATE BILL NO. 4367,

SENATE BILL NO. 4371,

SENATE BILL NO. 4388,

ENGROSSED SENATE BILL NO. 4415,

SENATE BILL NO. 4439,

SENATE BILL NO. 4668,

SENATE BILL NO. 4696,

SUBSTITUTE SENATE BILL NO. 4758,

SENATE BILL NO. 4773, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

There being no objection the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Donald C. Brockett as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF DONALD C. BROCKETT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 32; nays, 00; absent, 13; excused, 04.

Voting yeas: Senators Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hurley, Kiskaddon, McCaslin, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 32.

Absent: Senators Bauer, Deccio, Haley, Hayner, Hughes, Lee, McDermott, McDonald, McManus, Owen, Quigg, Sellar, Woody - 13.

Excused: Senators Barr, Benitz, Newhouse, Pullen - 4.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1124, by Committee on Local Government (originally sponsored by Representatives Moon, Van Dyken, Brough, Isaacson, D. Nelson and Miller)

Simplifying government borrowing.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this 1984 act is to provide simplified and uniform authorities for various local governments to issue and sell general obligation bonds. It is not the purpose of this 1984 act to alter the indebtedness limitation of local governments.

NEW SECTION. Sec. 2. There is added to chapter 39.46 RCW a new section to read as follows:

(1) General obligation bonds of local governments shall be subject to this section. Unless otherwise stated in law, the maximum term of any general obligation bond issue shall be forty years.

(2) General obligation bonds constitute an indebtedness of the local government issuing the bonds that are subject to the indebtedness limitations provided in Article VIII, section 6 of the state Constitution and are payable from tax revenues of the local government and such other money lawfully available and pledged or provided by the governing body of the local government for that purpose. Such governing body may pledge the full faith, credit and resources of the local government for the payment of general obligation bonds. The payment of such bonds shall be enforceable in mandamus against the local government and its officials. The officials now or hereafter charged by law with the duty of levying taxes pledged for the payment of general obligation bonds and interest thereon shall, in the manner provided by law, make an annual levy of such taxes sufficient together with other moneys lawfully available and pledge therefor to meet the payments of principal and interest on said bonds as they come due.

(3) General obligation bonds issued as physical instruments shall be executed in the manner determined by the governing body or legislative body of the issuer.

(4) Unless another statute specifically provides otherwise, the owner of a general obligation bond, or the owner of an interest coupon, issued by a local government shall not have any claim against the state arising from the general obligation bond or interest coupon.

(5) As used in this section, the term "local government" means every unit of local government, including municipal corporations, quasi municipal corporations, and political subdivisions, where property ownership is not a prerequisite to vote in the local government's elections.

NEW SECTION. Sec. 3. There is added to chapter 39.36 RCW a new section to read as follows:

The governing body of a taxing district desiring to place a ballot proposition authorizing indebtedness before the voters may submit the proposition at any special election held on the dates authorized in chapter 29.13 RCW. The ballot proposition shall include the maximum amount of the indebtedness to be authorized, the maximum term any bonds may have, a description of the purpose or purposes of the bond issue, and whether excess property tax levies authorized under RCW 84.52.056 will be authorized.

When it is required that such bonds be retired by excess property tax levies, or when the governing body desires such bonds be retired by excess property tax levies, the ballot proposition shall also include authorization for such excess bond retirement property tax levies provided under RCW 84.52.056.

Notice of the proposed election shall be published as required by RCW 29.27.080.

NEW SECTION. Sec. 4. There is added to chapter 39.46 RCW a new section to read as follows:

Notice of intent to sell general obligation bonds at a public sale shall be provided in a reasonable manner as determined by the legislative authority or governing body of the issuer. Sec. 5. Section 26, chapter 153, Laws of 1957 as last amended by section 18, chapter 167, Laws of 1983 and RCW 17.28.260 are each amended to read as follows:

~~((†)) A mosquito control district shall have the power to issue general obligation bonds and to pledge the full faith and credit of the district to the payment thereof, for ((any)) authorized ((purpose or)) capital purposes of the mosquito control district((PROVIDED That)), and to provide for the retirement thereof by excess property tax levies whenever a proposition authorizing both the issuance of such bonds ((shall have been submitted to the electors of the mosquito control district at a special or general election and assented to)) and the imposition of such excess levies has been approved by the voters of the district, at an election held pursuant to section 3 of this 1984 act, by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said mosquito control district at the last preceding county or state general election. Mosquito control districts may become indebted for capital purposes up to an amount equal to one and one-fourth percent of the value of the taxable property in the district, as the term "value of the taxable property" is defined in RCW 39.36.015.~~

~~((General obligation bonds shall bear interest at a rate or rates as authorized by the board of trustees. The various annual maturities shall commence not more than two years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.))~~

~~Such bonds shall never be issued to run for a longer period than ten years from the date of issue and ((may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.~~

~~The bonds shall be signed by the presiding officer of the board of trustees of the district and shall be attested by the secretary of the board, one of which signatures may be a facsimile signature and the seal of the mosquito control district shall be impressed thereon. Any interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities and towns and at a price not less than par and accrued interest.~~

~~There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of the principal and interest on the said bonds maturing as herein provided upon all taxable property within the mosquito control district.~~

~~((2) Notwithstanding subsection (1) of this section, such bonds may)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

Sec. 6. Section 6, chapter 59, Laws of 1955 as last amended by section 19, chapter 167, Laws of 1983 and RCW 27.12.060 are each amended to read as follows:

~~((†) The board of library trustees of this district may contract indebtedness, and evidence it by issuing and selling, at par plus accrued interest, general obligation bonds of the district in such form as the board of library trustees shall determine, including bearer bonds or registered bonds as provided in RCW 39.46.030. Such bonds, signed by the chairman and the secretary of the board of library trustees, shall be payable at such times as the board of library trustees shall provide, but shall not have maximum term in excess of six years.~~

~~The bonds shall provide for the payment of interest semiannually on the first day of January and of July. At the option of the district board, the aggregate amount of bonds may include a sum sufficient to pay the annual interest for a period not exceeding one year from the issuing date of the bonds and, in that event, such interest shall be taken from the proceeds of the sale of the bonds and immediately placed in the general obligation bond fund of the district for payment of interest becoming due during the first year of the bonds.~~

~~((2) Notwithstanding subsection (1) of this section, such general obligation bonds may be issued and sold in accordance with chapter 39.46 RCW.~~

~~((3)) A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.~~

Sec. 7. Section 7, chapter 59, Laws of 1955 as last amended by section 6, chapter 195, Laws of 1973 1st ex. sess. and RCW 27.12.070 are each amended to read as follows:

~~((At no time shall the total indebtedness of the district exceed an amount that could be raised by a one dollar per thousand dollars of assessed value levy on the then existing value of the taxable property of the district, as the term "value of the taxable property" is defined in RCW 39.36.015, except as provided in RCW 27.12.222 or RCW 84.52.052 or 84.52.056.)) The county treasurer of the county in which any rural county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.~~

Sec. 8. Section 1, chapter 59, Laws of 1955 as last amended by section 11, chapter 123, Laws of 1982 and RCW 27.12.222 are each amended to read as follows:

~~((In addition to the indebtedness authorized by RCW 27.12.150 and 27.12.070)) A rural county library district, intercounty rural library district, or island library district may contract indebtedness and issue general obligation bonds not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to one-tenth of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015. The maximum term of nonvoter approved general obligation bonds shall not exceed six years. A rural county library district((s)), island library district((s)), ((and)) or intercounty rural library district((s)) may ((incur)) additionally contract indebtedness and issue general obligation bonds for capital purposes ((to the full extent permitted by the Constitution and may issue general obligation bonds to pay therefor)) only, together with any outstanding general indebtedness, not to exceed an amount equal to one-half of one percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015((Any such indebtedness shall be authorized by resolution of the board of library trustees, and the board of library trustees shall submit the question to the qualified electors of the district for their ratification or rejection whether or not such indebtedness shall be incurred and such bonds issued. Such proposition to be effective must be authorized by an affirmative vote of three-fifths of the electors within the district voting at a general or special election to be held for the purpose of authorizing such indebtedness and bond issue)) whenever a proposition authorizing the issuance of such bonds has been approved by the voters of the district pursuant to section 3 of this 1984 act, by three-fifths of the persons voting on the proposition at which election the number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in such taxing district at the last preceding general election. If the voters shall so authorize at an election held pursuant to section 3 of this 1984 act, the district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050((-27.12.070)) or 27.12.150 or any other statute pertaining to such library districts.~~

Sec. 9. Section 2, chapter 59, Laws of 1955 as last amended by section 20, chapter 167, Laws of 1983 and RCW 27.12.223 are each amended to read as follows:

~~((+)) Bonds authorized by RCW 27.12.222 shall be ((serial in form and maturity and numbered from one upward consecutively. Only bond No. 1 of any issue shall be of a denomination other than a multiple of one hundred dollars. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear, and the place and date of payment of principal and interest. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The bonds shall be signed by the chairman of the board of library trustees and attested by the secretary. Any coupons in lieu of being signed may bear the facsimile signature of such officers. Bonds shall be sold in such manner as the board of library trustees deems for the best interests of the district)) issued and sold in accordance with chapter 39.46 RCW. All such bonds shall be legal securities for any bank or trust company for deposit with the state treasurer or any county or city treasurer as security for deposits in lieu of a surety bond under any law relating to deposits of public moneys.~~

~~((2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 10. Section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 167, Laws of 1983 and RCW 28A.51.010 are each amended to read as follows:

The board of directors of any school district may borrow money and issue negotiable bonds therefor for the purpose of:

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) For the purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) For erecting all buildings authorized by law, including but not limited to those mentioned in subparagraph (2) immediately above or necessary or proper to carry out the functions of a school district, and providing the necessary furniture, apparatus, or equipment therefor; or
- (4) For improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) For major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district; or
- (6) For any or all of these and other capital purposes.

Neither the amount of money borrowed nor bonds issued therefor shall exceed the limitation of indebtedness prescribed by chapter 39.36 RCW, as now or hereafter amended.

Bonds may be issued only when authorized by the vote of the qualified electors of the district as provided by law.

The bonds ((so issued)) shall ((be in such form, including bearer bonds or registered bonds as provided in RCW 39.46.030, for such terms, bear such rate or rates of interest, be sold in such manner, and be payable and redeemable, as the board of directors shall determine in

accordance with this chapter and chapter 39.44 RCW: PROVIDED, That such bonds may also) be issued and sold in accordance with chapter 39.46 RCW.

Sec. 11. Section 28A.51.020, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 42, Laws of 1970 ex. sess. and RCW 28A.51.020 are each amended to read as follows:

The question whether the bonds shall be issued, as provided in RCW 28A.51.010, shall be determined at an election to be held ~~((in the manner prescribed by law for holding annual school elections. Notice therefor to be given in such manner as provided in RCW 29.27.080 shall state the amount of bonds proposed to be issued, time they are to run, and the purpose for which the money is to be used. The ballots must contain the words "Bonds, yes," or "Bonds, no;"~~) pursuant to section 3 of this 1984 act. If a majority of the votes cast at such election ~~((are "Bonds, yes;"~~) favor the issuance of such bonds, the board of directors must issue such bonds: PROVIDED, That if the amount of bonds to be issued, together with any outstanding indebtedness of the district that only needs a simple majority voter approval, exceeds three-eighths of one percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, then three-fifths of the votes cast at such election must be ~~(("Bonds, yes;"~~) in favor of the issuance of such bonds, before the board of directors is authorized to issue said bonds. ~~((Except as otherwise provided for facsimile signatures on bonds and coupons in chapter 39.44 RCW, or as otherwise in this chapter provided, bonds with the coupons shall be signed in the corporate name of the district by the president or chairman of the board of directors thereof and attested by the school district superintendent as secretary of the board. In districts of the first class the corporate seal of the said district shall be affixed to each bond by the school district superintendent thereof.))~~

Sec. 12. Section 28A.51.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 167, Laws of 1983 and RCW 28A.51.070 are each amended to read as follows:

~~((1)) At the time named in said notice it shall be the duty of said board of directors to meet with the county treasurer at his office, and with him open said bids, and sell said bonds or any portion thereof to the person or persons making the most advantageous offer: PROVIDED, That said bids and the acceptance or rejection thereof and the sale of such bonds shall be in conformance with the provisions of RCW 39.44.030. Upon the sale of the bonds, the board of directors, as soon thereafter as practicable, shall deliver the bonds, properly executed, to the county treasurer, taking his receipt therefor. The county treasurer, upon payment of the price agreed upon, shall deliver the same to the person or persons to whom sold, and place the moneys arising from such sale to the credit of the general school fund of the district: PROVIDED, That where)) When the bonds have been sold ~~((for the purchase of a schoolhouse site or sites or building one or more schoolhouses and providing the same with all necessary furniture, apparatus or equipment, or for any or all of these purposes, he)), the county treasurer shall place the money derived from such sale to the credit of the ((building)) capital projects fund of the district, and such fund is hereby created. ((The board of directors may provide that costs incurred relating to the sale and issuance of the bonds shall be paid from the bond proceeds. If the board of directors and the person or persons to whom the bonds are sold agree that the delivery of said bonds shall be in installments, the county treasurer shall hold said bonds, and deliver to purchasers only on written order of the board of directors to deliver at specified times the bonds designated by number and series.~~~~

~~((2)) Notwithstanding subsection (1) of this section, such bonds may be sold in accordance with chapter 39.46 RCW.))~~

Sec. 13. Section 28A.51.180, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 167, Laws of 1983 and RCW 28A.51.180 are each amended to read as follows:

~~((1)) Whenever any bonds lawfully issued by any school district under the provisions of this chapter shall reach maturity and shall remain unpaid, or may be paid under any option provided in the bonds, the board of directors thereof shall have the power without any vote of the school district to fund the same by issuing bonds conformable to the requirements of this chapter ~~((and sell the same at not less than their par value)) and use the proceeds exclusively for the purpose of retiring and cancelling such outstanding bonds as aforesaid, or the said directors in their discretion may exchange such refunding bonds par for par for such outstanding bonds.((PROVIDED, That such bonds shall be issued in such denominations as the school district issuing such bonds in its discretion shall determine and in accordance with RCW 39.44.011, shall be redeemable within the time provided by RCW 39.44.070, shall be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030, and shall draw a rate of interest not to exceed that allowed by law and as the school district issuing such bonds so designates.~~~~

~~((2)) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 14. Section 28A.52.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 167, Laws of 1983 and RCW 28A.52.050 are each amended to read as follows:

~~((1)) If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue and sell negotiable~~

bonds therefor in accordance with ~~((the provisions of chapter 39.44 RCW. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.~~

Except as provided in RCW 39.44.100 for facsimile signatures, in all school districts of the second class, said bonds must be signed by the board of directors and countersigned by the school district superintendent and in school districts of the first class said bonds, and any coupons, must be signed in the corporate name of the district by the president of the board of directors thereof.

~~(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with) chapter 39.46 RCW.~~

Sec. 15. Section 35.37.040, chapter 7, Laws of 1965 as amended by section 12, chapter 42, Laws of 1970 ex. sess. and RCW 35.37.040 are each amended to read as follows:

Every city and town, may, without a vote of the people, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing nonvoter approved indebtedness will not exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters.

When bonds are issued under this section the ordinance providing therefor shall contain a statement showing the value of the taxable property in the city or town, as the term "value of the taxable property" is defined in RCW 39.36.015, together with the amount of the existing nonvoter approved and total indebtedness of the city or town, which indebtedness shall include the amount for which such bonds are issued. ~~((Passage of such ordinance shall require the votes of at least four councilmen.))~~

Sec. 16. Section 35.37.050, chapter 7, Laws of 1965 and RCW 35.37.050 are each amended to read as follows:

Every city and town may, ~~((with a vote of the people))~~ when authorized by the voters of the city or town pursuant to Article VIII, section 6 of the state Constitution at an election held pursuant to section 3 of this 1984 act, contract indebtedness or borrow money for strictly municipal purposes on the credit of the city or town and issue negotiable bonds therefor in an amount which when added to its existing indebtedness will exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred without the assent of the voters but will not exceed the amount of indebtedness authorized by chapter 39.36 RCW, as now or hereafter amended, to be incurred with the assent of the voters. ~~((The amount of the indebtedness desired to be created or the amount of the money desired to be borrowed shall be stated in an ordinance passed by the council and referred to the voters of the city or town for their ratification or rejection at a special election of which fifteen days notice shall be given in the newspaper which is doing the city or town printing by publication in every issue of that paper during that period.))~~

Sec. 17. Section 35.37.090, chapter 7, Laws of 1965 as amended by section 36, chapter 167, Laws of 1983 and RCW 35.37.090 are each amended to read as follows:

~~((+)) All general indebtedness bonds ((and any coupons shall be printed, engraved, or lithographed on good bond paper, signed by the mayor and attested by the clerk under the seal of the city or town. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.~~

~~(2) Notwithstanding subsection (1) of this section, such bonds may)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

Sec. 18. Section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 47, chapter 167, Laws of 1983 and RCW 35.58.450 are each amended to read as follows:

~~((+)) Notwithstanding the limitations of chapter 39.36 RCW and any other statutory limitations otherwise applicable and limiting municipal debt, a metropolitan municipal corporation shall have the power to ((authorize)) contract indebtedness and ((to)) issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan municipal corporation ((-PROVIDED, That a proposition authorizing the issuance of any such bonds to be issued in excess of three-fourths of one percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015, shall have been submitted to the electors of the metropolitan municipal corporation at a special election and assented to)), not to exceed an amount, together with any outstanding nonvoter approved general indebtedness, equal to three-fourths of one percent of the value of the taxable property within the metropolitan municipal corporation, as the term "value of the taxable property" is defined in RCW 39.36.015. A metropolitan municipal corporation may additionally contract indebtedness and issue general obligation bonds, for any authorized capital purpose of a metropolitan municipal corporation, together with any other outstanding general indebtedness, not to exceed an amount equal to five percent of the value of the taxable property within the corporation, as the term "value of the taxable property" is defined in RCW 39.36.015, when a proposition authorizing the indebtedness has been approved by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than forty percent of the total number of votes cast within the area of said metropolitan municipal corporation at the last preceding state general election. Such general~~

obligation bonds may be authorized in any total amount in one or more propositions and the amount of such authorization may exceed the amount of bonds which could then lawfully be issued. Such bonds may be issued in one or more series from time to time out of such authorization (~~but at no time shall the total general indebtedness of the metropolitan municipal corporation exceed five percent of the value of the taxable property therein, as the term "value of the taxable property" is defined in RCW 39.36.015~~). The elections shall be held pursuant to section 3 of this 1984 act.

Whenever the voters of a metropolitan municipal corporation have, pursuant to RCW 84.52.056, approved excess property tax levies to retire such bond issues, both the principal of and interest on such general obligation bonds may be made payable from annual tax levies to be made upon all the taxable property within the metropolitan municipal corporation in excess of the constitutional and/or statutory tax limit ((or)). The principal of and interest on any general obligation bond may be made payable from any other taxes or any special assessments which the metropolitan municipal corporation may be authorized to levy or from any otherwise unpledged revenue which may be derived from the ownership or operation of properties or facilities incident to the performance of the authorized function for which such bonds are issued or may be made payable from any combination of the foregoing sources. The metropolitan council may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, urban design and other services incident to acquisition or construction solely for authorized capital purposes and may include an amount to establish a guaranty fund for revenue bonds issued solely for capital purposes.

General obligation bonds shall be issued and sold by the metropolitan council as provided in ((RCW 39.44.030)) chapter 39.46 RCW and shall mature in not to exceed forty years from the date of issue. ((The various annual maturities shall commence not more than five years from the date of issue of the bonds and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed or imprinted thereon. Any interest coupons which may be attached shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities and towns at a price not less than par and accrued interest.

((2)) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.)

Sec. 19. Section 6, chapter 110, Laws of 1967 as amended by section 49, chapter 167, Laws of 1983 and RCW 35.59.060 are each amended to read as follows:

((+)) To carry out the purposes of this chapter any municipality shall have the power to appropriate and/or expend any public moneys available therefor and to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be ((authorized, executed,)) issued and ((made payable)) sold as provided in ((Title 39)) chapter 39.46 RCW. ((Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.)) If the governing body of any municipality shall submit a proposition for the approval of general obligation bonds at any general or special election and shall declare in the ordinance or resolution setting forth such proposition that its purpose is the creation of a single integrated multi-purpose community center or a city-wide or county-wide system of such centers, all pursuant to this chapter, and that the creation of such center or system of centers constitutes a single purpose, such declaration shall be presumed to be correct and, upon the issuance of the bonds, such presumption shall become conclusive. ((The governing body of the issuing municipality may include in the principal amount of such bond issue an amount for engineering, architectural, planning, financial, legal, and other services incident to the acquisition or construction of multi-purpose community centers.

((2)) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW) Any such election shall be held pursuant to section 3 of this 1984 act.

Sec. 20. Section 35.60.040, chapter 7, Laws of 1965 as amended by section 51, chapter 167, Laws of 1983 and RCW 35.60.040 are each amended to read as follows:

((+)) Any bonds to be issued by any municipality pursuant to the provisions of RCW 35.60.030, shall be authorized and issued in the manner and within the limitations prescribed by the Constitution and laws of this state or charter of the municipality for the issuance and authorization of bonds thereof for public purposes generally and secured by a general tax levy as provided by law((: PROVIDED, That the provisions of RCW 39.44.070 and 36.67.040 shall not apply to such bond issues. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

((2)) Notwithstanding subsection (1) of this section,)) Such bonds ((may)) shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 21. Section 35.61.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 61, Laws of 1983 and RCW 35.61.100 are each amended to read as follows:

Every metropolitan park district through its board of commissioners may contract indebtedness and evidence such indebtedness by the issuance and sale of warrants, short-term obligations as provided by chapter 39.50 RCW, or general obligation bonds, for park, boulevard, aviation landings, playgrounds, and parkway purposes, and the extension and maintenance thereof, not exceeding, together with all other outstanding nonvoter approved general indebtedness, three-fourths of one percent of the value of the taxable property in such metropolitan park district, as the term "value of the taxable property" is defined in RCW 39.36.015. General obligation bonds shall not be issued with a maximum term in excess of twenty years. Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 22. Section 35.67.070, chapter 7, Laws of 1965 and RCW 35.67.070 are each amended to read as follows:

If the state board of health has ordered the adopting of and construction and operation of such system of sewerage or system for collection and disposal of refuse or the proposition has been adopted by vote of the people, who have authorized a general indebtedness therefor, general city or town bonds may be issued. The bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 23. Section 35.92.080, chapter 7, Laws of 1965 as last amended by section 67, chapter 167, Laws of 1983 and RCW 35.92.080 are each amended to read as follows:

~~((t))~~ When the voters have adopted a proposition for any public utility and have authorized a general indebtedness, general city or town bonds may be issued. The bonds shall be ~~((registered bonds as provided in RCW 39.46.030 or bearer bonds; numbered from one up consecutively; bear the date of their issue; and bear interest at a rate or rates as authorized by the city or town council, payable semiannually, and the principal and interest shall be made payable at such place as may be designated. Except as otherwise provided in RCW 39.44.100, the bonds and any coupon shall be signed by the mayor and attested by the clerk under the seal of the city or town))~~ issued and sold in accordance with chapter 39.46 RCW.

There shall be levied each year a tax upon the taxable property of the city or town sufficient to pay the interest on and principal of the bonds then due, which taxes shall become due and collectible as other taxes: PROVIDED, That it may pledge to the payment of such principal and interest the revenue of the public utility being acquired, constructed, or improved out of the proceeds of sale of such bonds. Such pledge of revenue shall constitute a binding obligation, according to its terms, to continue the collection of such revenue so long as such bonds or any of them are outstanding, and to the extent that revenues are insufficient to meet the debt service requirements on such bonds, the governing body of the municipality shall provide for the levy of taxes sufficient to meet such deficiency.

~~((The bonds shall be printed and engraved, or lithographed, on good bond paper. The bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the city or town.~~

~~((2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 24. Section 35A.40.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.010 are each amended to read as follows:

Municipal accounts and funds, the contracting of indebtedness for municipal purposes and the issuance and payment of bonds therefor, the validation of preexisting obligations by the voters of a consolidated city, debt limitations, elections for authorization of the incurring of indebtedness, and provisions pertaining to the issuance, sale, ~~((payment form, term, interest,))~~ funding and redemption of general obligation bonds and remedies for nonpayment thereof are governed and controlled by the general law as contained in, but not limited to chapters 35.37, 39.40, ~~((39.44))~~ 39.46, 39.52, 39.56, and 43.80 RCW, and are hereby recognized as applicable to code cities. ~~((As applied to code cities, the vote prescribed by RCW 35.37.040 for passage of an ordinance to contract indebtedness shall be construed to mean a majority of the whole membership of the legislative body.))~~

Sec. 25. Section 6, chapter 175, Laws of 1982 as amended by section 71, chapter 167, Laws of 1983 and RCW 36.58.150 are each amended to read as follows:

(1) A solid waste disposal district shall not have the power to levy an annual levy without voter approval, but it shall have the power to levy a tax, in excess of the one percent limitation, upon the property within the district for a one year period to be used for operating or capital purposes whenever authorized by the electors of the district pursuant to RCW 84.52.052 and Article VII, section 2(a) of the state Constitution.

A solid waste disposal district may issue general obligation bonds for capital purposes only, ~~((not to exceed an amount, together with any outstanding general obligated indebtedness of the district, equal to three-eighths of one percent of the value of the taxable property within the district))~~ subject to the limitations prescribed in RCW 39.36.020(1), and may provide for the retirement of the bonds by voter-approved bond retirement tax levies pursuant to Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Such general obligation bonds

~~((may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

A solid waste disposal district may issue revenue bonds to fund its activities. Such revenue bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(2) Notwithstanding subsection (1) of this section, such ~~((general obligation bonds or))~~ revenue bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 26. Section 36.62.070, chapter 4, Laws of 1963 as last amended by section 72, chapter 167, Laws of 1983 and RCW 36.62.070 are each amended to read as follows:

~~((1) Should a majority of all the votes cast upon the proposition be in favor of establishing the hospital, the county legislative authority shall proceed to issue bonds of the county not to exceed the amount specified in the proposition, in denominations of not less than one hundred dollars nor more than one thousand dollars, bearing interest at a rate or rates as authorized by the county legislative authority, and payable annually or semiannually.)) The bonds issued for such hospital shall ~~((be serial bonds with))~~ not have maturities ~~((not))~~ in excess of twenty years. ~~((Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.~~~~

~~((2) Notwithstanding subsection (1) of this section,))~~ Such bonds ~~((may))~~ shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 27. Section 36.67.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 76, Laws of 1971 and RCW 36.67.010 are each amended to read as follows:

A county may contract indebtedness for general county purposes subject to the limitations on indebtedness provided for in RCW 39.36.020(2). Bonds evidencing such indebtedness shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 28. Section 36.67.060, chapter 4, Laws of 1963 as last amended by section 77, chapter 167, Laws of 1983 and RCW 36.67.060 are each amended to read as follows:

Bonds issued under this chapter shall be ~~((serial in form and maturity and interest shall be paid and the principal of the bonds))~~ retired by an annual tax levy ~~((in accordance with the provisions of chapter 39.44 RCW))~~ and by any other moneys lawfully available and pledged therefor. ~~((PROVIDED, That such bonds may also be issued in accordance with chapter 39.46 RCW)).~~

Sec. 29. Section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter 167, Laws of 1983 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall not have power to levy an annual authorized levy, but it shall have the power to levy a tax upon the property included within the service area in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

The special voted levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district ~~((and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056; PROVIDED, That))~~. Such districts additionally may issue general obligation bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the purpose in accordance with the provisions of Article VIII, section 6 of the Constitution. Such bonds ~~((may be in any form, including coupon bonds or registered bonds as provided in RCW 39.46.030:~~

~~((3) Notwithstanding subsection (2) of this section, such bonds may))~~ shall be issued and sold in accordance with chapter 39.46 RCW.

Bonds may be retired by excess property tax levies when such levies are approved by the voters at a special election in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056.

Any elections shall be held as provided in section 3 of this 1984 act.

Sec. 30. Section 36.69.140, chapter 4, Laws of 1963 as last amended by section 84, chapter 167, Laws of 1983 and RCW 36.69.140 are each amended to read as follows:

~~((1))~~ A park and recreation district shall have the power to levy an excess levy upon the property included within the district, in the manner prescribed by Article VII, section 2, of the Constitution and by RCW 84.52.052. Such excess levy may be either for operating funds or for capital outlay, or for a cumulative reserve fund. A park and recreation district may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness equal to three-eighths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015. A park and recreation district may additionally issue general obligation bonds equal to one and one-fourth percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW

39.36.015. when such bonds are approved by three-fifths of the voters of the district at a general or special election called for that purpose and may provide for the retirement thereof by levies in excess of dollar rate limitations in accordance with the provisions of RCW 84.52.056. When authorized by the voters of the district, the district may issue interest bearing warrants payable out of and to the extent of excess levies authorized in the year in which the excess levy was approved. These elections shall be held as provided in section 3 of this 1984 act. Such bonds and warrants ~~((may be in any form, including coupon bonds or coupon warrants, or registered bonds or registered warrants as provided in RCW 39.46.030:~~

~~(2) Notwithstanding subsection (1) of this section, such bonds and warrants may)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

Sec. 31. Section 36.76.090, chapter 4, Laws of 1963 as last amended by section 91, chapter 167, Laws of 1983 and RCW 36.76.090 are each amended to read as follows:

~~((+)) The election ((may)) shall be held ((at such times and in the manner provided for holding general elections in this state, or it may be held as a special election on one of the special election dates provided in RCW 29.13.010 as the county legislative authority may designate. The ballots used must contain the words, "Bonds, Yes," and "Bonds, No")) as provided in section 3 of this 1984 act. If three-fifths of the legal ballots cast on the question of issuing bonds for the improvement contemplated in RCW 36.76.080 are in favor of ((bonds)) the bond issue, the county legislative authority must issue ((negotiable bonds in due and legal form, and negotiate them in such manner as they may deem to be the best advantage of the county, at not less than par value. The bonds authorized by this section shall be issued in the name of the county, in denominations of not less than one hundred nor more than one thousand dollars; they shall not have a maximum term in excess of twenty years, and shall bear interest at a rate or rates as authorized by the county legislative authority, payable semiannually. The bonds may be in any form, including bearer bonds or may be registered as provided in RCW 39.46.030. They may be made payable in any city of the United States containing a national bank. They shall bear the signature of the chairman of the county legislative authority, and be countersigned by the county auditor of the county with the seal of the county thereunto attached, and any interest coupons shall be signed by said chairman and said county auditor. The county seal need not be affixed to any coupons. Any coupon must show the number of the bond to which it belongs. The bonds and any coupons shall be printed, engraved or lithographed on good bond paper.~~

~~(2) Notwithstanding subsection (1) of this section;)) the general obligation bonds. Such bonds ((may)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

Sec. 32. Section 36.76.100, chapter 4, Laws of 1963 and RCW 36.76.100 are each amended to read as follows:

~~((The board must give notice in some newspaper having a general circulation in the county for a period of at least four weeks next preceding the date of the election, setting forth the proposition as to amount and duration of the bonds to be issued, and the rate of interest thereon which is not to be exceeded, and stating the)) The notice of this election shall state which road or roads are to be built or improved. The notice need not describe the road or roads with particularity, but it shall be sufficient either to describe them by termini and with a general statement as to their course, or to use any other appropriate language sufficient to show the purpose intended to be accomplished. The ((commissioners)) county legislative authority may, at ((their)) its option, give such other or further notice as ((they)) it may deem advisable. ((When the bonds are issued they may be made to bear the rate of interest stated in the notice or any less rate.))~~

Sec. 33. Section 36.76.120, chapter 4, Laws of 1963 as amended by section 92, chapter 167, Laws of 1983 and RCW 36.76.120 are each amended to read as follows:

The county legislative authority must ascertain and levy annually a tax sufficient to pay the interest on all such bonds whenever it becomes due and to meet the annual maturities of principal ~~((as required by Title 39 RCW. All taxes levied either for interest or principal shall be a lien upon all property within the county and must be collected in the same manner as other taxes are collected)).~~ The county treasurer must pay out of any money accumulated from the taxes levied to pay the interest as aforesaid, the interest upon all such bonds when it becomes due as provided on the bond or, if coupons are attached to a bond, upon presentation at the place of payment of the proper coupon. Any interest payments or coupons so paid must be reported to the county legislative authority at its first meeting thereafter. Whenever ~~((any coupons are)) interest is payable at any place other than the city in which the county treasurer keeps his office, the county treasurer shall seasonably remit to the state fiscal agent the amount of money required for the payment of any ((coupons)) interest which ((are)) is about to fall due. When any such bonds or any ((coupons are)) interest is paid, the county treasurer shall suitably and indelibly cancel them.~~

Sec. 34. Section 4, chapter 109, Laws of 1967 as last amended by section 99, chapter 167, Laws of 1983 and RCW 36.89.040 are each amended to read as follows:

~~((+)) To carry out the purposes of this chapter counties shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the Constitution and laws of this state. Such general obligation bonds shall be ((authorized;)) issued and ((made~~

~~payable)) sold as provided in ((Title 39)) chapter 39.46 RCW. ((The county legislative authority shall determine the manner of execution of such bonds and may provide in the principal amount of such bond issue for costs of engineering, architectural, planning, financial, legal and other services incident to the purpose of such bonds. Such bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.))~~

The question of issuance of bonds for any undertaking which relates to a number of different highways or parts thereof, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein, may be submitted to the voters of the county as a single proposition. If the county legislative authority in submitting a proposition relating to different highways or parts thereof declare that such proposition has for its object the furtherance and accomplishment of the construction of a system of connected public highways within such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different open spaces, park, recreation and community facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the county legislative authority in submitting a proposition relating to different open spaces, park, recreation and community facilities declare that such proposition has for its object the furtherance, accomplishment or preservation of an open space, park, recreation and community facilities system available to, and for the benefit of, all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different public health and safety facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the county legislative authority in submitting a proposition relating to different public health and safety facilities declare that such proposition has for its object the furtherance or accomplishment of a system of public health and safety facilities for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

The question of the issuance of bonds for any undertaking which relates to a number of different storm water control facilities, whether situated wholly or partly within the limits of any city or town within the county, and whether such bonds are intended to supply the whole expenditure or to participate therein may be submitted to the voters as a single proposition. If the county legislative authority in submitting a proposition relating to different storm water control facilities ~~((declare(s)))~~ declares that such proposition has for its object the furtherance, accomplishment or preservation of a storm water control facilities system for the benefit of all the residents of such county and constitutes a single purpose, such declaration shall be presumed to be correct and upon the issuance of the bonds the presumption shall become conclusive.

~~((2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

~~Elections shall be held as provided in section 3 of this 1984 act.~~

Sec. 35, Section 20, chapter 72, Laws of 1967 as last amended by section 101, chapter 167, Laws of 1983 and RCW 36.94.200 are each amended to read as follows:

~~((+))~~ The legislative authority of any county is hereby authorized for the purpose of carrying out the lawful powers granted by this chapter to contract indebtedness and to issue and sell general obligation bonds pursuant to and in the manner provided for general county bonds in chapters 36.67 and 39.46 RCW and other applicable statutes; and to issue revenue bonds pursuant to and in the manner provided for revenue bonds in chapter 36.67 RCW and other applicable statutes. The county legislative authority may also issue local improvement district bonds in the manner provided for cities and towns. ~~((These general obligation bonds, revenue bonds, and local improvement district bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.))~~

~~(2) Notwithstanding subsection (1) of this section, any of these bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 36, Section 1, chapter 170, Laws of 1895 as amended by section 1, chapter 145, Laws of 1917 and RCW 39.52.010 are each amended to read as follows:

Any county, city or town in the state of Washington which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, including warrants or bonds of any city or town which are special fund obligations of and constitute a lien upon the water-works or other public utilities of such city or town, and are payable only from the income or funds derived or to be derived therefrom, whether issued originally within the limitations of the Constitution of this state, or of any law thereof, or whether such outstanding indebtedness has

been or may hereafter be validated or legalized in the manner prescribed by law, may, by its corporate authorities, provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described, said bonds to constitute general obligations of such county, city or town: PROVIDED, That special fund obligations payable only from the income funds of the public utility, shall not be refunded by the issuance of general municipal bonds (~~(-however)~~) where voter approval is required before general municipal bonds may be issued for such public utility purposes, unless such general municipal bonds shall have been previously authorized ((at an election held in the manner prescribed by section 8006 of Remington & Baillinger's Annotated Codes and Statutes of Washington for the issuance of general municipal utility bonds. The notice of said election, in describing said bonds or warrants, need only refer to the bonds or warrants sought to be so funded by naming the utility or utilities in aid of which the bonds or warrants were issued and shall state the total amount sought to be so funded: PROVIDED, HOWEVER, That)) Nothing in this chapter shall be so construed as to prevent any such county, city or town from funding its indebtedness as now provided by law.

Sec. 37. Section 2, chapter 170, Laws of 1895 as last amended by section 113, chapter 167, Laws of 1983 and RCW 39.52.020 are each amended to read as follows:

((1) Funding bonds authorized to be issued by this chapter shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars, and shall be signed by the following corporate authorities: When issued by a county, the chairman of the county legislative authority, countersigned by the county treasurer and attested by the county auditor, who shall affix his official seal; when issued by a city or town, by its mayor, countersigned by its treasurer and attested by its clerk, who shall affix his official seal. They shall bear interest at a rate or rates as authorized by the corporate authorities, payable semiannually. Such corporate authorities shall, by ordinance or resolution, provide for the manner of issuing and the form of said bonds, including bearer bonds or registered bonds as provided in RCW 39.46.030; and the time or times when the same shall be made payable; but)) No bonds issued under this chapter shall be issued for a longer period than twenty years (~~(-and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment, and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such county, city or town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness, or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and canceling such warrants and interest thereon or other indebtedness: PROVIDED, That)) Nothing in this chapter ((contained)) shall be deemed to authorize the issuing of any funding bonds which ((-other than that proposed to be funded under the provisions of this chapter, shall)) exceeds any constitutional or statutory limitations of indebtedness (~~(-or any indebtedness which might be incurred with the assent of three-fifths of the voters of such county, city or town voting at an election to be held for that purpose.~~~~

(2) Notwithstanding subsection (1) of this section,)) Such bonds ((may)) shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 38. Section 6, chapter 170, Laws of 1895 and RCW 39.52.050 are each amended to read as follows:

The words "corporate authorities", used in this chapter, shall be held to mean the county ((commissioners, common)) legislative authority, or the council or ((other managing body of any county,)) commission of the city or town.

Sec. 39. Section 3, chapter 176, Laws of 1953 as last amended by section 122, chapter 167, Laws of 1983 and RCW 52.16.061 are each amended to read as follows:

((1)) The board of fire commissioners of the district shall have authority to contract indebtedness and to refund same for any general district purpose, including expenses of maintenance, operation and administration, and the acquisition of firefighting facilities, and evidence the same by the issuance and sale ((at par plus accrued interest)) of general obligation bonds of the district ((in such denominations, in such form, including bearer bonds or registered bonds as provided in RCW 39.46.030, and)) payable at such time or times not longer than six years from the issuing date of the bonds (~~(- said date to be specified thereon, as the board shall determine and provide. Such bonds shall pay interest at such rate or rates as authorized by the board, payable semiannually on the first day of January and of July following in each year. PROVIDED, That at the option of district board the aggregate amount of bonds may include a sum sufficient to pay the annual interest thereon for a period not exceeding one year from the issuing date of the bonds and in that event such interest shall be taken from the proceeds of the sale of the bonds and immediately placed in the general obligation fund of the district, for the payment of the interest payments becoming due during the first year of the bonds)). Such bonds ((may also)) shall be issued and sold in accordance with chapter 39.46 RCW. Such bonds shall not exceed an amount, together with any outstanding~~

nonvoter approved general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the fire protection district, as the term "value of the taxable property" is defined in RCW 39.36.015.

Sec. 40. Section 3, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 50, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.080 are each amended to read as follows:

Fire protection districts ~~additionally are ((hereby)) authorized to incur general indebtedness for capital purposes ((which shall include replacements of equipment which may be damaged or lost and for the purpose of refunding outstanding coupon warrants issued for capital purposes only;)) and to issue general obligation bonds not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-fourths of one percent of the value of the taxable property within such district, as the term "value of the taxable property" is defined in RCW 39.36.015, and to ((issue general obligation bonds evidencing such indebtedness on the terms and provisions hereinafter set forth, the principal and interest thereof to be payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations)) provide for the retirement thereof by excess property tax levies, when the voters of the district have approved a proposition authorizing such indebtedness and levies by an affirmative vote of three-fifths of those voting on the proposition at such election, at which election the total number of persons voting shall constitute not less than forty percent of the voters in the fire protection district who voted at the last preceding general state election. The maximum term of such bonds may not exceed twenty years. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW. Such elections shall be held as provided in section 3 of this 1984 act.~~

Sec. 41. Section 12, chapter 65, Laws of 1955 as last amended by section 32, chapter 42, Laws of 1970 ex. sess. and RCW 53.36.030 are each amended to read as follows:

A district may at any time contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor not exceeding an amount, together with any existing indebtedness of the district not authorized by the voters, of one-fourth of one percent of the value of the taxable property in the district; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for district purposes and may issue general obligation bonds therefor provided the total indebtedness of the district at any such time shall not exceed three-fourths of one percent of the value of the taxable property in the district: PROVIDED FURTHER, That port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport may at any time contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor not exceeding an additional one-eighth of one percent of the value of the taxable property in the district without authorization by the voters; and, with the assent of three-fifths of the voters voting thereon at a general or special port election called for that purpose, may contract indebtedness or borrow money for airport capital improvement purposes and may issue general obligation bonds therefor for an additional three-eighths of one percent provided the total indebtedness of the district for all port purposes at any such time shall not exceed one and one-fourth percent of the value of the taxable property in the district. Any district may issue general district bonds evidencing any indebtedness, payable at any time not exceeding fifty years from the date of the bonds. Such elections shall be held as provided in section 3 of this 1984 act.

The term "value of the taxable property" shall have the meaning set forth in RCW 39.36.015.

Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 42. Section 1, chapter 239, Laws of 1947 and RCW 53.44.010 are each amended to read as follows:

The board of commissioners of any port district of the state may fund or refund any of the general bonded indebtedness and/or warrants of the district now or hereafter existing and accrued interest thereon, and may combine various series and/or issues of warrants and/or bonds into a single issue of funding or refunding bonds, by the issuance of general obligation funding or refunding bonds, when the board, by resolution, finds, determines, and declares that such proposed funding or refunding will inure to the benefit and credit of the district and will not result in an increase of the district's indebtedness or in an increase in the rate of interest borne by the indebtedness so funded or refunded. Such funding or refunding may be accomplished by the sale of said funding or refunding bonds or by their exchange for the bonds and/or warrants to be refunded. General obligation bonds of a port district which do not provide for prior redemption, may also be refunded with the consent of the holders thereof. Such bonds shall be issued in accordance with chapter 39.46 RCW.

Sec. 43. Section 3, chapter 239, Laws of 1947 and RCW 53.44.030 are each amended to read as follows:

Such funding or refunding bonds shall run for a period of not exceeding twenty years from date thereof ~~(, and shall mature and be payable on the amortization plan prescribed by RCW~~

~~39.44.010. PROVIDED. That any such funding or refunding bonds may be issued to mature commencing at the end of the first year after date thereof, and the foregoing amortization plan may be departed from when, in view of other taxation and financial burdens of the district, it is to the advantage of the district and of the owners of the property therein, in the judgment of the board thereof, expressed in a written resolution, to depart from such amortization plan; and the funding or refunding bonds or any part thereof maturing on or after ten years from date thereof may be made redeemable on any interest payment date prior to their dates of fixed maturity, at the option of the district, upon such prior notice thereof as shall be determined by resolution of said board and as expressed upon the face of the bonds thus subjected to the right of prior redemption)). The board may apply to the payment of the funding or refunding bonds and to the prior redemption thereof any other moneys or funds belonging to the district which are legally available for such purpose.~~

Sec. 44. Section 8, chapter 390, Laws of 1955 as last amended by section 144, chapter 167, Laws of 1983 and RCW 54.16.070 are each amended to read as follows:

(1) A district may contract indebtedness or borrow money for any corporate purpose on its credit or on the revenues of its public utilities, and to evidence such indebtedness may issue general obligation bonds or revenue obligations(~~(-the general obligation bonds not to be sold for less than par and accrued interest));~~ may issue and sell local utility district bonds of districts created by the commission, and may purchase with surplus funds such local utility district bonds, and may create a guaranty fund to insure prompt payment of all local utility district bonds. The general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

(2) Notwithstanding subsection (1) of this section, such revenue obligations and local utility district bonds may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 45. Section 1, chapter 12, Laws of 1971 as amended by section 146, chapter 167, Laws of 1983 and RCW 54.24.018 are each amended to read as follows:

(1) Whenever the commission shall deem it advisable that the public utility district purchase, purchase and condemn, acquire, or construct any such public utility, or make any additions or betterments thereto, or extensions thereof, the commission shall provide therefor by resolution, which shall specify and adopt the system or plan proposed, and declare the estimated cost thereof, as near as may be, and specify whether general or utility indebtedness is to be incurred, the amount of such indebtedness, the amount of interest and the time in which all general bonds (if any) shall be paid, not to exceed thirty years. In the event the proposed general indebtedness to be incurred will bring the nonvoter approved indebtedness of the public utility district to an amount exceeding three-fourths of one percent of the value of the taxable property of the public utility district, as the term "value of the taxable property" is defined in RCW 39.36.015, the proposition of incurring such indebtedness and the proposed plan or system shall be submitted to the qualified electors of said public utility district for their ((assent)) approval or rejection at the next general election held in such public utility district. Elections shall be held as provided in section 3 of this 1984 act.

Whenever the commission (or a majority of the qualified voters of such public utility district, voting at said election, when it is necessary to submit the same to said voters) shall have adopted a system or plan for any such public utility, as aforesaid, and shall have authorized indebtedness therefor by a three-fifths vote of the qualified voters of such district, voting at said election, general or public utility bonds may be used as hereinafter provided. ~~((Said general bonds shall be serial in form and maturity and numbered from one upwards consecutively. The various annual maturities shall commence not later than the tenth year after the date of issue of such bonds. The general bonds may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030. The resolution authorizing the issuance of the bonds shall fix the rate or rates of interest the bonds shall bear and the place and date of the payment of both principal and interest. The bonds shall be signed by the president of the commission, attested by the secretary of the commission, and the seal of the public utility district shall be affixed to each bond but not to any coupons. PROVIDED, HOWEVER, That any coupons, in lieu of being so signed, may have printed thereon facsimiles of the signature of such officers.))~~ The principal and interest of such general bonds shall be paid from the revenue of such public utility district after deducting costs of maintenance, operation, and expenses of the public utility district, and any deficit in the payment of principal and interest of said general bonds shall be paid by levying each year a tax upon the taxable property within said district sufficient to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. Said bonds shall be issued and sold in ((such manner as the commission shall deem for the best interest of the district)) accordance with chapter 39.46 RCW.

(2) All bonds and warrants issued under the authority of this chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

(3) When the commission shall not desire to incur a general indebtedness in the purchase, condemnation and purchase, acquisition, or construction of any such public utility, or addition or betterment thereto, or extension thereof, it shall have the power to create a special fund or

funds for the sole purpose of defraying the cost of such public utility, or addition or betterment thereto, or extension thereof, into which special fund or funds it may obligate and bind the district to set aside and pay a fixed proportion of the gross revenues of such public utility, or any fixed amount out of, and not exceeding a fixed proportion of, such revenues, or a fixed amount without regard to any fixed proportion, and to issue and sell revenue bonds or warrants bearing interest at such rate or rates, payable semiannually, executed in such manner, and payable at such times and places as the commission shall determine, but such bonds or warrants and the interest thereon, shall be payable only out of such special fund or funds. In creating any such special fund or funds, the commission shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to, and to any proportion or part of the revenues previously pledged as a fund for the payment of bonds or warrants, and shall not set aside into such special fund or funds a greater amount or proportion of the revenues and proceeds than, in its judgment, will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenues so previously pledged. Any such bonds or warrants, and interest thereon, issued against any such fund, as herein provided, shall be a valid claim of the owner thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state on its face that it is payable from a special fund, naming such fund and the resolution creating it. Said bonds and warrants shall be sold in such manner as the commission shall deem for the best interests of the district. The commission may provide in any contract for the construction and acquisition of a proposed improvement or utility that payment therefor shall be made only in such bonds or warrants at the par value thereof. In all other respects, the issuance of such utility bonds or warrants and payment therefor shall be governed by the public utility laws for cities and towns. The revenue or utility bonds or warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in RCW 39.46.030.

(4) Notwithstanding subsection ~~((s (1) through))~~ (3) of this section, any of such revenue bonds and revenue warrants may be issued and sold in accordance with chapter 39.46 RCW.

Sec. 46. Section 14, chapter 210, Laws of 1941 as last amended by section 63, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.010 are each amended to read as follows:

The sewer commissioners may submit ~~((at any general or special election.))~~ to the sewer district voters a ballot proposition ((that said)) authorizing the sewer district to incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of any part or all of the comprehensive plan for the district. ((If such general indebtedness is to be incurred, the amount of such indebtedness and the terms thereof shall be included in the proposition submitted to the qualified voters as aforesaid, and such proposition, to be effective, shall be adopted and assented to)) Elections shall be held as provided in section 3 of this 1984 act. The proposition authorizing both the bond issue and bond retirement levies must be approved by three-fifths of the qualified voters of the said sewer district voting on said proposition, at ((said election in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended)) which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the sewer district at the last preceding general election. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 47. Section 17, chapter 210, Laws of 1941 as last amended by section 4, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.030 are each amended to read as follows:

In the same manner as herein provided for the adoption of the general comprehensive plan, and after the adoption of the general comprehensive plan, a plan providing for additions and betterments to the general comprehensive plan, or reorganized district may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of, or addition to the general comprehensive plan. The sewer district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way the general indebtedness may be incurred for the construction of the general comprehensive plan as provided in RCW 56.16.010. Upon ratification by the voters of the entire district, of the proposition to incur such indebtedness, the additions and betterments may be carried out by the sewer commissioners to the extent specified or referred to in the proposition to incur such general indebtedness. The sewer district may issue revenue bonds to pay for the construction of the additions and betterments by resolution of the board of sewer commissioners.

Sec. 48. Section 18, chapter 210, Laws of 1941 as last amended by section 155, chapter 167, Laws of 1983 and RCW 56.16.040 are each amended to read as follows:

~~((+))~~ Whenever any such sewer district shall hereafter adopt a plan for a sewer system as herein provided, or any additions and betterments thereto, or whenever any reorganized sewer district shall hereafter adopt a plan for any additions or betterments thereto, and the

qualified voters of any such sewer district or reorganized sewer district shall hereafter authorize both bond retirement property tax levies and a general indebtedness for all the said plan, or any part thereof, or any additions and betterments thereto or for refunding in whole or in part bonds theretofore issued, general obligation bonds for the payment thereof may be issued ((as hereinafter provided):

The bonds shall be serial in form and maturity and numbered from one up consecutively. The bonds shall bear interest at such rate or rates as authorized by the board of sewer commissioners, payable semiannually from date of said bonds until principal thereof is paid. The various annual maturities shall commence with the second year after the date of issue of the bonds, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest. PROVIDED, That only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. Such bonds may be of any form, including bearer bonds or registered bonds as provided in RCW 39.46.030)).

The general obligation bonds shall never be issued to run for a longer period than thirty years from the date of the issue and shall as nearly as practicable be issued for a period which will ((be equivalent to)) not exceed the life of the improvement to be acquired by the issue of the bonds.

((The bonds shall be signed by the presiding officer of the board of sewer commissioners and shall be attested by the secretary of such board under the seal of the sewer district, and any interest coupons shall be signed by the facsimile signature of the presiding officer of the board of sewer commissioners and shall be attested by the facsimile signature of the secretary of such board:

There shall be levied by the officers or governing body now or hereafter charged by law with the duty of levying taxes in the manner provided by law an annual levy in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the said bonds maturing as herein provided upon all taxable property within such sewer district:

Said bonds shall be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district, and at a price not less than par and accrued interest.

(2) Notwithstanding subsection (1) of this section,) Such bonds ((may)) shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 49. Section 42, chapter 210, Laws of 1941 as last amended by section 34, chapter 42, Laws of 1970 ex. sess. and RCW 56.16.050 are each amended to read as follows:

Each and every sewer district hereafter to be organized pursuant to this title, or reorganized under ((this amendment (1945 c 140)) chapter 140, Laws of 1945, may contract indebtedness pursuant to the provisions of RCW 56.16.040, but not exceeding in amount, together with existing indebtedness two and one-half percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, whenever three-fifths of the voters voting at said election in such sewer district assent thereto, at ((am)) which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast at the last preceding general election. The election ((to)) shall be held ((in said sewer district in the manner provided by this title, which election may either be a special or a general election, and the board of sewer commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such sewer district to the qualified voters of such sewer district at any time they may so order)) as provided in section 3 of this 1984 act. All bonds so to be issued shall be subject to the provisions regarding bonds as set out in RCW 56.16.040.

Sec. 50. Section 16, chapter 250, Laws of 1953 as last amended by section 8, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.115 are each amended to read as follows:

The board of sewer commissioners may by resolution, without submitting the matter to the voters of the district, authorize the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of the refunding bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. The provisions of RCW 56.16.040 specifying the ((form and maturities)) issuance and sale of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this title.

The board of sewer commissioners may by resolution provide for the issuance of refunding revenue bonds to refund outstanding general obligation bonds and/or revenue bonds, or any part thereof, at maturity thereof, or before maturity thereof, if they are subject to call for prior redemption, or if all of the holders thereof consent thereto. The total cost to the district over the life of said refunding revenue bonds shall not exceed the total cost, which the district would have incurred but for such refunding, over the remainder of the life of the bonds being refunded. Uncollected assessments originally payable into the revenue bond fund of a refunded revenue bond issue shall be paid into the revenue bond fund of the refunding issue.

The provisions of RCW 56.16.060 specifying the form and maturities of revenue bonds shall apply to the refunding revenue bonds issued under this title.

Refunding general obligation bonds or refunding revenue bonds may be exchanged for the bonds being refunded or may be sold in such manner as the sewer commissioners shall deem for the best interest of the sewer district.

Sec. 51. Section 1, chapter 31, Laws of 1974 ex. sess. and RCW 57.16.020 are each amended to read as follows:

The commissioners may submit to the voters of the district at any general or special election, a proposition that the district incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of any part or all of the general comprehensive plan. Elections shall be held as provided in section 3 of this 1984 act. The ((amount of the indebtedness and the terms thereof shall be included in the proposition submitted to the voters, and the)) proposition authorizing both the bond issue and imposition of excess bond retirement levies shall be adopted by three-fifths of the voters voting thereon ((in the manner set forth in Article VII, section 2(a) of the Constitution of this state, as amended by Amendment 59 and as thereafter amended)), at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the water district at the last preceding general election. Such bonds shall not be issued to run for a period longer than twenty years from the date of the issue. Such bonds shall be issued and sold in accordance with chapter 39.46 RCW. When the general comprehensive plan has been adopted the commissioners shall carry it out to the extent specified in the proposition to incur general indebtedness.

Sec. 52. Section 9, chapter 18, Laws of 1959 as last amended by section 6, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.040 are each amended to read as follows:

In the same manner as provided for the adoption of the original general comprehensive plan, a plan providing for additions and betterments to the original general comprehensive plan may be adopted. Without limiting its generality "additions and betterments" shall include any necessary change in, amendment of or addition to the general comprehensive plan.

The district may incur a general indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations for the construction of the additions and betterments in the same way that general indebtedness may be incurred for the construction of the original general comprehensive plan after submission to the voters of the entire district in the manner the original proposition to incur indebtedness was submitted as provided in RCW 57.16.020. Upon ratification the additions and betterments may be carried out by the commissioners to the extent specified or referred to in the proposition to incur the general indebtedness.

The district may issue revenue bonds to pay for the construction of the additions and the betterments pursuant to resolution of the board of water commissioners.

Sec. 53. Section 11, chapter 114, Laws of 1929 as last amended by section 162, chapter 167, Laws of 1983 and RCW 57.20.010 are each amended to read as follows:

((+)) When general district indebtedness payable from annual tax levies to be made in excess of the constitutional and/or statutory tax limitations has been authorized, the district may issue its general obligation bonds in payment thereof. ((The bonds shall be serial in form and maturity and numbered from one up consecutively and shall bear interest at such rate or rates as authorized by the board of water commissioners payable semiannually. The various annual maturities shall commence with the second year after the date of the issue, and shall as nearly as practicable be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of the bonds and interest. Only the bond numbered one of any issue shall be of a denomination other than a multiple of one hundred dollars. The bonds may be of any form, including bearer bonds and registered bonds as provided in RCW 39.46.030.))

The bonds shall not have terms in excess of twenty years and shall as nearly as practicable be issued for a period which will ((be equivalent to)) not exceed the life of the improvement to be acquired by the issuance of the bonds. The bonds shall be ((signed by the president of the board and attested by the secretary, under the seal of the district. Any interest coupons shall be signed by the facsimile signature of the president and attested by the facsimile signature of the secretary)) issued and sold in accordance with chapter 39.46 RCW. The election at which the voters are presented with a ballot proposition authorizing both the bond issue and imposition of excess bond retirement levies shall be held as provided in section 3 of this 1984 act.

Whenever the proposition to issue such bonds and impose such excess bond retirement levies has been approved, there shall be levied by the officers or governing body charged with the duty of levying taxes, ((am)) annual ((levy)) levies in excess of the constitutional and/or statutory tax limitations sufficient to meet the annual or semiannual payments of principal and interest on the bonds upon all taxable property within the district.

((The bonds shall be sold in such manner as the commissioners deem for the best interest of the district, and at a price not less than par and accrued interest.

~~(2) Notwithstanding subsection (1) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 54. Section 16, chapter 251, Laws of 1953 as last amended by section 163, chapter 167, Laws of 1983 and RCW 57.20.015 are each amended to read as follows:

(1) The board of water commissioners of any water district may by resolution, without submitting the matter to the voters of the district, provide for the issuance of refunding general obligation bonds to refund any outstanding general obligation bonds, or any part thereof, at maturity thereof, or before the maturity thereof if they are subject to call for prior redemption or all of the owners thereof consent thereto.

(2) The total cost to the district over the life of the refunding bonds shall not exceed the total cost to the district which the district would have incurred but for such refunding over the remainder of the life of the bonds to be refunded thereby.

(3) The refunding bonds may be exchanged for the bonds to be refunded thereby, or may be sold in such manner as the board of water commissioners deems to be for the best interest of the district, and the proceeds of such sale used exclusively for the purpose of paying, retiring, and canceling the bonds to be refunded and interest thereon. Such bonds may be of any form, including bearer bonds or registered bonds as provided in RCW 39.46.030.

(4) The provisions of RCW 57.20.010, concerning the ~~((form and maturities))~~ issuance and sale of general obligation bonds and providing for annual tax levies in excess of the constitutional and/or statutory tax limitations shall apply to the refunding general obligation bonds issued under this section.

~~((5) Notwithstanding subsections (1) and (4) of this section, such bonds may also be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 55. Section 20, chapter 114, Laws of 1929 as amended by section 36, chapter 42, Laws of 1970 ex. sess. and RCW 57.20.120 are each amended to read as follows:

Each and every water district hereafter to be organized pursuant to this ~~((act))~~ title, may contract indebtedness in excess of the amount named in RCW 57.20.110, but not exceeding in amount, together with existing indebtedness, two and one-half percent of the value of the taxable property in said district, as the term "value of the taxable property" is defined in RCW 39.36.015, whenever three-fifths of the voters voting at said election in such water district assent thereto, at which election the total number of persons voting on the proposition shall constitute not less than forty percent of the total number of votes cast in the water district at the last preceding general election, at an election to be held in said water district in the manner provided by this ((act, which election may either be a special or a general election, and the board of water commissioners are hereby authorized and empowered to submit the question of incurring such indebtedness, and issuing negotiable bonds of such water district to the qualified voters of such water district at any time they may so order)) title and section 3 of this 1984 act: PROVIDED, That all bonds so to be issued shall be subject to the provisions regarding bonds as set out in RCW 57.20.010.

Sec. 56. Section 8, chapter 236, Laws of 1967 and RCW 67.28.150 are each amended to read as follows:

To carry out the purposes of this chapter any municipality shall have the power to issue general obligation bonds within the limitations now or hereafter prescribed by the laws of this state. Such general obligation bonds shall be authorized, executed, issued and made payable as other general obligation bonds of such municipality: PROVIDED, That the governing body of such municipality may provide that such bonds mature in not to exceed forty years from the date of their issue, may provide that such bonds also be made payable from any special taxes provided for in RCW 67.28.180, and may provide that such bonds also be made payable from any otherwise unpledged revenue which may be derived from the ownership or operation of any properties ~~((or to establish a guaranty fund for revenue bonds issued solely for stadium facility capital purposes)).~~

Sec. 57. Section 11, chapter 22, Laws of 1982 1st ex. sess. as amended by section 169, chapter 167, Laws of 1983 and RCW 67.38.110 are each amended to read as follows:

~~((†))~~ To carry out the purpose of this chapter, any cultural arts, stadium and convention district shall have the power to issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding nonvoter approved general obligation indebtedness equal to three-eighths of one percent of the value of taxable property within such district, as the term "value of taxable property" is defined in RCW 39.36.015. A cultural arts, stadium and convention district is additionally authorized to issue general obligation bonds for capital purposes only, together with any outstanding general obligation indebtedness, not to exceed an amount equal to three-fourths of one percent of the value of the taxable property within the district, as the term "value of taxable property" is defined in RCW 39.36.015, and to provide for the retirement thereof by excess levies when ~~((approved-by))~~ the voters approve a ballot proposition providing for both the bond issuance and imposition of such levies at a special election called for that purpose in the manner prescribed by section 6, Article VIII and section 2, Article VII of the Constitution and by RCW 84.52.056. Elections shall be held as provided in section 3 of this 1984 act. General obligation bonds may not be issued with

maturities in excess of forty years. Such bonds (~~may be in any form, including bearer bonds or registered bonds as provided in RCW 39.46.030:~~

~~(2) Notwithstanding subsection (1) of this section, such bonds may)) shall be issued and sold in accordance with chapter 39.46 RCW.~~

Sec. 58. Section 11, chapter 6, Laws of 1947 as amended by section 6, chapter 164, Laws of 1967 and RCW 68.16.110 are each amended to read as follows:

Cemetery districts created under this chapter shall be deemed to be municipal corporations within the purview of the Constitution and laws of the state of Washington. They shall constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness((:)); to borrow money, and to issue general obligation bonds in accordance with chapter 39.46 RCW; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this chapter.

Sec. 59. Section 6, chapter 264, Laws of 1945 as last amended by section 172, chapter 167, Laws of 1983 and RCW 70.44.060 are each amended to read as follows:

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital and other health care facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital and other health care facilities and systems for the maintenance of hospitals, buildings, structures, and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: PROVIDED, That no public hospital district shall have the right of eminent domain and the power of condemnation against any health care facility.

(3) To lease existing hospital and other health care facilities and equipment and/or other property used in connection therewith, including ambulances, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital and other health care services for residents of said district by facilities located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations, or individuals for the services provided by said hospital district; and they may further receive in said hospitals and other health care facilities and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: PROVIDED, That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available hospital and other health care facilities of said district, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and in connection with the construction, maintenance, and operation of any such hospitals and other health care facilities, subject, however, to the applicable limitations provided in subsection (2) of this section.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, and to issue and sell: (a) Revenue bonds, revenue warrants, or other revenue obligations therefor payable solely out of a special fund or funds into which the district may pledge such amount of the revenues of the hospitals thereof, and the revenues of any other facilities or services that the district is or hereafter may be authorized by law to provide, to pay the same as the commissioners of the district may determine, such revenue bonds, warrants, or other obligations to be issued and sold in the same manner and subject to the same provisions as provided for the issuance of revenue bonds, warrants, or other obligations by cities or towns under the Municipal Revenue Bond Act, chapter 35.41 RCW, as may hereafter be amended((:)); (b) general obligation bonds therefor in the manner and form as provided in RCW 70.44.110 ((to)) and 70.44.130, ((inclusive)) as may hereafter be amended((:)); or (c) interest-bearing warrants to be drawn on a fund pending deposit in such fund of money sufficient to redeem such warrants and to be issued and paid in such manner and upon such terms and conditions as the board of commissioners may deem to be in the best interest of the district; and to assign or sell hospital

accounts receivable, and accounts receivable for the use of other facilities or services that the district is or hereafter may be authorized by law to provide, for collection with or without recourse. ~~((Any of such bonds, warrants, or other obligations may be in any form, including bearer or registered as provided in RCW 39.46.030. Notwithstanding the provisions of this subsection, such))~~ General obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW. Revenue bonds, revenue warrants, or other revenue obligations may be issued and sold in accordance with chapter 39.46 RCW.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed seventy-five cents per thousand dollars of assessed value or such further amount as has been or shall be authorized by a vote of the people: PROVIDED FURTHER, That the public hospital districts are hereby authorized to levy such a general tax in excess of said seventy-five cents per thousand dollars of assessed value when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and the laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the seventy-five cents per thousand dollars of assessed value herein specifically authorized. The superintendent shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in October the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate or rates as authorized by the commission.

(7) To enter into any contract with the United States government or any state, municipality, or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: PROVIDED, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To pay actual necessary travel expenses and living expenses incurred while in travel status for (a) qualified physicians who are candidates for medical staff positions, and (b) other qualified persons who are candidates for superintendent or other managerial and technical positions, when the district finds that hospitals or other health care facilities owned and operated by it are not adequately staffed and determines that personal interviews with said candidates to be held in the district are necessary or desirable for the adequate staffing of said facilities.

(10) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or literature; and to do all other things necessary to carry out the provisions of this chapter.

Sec. 60. Section 12, chapter 264, Laws of 1945 as last amended by section 3, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.110 are each amended to read as follows:

Whenever the commission deems it advisable that the district acquire or construct a public hospital, or other health care facilities, or make additions or betterments thereto, or extensions thereof, it shall provide therefor by resolution, which shall specify and adopt the plan proposed. ~~((and))~~ declare the estimated cost thereof, and specify the amount of indebtedness ~~((the amount of interest, and the time in which all bonds shall be paid;))~~ to be incurred therefor. General indebtedness may be incurred by the issuance of general obligation bonds or short-term obligations in anticipation of such bonds. General obligation bonds shall mature in not to exceed thirty years. The incurring of such indebtedness shall be subject to the applicable limitations and requirements provided in section 1, chapter 143, Laws of 1917, as last amended by section 4, chapter 107, Laws of 1967, and RCW 39.36.020, as now or hereafter amended. ~~((If a proposition to incur any such indebtedness is to be submitted to the electors of the district it may be submitted at any general election or a special election called for that purpose pursuant to the applicable election laws))~~ Such general obligation bonds shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 61. Section 14, chapter 264, Laws of 1945 as amended by section 3, chapter 218, Laws of 1971 ex. sess. and RCW 70.44.130 are each amended to read as follows:

The principal and interest of such general bonds shall be paid by levying each year a tax upon the taxable property within the district sufficient, together with other revenues of the district available for such purpose, to pay said interest and principal of said bonds, which tax shall be due and collectible as any other tax. ~~((Said bonds shall be sold in such manner as the commission shall deem for the best interests of the district.))~~ All bonds and warrants issued under the authority of this chapter shall be legal securities, which may be used by any bank or trust company for deposit with the state treasurer, or any county or city treasurer, as security for deposits, in lieu of a surety bond, under any law relating to deposits of public moneys.

Sec. 62. Section 17, chapter 153, Laws of 1961 as amended by section 211, chapter 167, Laws of 1983 and by section 21, chapter 315, Laws of 1983 and RCW 86.15.170 are each reenacted and amended to read as follows:

The supervisors may authorize the issuance of general obligation bonds to finance any flood control improvement or storm water control improvement and provide for the retirement of the bonds with ad valorem property tax levies. The general obligation bonds may be issued and the bond retirement levies imposed only when ~~((authorized by))~~ the voters of the flood control zone district approve a ballot proposition authorizing both the bond issuance and imposition of the excess bond retirement levies pursuant to Article VIII, section 6 and Article VII, section 2(b) of the state Constitution and RCW 84.52.056. Elections shall be held as provided in section 3 of this 1984 act. The bonds shall be issued on behalf of the zone or participating zones and be approved by the voters of the zone or participating zones when the improvement has by the resolution, provided in RCW 86.15.110, been found to be of benefit to a zone or participating zones. The bonds may not exceed an amount, together with any outstanding general obligation indebtedness, equal to three-fourths of one percent of the value of taxable property within the zone or participating zones, as the term "value of the taxable property" is defined in RCW 39.36.015. The bonds ~~((may be in any form, including bearer bonds or registered bonds))~~ shall be issued and sold in accordance with chapter 39.46 RCW.

Sec. 63. Section 134, chapter 254, Laws of 1927 as amended by section 38, chapter 42, Laws of 1970 ex. sess. and RCW 89.30.400 are each amended to read as follows:

Reclamation districts created under the provisions of this chapter are hereby authorized and empowered to contract indebtedness for district purposes in any manner, when they deem it advisable, not exceeding an amount, together with the existing nonvoter approved indebtedness of such district, of three-fourths of one percent of the value of the taxable property in such district, as the term "value of the taxable property" is defined in RCW 39.36.015.

Sec. 64. Section 135, chapter 254, Laws of 1927 as amended by section 39, chapter 42, Laws of 1970 ex. sess. and RCW 89.30.403 are each amended to read as follows:

Such reclamation districts may contract indebtedness for strictly district purposes in excess of the amount specified in the preceding section, but not exceeding in amount, together with existing indebtedness, two and one-half percent of the value of the taxable property, as the term "value of the taxable property" is defined in RCW 39.36.015, whenever three-fifths of the voters therein voting at an election held for that purpose assent thereto. Elections shall be held as provided in section 3 of this 1984 act.

Sec. 65. Section 138, chapter 254, Laws of 1927 as amended by section 250, chapter 167, Laws of 1983 and RCW 89.30.412 are each amended to read as follows:

The reclamation district board shall have authority to evidence district indebtedness by the issuance and sale of negotiable general obligation bonds of the district. Such bonds ~~((may))~~ shall be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 66. There is added to chapter 35.45 RCW a new section to read as follows:

The legislative authority of any city or town may issue and sell bonds to refund outstanding local improvement district or consolidated local improvement district bonds issued after the effective date of this act on the earliest date such outstanding bonds may be redeemed following the date of issuance of such refunding bonds. Such refunding shall be subject to the following:

(1) The refunding shall result in a net interest cost savings after paying the costs and expenses of the refunding, and the principal amount of the refunding bonds may not exceed the principal balance of the assessment roll or rolls pledged to pay the bonds being refunded at the time of the refunding.

(2) The refunding bonds shall be paid from the same local improvement fund or bond redemption fund as the bonds being refunded.

(3) The costs and expenses of the refunding shall be paid from the proceeds of the refunding bonds, or the same local improvement district fund or bond redemption fund for the bonds being refunded, except the city or town may advance such costs and expenses to such fund pending the receipt of assessment payments available to reimburse such advances.

(4) The last maturity of the refunding bonds shall be no later than one year after the last maturity of bonds being refunded.

(5) The refunding bonds may be exchanged for the bonds being refunded or may be sold in the same manner permitted at the time of sale for local improvement district bonds.

(6) All other provisions of law applicable to the refunded bonds shall apply to the refunding bonds.

NEW SECTION. Sec. 67. There is added to chapter 36.88 RCW a new section to read as follows:

The legislative authority of any county may issue and sell bonds to refund outstanding road improvement district or consolidated road improvement district bonds issued after the effective date of this act on the earliest date such outstanding bonds may be redeemed following the date of issuance of such refunding bonds. Such refunding shall be subject to the following:

(1) The refunding shall result in a net interest cost savings after paying the costs and expenses of the refunding, and the principal amount of the refunding bonds may not exceed the principal balance of the assessment roll or rolls pledged to pay the bonds being refunded at the time of the refunding.

(2) The refunding bonds shall be paid from the same local improvement fund or bond redemption fund as the bonds being refunded.

(3) The costs and expenses of the refunding shall be paid from the proceeds of the refunding bonds, or the same road improvement district fund or bond redemption fund for the bonds being refunded, except the county may advance such costs and expenses to such fund pending the receipt of assessment payments available to reimburse such advances.

(4) The last maturity of refunding bonds shall be no later than one year after the last maturity of bonds being refunded.

(5) The refunding bonds may be exchanged for the bonds being refunded or may be sold in the same manner permitted at the time of sale for road improvement district bonds.

(6) All other provisions of law applicable to the refunded bonds shall apply to the refunding bonds.

Sec. 68. Section 2, chapter 138, Laws of 1965 ex. sess. as amended by section 1, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.010 are each amended to read as follows:

Except where the context otherwise requires, the terms defined in this section shall for all purposes have the meanings herein specified:

(1) "Governing body" means the council, commission, board of commissioners, board of directors, board of trustees, board of regents, or other legislative body of the public body designated herein in which body the legislative powers of the public body are vested: PROVIDED, That with respect to the state it shall mean the state finance committee.

(2) "Public body" means the state of Washington, its agencies, institutions, political subdivisions, and municipal and quasi municipal corporations now or hereafter existing under the laws of the state of Washington.

(3) "Bond" means any revenue bond or general obligation bond.

(4) "Revenue bond" means any bond, note, warrant, certificate of indebtedness, or other obligation for the payment of money issued by a public body or any predecessor of any public body and which is payable from designated revenues, special assessments, or a special fund but excluding any obligation constituting an indebtedness within the meaning of the constitutional debt limitation (~~and any obligation payable solely from special assessments or special assessments and a guaranty fund~~).

(5) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a public body which constitutes an indebtedness within the meaning of the constitutional debt limitation.

(6) "Advance refunding bonds" means bonds issued for the purpose of refunding bonds first subject to redemption or maturing one year or more from the date of the advance refunding bonds.

(7) "Issuer" means the public body issuing any bond or bonds.

(8) "Ordinance" means an ordinance of a city or town or resolution or other instrument by which the governing body of the public body exercising any power hereunder takes formal action and adopts legislative provisions and matters of some permanency.

(9) "Government obligations" means any of the following: (a) Direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America and bank certificates of deposit secured by such obligations; (b) bonds, debentures, notes, participation certificates, or other obligations issued by the banks for cooperatives, the federal intermediate credit bank, the federal home loan bank system, the export-import bank of the United States, federal land banks, or the federal national mortgage association; (c) public housing bonds and project notes fully secured by contracts with the United States; and (d) obligations of financial institutions insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation, to the extent insured or to the extent guaranteed as permitted under any other provision of state law.

(10) Words used herein importing singular or plural number may be construed so that one number includes both.

NEW SECTION. Sec. 69. There is added to chapter 39.53 RCW a new section to read as follows:

Bonds payable solely from special assessments or special assessments and a guaranty fund issued on or prior to the effective date of this act shall not be subject to refunding under this chapter.

NEW SECTION. Sec. 70. The following acts or parts of acts are each repealed:

(1) Section 28A.51.030, chapter 223, Laws of 1969 ex. sess., section 22, chapter 167, Laws of 1983 and RCW 28A.51.030;

(2) Section 28A.51.055, chapter 223, Laws of 1969 ex. sess., section 23, chapter 167, Laws of 1983 and RCW 28A.51.055;

(3) Section 28A.51.056, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.056;

(4) Section 28A.51.057, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.057;

(5) Section 28A.51.058, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.058;

(6) Section 28A.51.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.210;

(7) Section 28A.52.055, chapter 223, Laws of 1969 ex. sess., section 29, chapter 167, Laws of 1983 and RCW 28A.52.055;

(8) Section 35.37.060, chapter 7, Laws of 1965 and RCW 35.37.060;

(9) Section 35.37.070, chapter 7, Laws of 1965 and RCW 35.37.070;

(10) Section 35.37.100, chapter 7, Laws of 1965, section 37, chapter 167, Laws of 1983 and RCW 35.37.100;

(11) Section 35.40.010, chapter 7, Laws of 1965 and RCW 35.40.010;

(12) Section 35.40.020, chapter 7, Laws of 1965 and RCW 35.40.020;

(13) Section 35.40.040, chapter 7, Laws of 1965 and RCW 35.40.040;

(14) Section 35.40.050, chapter 7, Laws of 1965 and RCW 35.40.050;

(15) Section 35.61.160, chapter 7, Laws of 1965, section 2, chapter 61, Laws of 1983, section 53, chapter 167, Laws of 1983 and RCW 35.61.160;

(16) Section 35.61.170, chapter 7, Laws of 1965, section 19, chapter 232, Laws of 1969 ex. sess., section 41, chapter 56, Laws of 1970 ex. sess., section 54, chapter 167, Laws of 1983 and RCW 35.61.170;

(17) Section 35.67.080, chapter 7, Laws of 1965, section 20, chapter 232, Laws of 1969 ex. sess., section 42, chapter 56, Laws of 1970 ex. sess., section 57, chapter 167, Laws of 1983 and RCW 35.67.080;

(18) Section 35.67.090, chapter 7, Laws of 1965, section 58, chapter 167, Laws of 1983 and RCW 35.67.090;

(19) Section 35.67.100, chapter 7, Laws of 1965 and RCW 35.67.100;

(20) Section 36.62.080, chapter 4, Laws of 1963, section 73, chapter 167, Laws of 1983 and RCW 36.62.080;

(21) Section 36.67.030, chapter 4, Laws of 1963, section 79, chapter 3, Laws of 1983, section 74, chapter 167, Laws of 1983 and RCW 36.67.030;

(22) Section 36.67.040, chapter 4, Laws of 1963, section 3, chapter 107, Laws of 1967, section 5, section 142, Laws of 1969, section 1, chapter 145, Laws of 1980, section 10, chapter 156, Laws of 1981, section 75, chapter 167, Laws of 1983 and RCW 36.67.040;

(23) Section 36.67.050, chapter 4, Laws of 1963, section 76, chapter 167, Laws of 1983 and RCW 36.67.050;

(24) Section 1, chapter 151, Laws of 1923, section 1, chapter 141, Laws of 1961, section 1, chapter 74, Laws of 1965 ex. sess., section 105, chapter 167, Laws of 1983 and RCW 39.44.010;

(25) Section 4, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.011;

(26) Section 2, chapter 151, Laws of 1923, section 2, chapter 74, Laws of 1965 ex. sess., section 6, chapter 188, Laws of 1975 1st ex. sess. and RCW 39.44.020;

(27) Section 3, chapter 151, Laws of 1923, section 2, chapter 141, Laws of 1961, section 3, chapter 74, Laws of 1965 ex. sess., section 93, chapter 232, Laws of 1969 ex. sess., section 58, chapter 56, Laws of 1970 ex. sess., section 14, chapter 156, Laws of 1981, section 11, chapter 216, Laws of 1982, section 106, chapter 167, Laws of 1983 and RCW 39.44.030;

(28) Section 4, chapter 151, Laws of 1923 and RCW 39.44.060;

(29) Section 6, chapter 151, Laws of 1923 and RCW 39.44.080;

(30) Section 1, chapter 180, Laws of 1939 and RCW 39.44.090;

(31) Section 3, chapter 170, Laws of 1895, section 1, chapter 54, Laws of 1901, section 1, chapter 204, Laws of 1909, section 114, chapter 167, Laws of 1983 and RCW 39.52.030;

(32) Section 4, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.090;

(33) Section 5, chapter 24, Laws of 1951 2nd ex. sess., section 40, chapter 232, Laws of 1969 ex. sess., section 67, chapter 56, Laws of 1970 ex. sess., section 124, chapter 167, Laws of 1983 and RCW 52.16.100;

(34) Section 6, chapter 24, Laws of 1951 2nd ex. sess., section 125, chapter 167, Laws of 1983 and RCW 52.16.110;

(35) Section 7, chapter 24, Laws of 1951 2nd ex. sess., section 51, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.120;

(36) Section 1, chapter 7, Laws of 1941 and RCW 53.43.010;

(37) Section 2, chapter 7, Laws of 1941 and RCW 53.43.020;

- (38) Section 3, chapter 7, Laws of 1941, section 141, chapter 167, Laws of 1983 and RCW 53.43.030;
- (39) Section 4, chapter 7, Laws of 1941, section 17, chapter 156, Laws of 1981, section 142, chapter 167, Laws of 1983 and RCW 53.43.040;
- (40) Section 5, chapter 7, Laws of 1941 and RCW 53.43.050;
- (41) Section 6, chapter 7, Laws of 1941 and RCW 53.43.060;
- (42) Section 7, chapter 7, Laws of 1941 and RCW 53.43.070;
- (43) Section 2, chapter 239, Laws of 1947, section 91, chapter 232, Laws of 1969 ex. sess., section 76, chapter 56, Laws of 1970 ex. sess., section 143, chapter 167, Laws of 1983 and RCW 53.44.020;
- (44) Section 4, chapter 239, Laws of 1947 and RCW 53.44.040;
- (45) Section 13, chapter 264, Laws of 1945, section 3, chapter 65, Laws of 1969 ex. sess., section 86, chapter 56, Laws of 1970 ex. sess., section 173, chapter 167, Laws of 1983 and RCW 70.44.120;
- (46) Section 136, chapter 254, Laws of 1927 and RCW 89.30.406;
- (47) Section 137, chapter 254, Laws of 1927 and RCW 89.30.409;
- (48) Section 139, chapter 254, Laws of 1927, section 251, chapter 167, Laws of 1983 and RCW 89.30.415;
- (49) Section 140, chapter 254, Laws of 1927, section 61, chapter 232, Laws of 1969 ex. sess., section 102, chapter 56, Laws of 1970 ex. sess., section 252, chapter 167, Laws of 1983 and RCW 89.30.418;
- (50) Section 141, chapter 254, Laws of 1927, section 253, chapter 167, Laws of 1983 and RCW 89.30.421;
- (51) Section 142, chapter 254, Laws of 1927 and RCW 89.30.424;
- (52) Section 271, chapter 167, Laws of 1983; and
- (53) Section 272, chapter 167, Laws of 1983."

MOTION

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

On page 1, line 1 of the title, after "borrowing;" strike the remainder of the title and insert "amending section 26, chapter 153, Laws of 1957 as last amended by section 18, chapter 167, Laws of 1983 and RCW 17.28.260; amending section 6, chapter 59, Laws of 1955 as last amended by section 19, chapter 167, Laws of 1983 and RCW 27.12.060; amending section 7, chapter 59, Laws of 1955 as last amended by section 6, chapter 195, Laws of 1973 1st ex. sess. and RCW 27.12.070; amending section 1, chapter 59, Laws of 1955 as last amended by section 11, chapter 123, Laws of 1982 and RCW 27.12.222; amending section 2, chapter 59, Laws of 1955 as last amended by section 20, chapter 167, Laws of 1983 and RCW 27.12.223; amending section 28A.51.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 21, chapter 167, Laws of 1983 and RCW 28A.51.010; amending section 28A.51.020, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 42, Laws of 1970 ex. sess. and RCW 28A.51.020; amending section 28A.51.070, chapter 223, Laws of 1969 ex. sess. as last amended by section 24, chapter 167, Laws of 1983 and RCW 28A.51.070; amending section 28A.51.180, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 167, Laws of 1983 and RCW 28A.51.180; amending section 28A.52.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 28, chapter 167, Laws of 1983 and RCW 28A.52.050; amending section 35.37.040, chapter 7, Laws of 1965 as amended by section 12, chapter 42, Laws of 1970 ex. sess. and RCW 35.37.040; amending section 35.37.050, chapter 7, Laws of 1965 and RCW 35.37.050; amending section 35.37.090, chapter 7, Laws of 1965 as amended by section 36, chapter 167, Laws of 1983 and RCW 35.37.090; amending section 1, chapter 11, Laws of 1970 ex. sess. as last amended by section 47, chapter 167, Laws of 1983 and RCW 35.58.450; amending section 6, chapter 110, Laws of 1967 as amended by section 49, chapter 167, Laws of 1983 and RCW 35.59.060; amending section 35.60.040, chapter 7, Laws of 1965 as amended by section 51, chapter 167, Laws of 1983 and RCW 35.60.040; amending section 35.61.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 61, Laws of 1983 and RCW 35.61.100; amending section 35.67.070, chapter 7, Laws of 1965 and RCW 35.67.070; amending section 35.92.080, chapter 7, Laws of 1965 as last amended by section 67, chapter 167, Laws of 1983 and RCW 35.92.080; amending section 35A.40.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.40.010; amending section 6, chapter 175, Laws of 1982 as amended by section 71, chapter 167, Laws of 1983 and RCW 36.58.150; amending section 36.62.070, chapter 4, Laws of 1963 as last amended by section 72, chapter 167, Laws of 1983 and RCW 36.62.070; amending section 36.67.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 76, Laws of 1971 and RCW 36.67.010; amending section 36.67.060, chapter 4, Laws of 1963 as last amended by section 77, chapter 167, Laws of 1983 and RCW 36.67.060; amending section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter 167, Laws of 1983 and RCW 36.68.520; amending section 36.69.140, chapter 4, Laws of 1963 as last amended by section 84, chapter 167, Laws of 1983 and RCW 36.69.140; amending section 36.76.090, chapter 4, Laws of 1963 as last amended by section 91, chapter 167, Laws of 1983 and RCW 36.76.090; amending section 36.76.100, chapter 4, Laws of 1963 and RCW 36.76.100; amending section 36.76.120, chapter 4, Laws of 1963 as amended by section 92, chapter

167, Laws of 1983 and RCW 36.76.120; amending section 4, chapter 109, Laws of 1967 as last amended by section 99, chapter 167, Laws of 1983 and RCW 36.89.040; amending section 20, chapter 72, Laws of 1967 as last amended by section 101, chapter 167, Laws of 1983 and RCW 36.94.200; amending section 1, chapter 170, Laws of 1895 as amended by section 1, chapter 145, Laws of 1917 and RCW 39.52.010; amending section 2, chapter 170, Laws of 1895 as last amended by section 113, chapter 167, Laws of 1983 and RCW 39.52.020; amending section 6, chapter 170, Laws of 1895 and RCW 39.52.050; amending section 3, chapter 176, Laws of 1953 as last amended by section 122, chapter 167, Laws of 1983 and RCW 52.16.061; amending section 3, chapter 24, Laws of 1951 2nd ex. sess. as last amended by section 50, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.080; amending section 12, chapter 65, Laws of 1955 as last amended by section 32, chapter 42, Laws of 1970 ex. sess. and RCW 53.36.030; amending section 1, chapter 239, Laws of 1947 and RCW 53.44.010; amending section 3, chapter 239, Laws of 1947 and RCW 53.44.030; amending section 8, chapter 390, Laws of 1955 as last amended by section 144, chapter 167, Laws of 1983 and RCW 54.16.070; amending section 1, chapter 12, Laws of 1971 as amended by section 146, chapter 167, Laws of 1983 and RCW 54.24.018; amending section 14, chapter 210, Laws of 1941 as last amended by section 63, chapter 195, Laws of 1973 1st ex. sess. and RCW 56.16.010; amending section 17, chapter 210, Laws of 1941 as last amended by section 4, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.030; amending section 18, chapter 210, Laws of 1941 as last amended by section 155, chapter 167, Laws of 1983 and RCW 56.16.040; amending section 42, chapter 210, Laws of 1941 as last amended by section 34, chapter 42, Laws of 1970 ex. sess. and RCW 56.16.050; amending section 16, chapter 250, Laws of 1953 as last amended by section 8, chapter 300, Laws of 1977 ex. sess. and RCW 56.16.115; amending section 1, chapter 31, Laws of 1974 ex. sess. and RCW 57.16.020; amending section 9, chapter 18, Laws of 1959 as last amended by section 6, chapter 299, Laws of 1977 ex. sess. and RCW 57.16.040; amending section 11, chapter 114, Laws of 1929 as last amended by section 162, chapter 167, Laws of 1983 and RCW 57.20.010; amending section 16, chapter 251, Laws of 1953 as last amended by section 163, chapter 167, Laws of 1983 and RCW 57.20.015; amending section 20, chapter 114, Laws of 1929 as amended by section 36, chapter 42, Laws of 1970 ex. sess. and RCW 57.20.120; amending section 8, chapter 236, Laws of 1967 and RCW 67.28.150; amending section 11, chapter 22, Laws of 1982 1st ex. sess. as amended by section 169, chapter 167, Laws of 1983 and RCW 67.38.110; amending section 11, chapter 6, Laws of 1947 as amended by section 6, chapter 164, Laws of 1967 and RCW 68.16.110; amending section 6, chapter 264, Laws of 1945 as last amended by section 172, chapter 167, Laws of 1983 and RCW 70.44.060; amending section 12, chapter 264, Laws of 1945 as last amended by section 3, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.110; amending section 14, chapter 264, Laws of 1945 as amended by section 3, chapter 218, Laws of 1971 ex. sess. and RCW 70.44.130; reenacting and amending section 17, chapter 153, Laws of 1961 as amended by section 211, chapter 167, Laws of 1983 and by section 21, chapter 315, Laws of 1983 and RCW 86.15.170; amending section 134, chapter 254, Laws of 1927 as amended by section 38, chapter 42, Laws of 1970 ex. sess. and RCW 89.30.400; amending section 135, chapter 254, Laws of 1927 as amended by section 39, chapter 42, Laws of 1970 ex. sess. and RCW 89.30.403; amending section 138, chapter 254, Laws of 1927 as amended by section 250, chapter 167, Laws of 1983 and RCW 89.30.412; amending section 2, chapter 138, Laws of 1965 ex. sess. as amended by section 1, chapter 25, Laws of 1973 1st ex. sess. and RCW 39.53.010; adding a new section to chapter 35.45 RCW; adding a new section to chapter 39.36 RCW; adding new sections to chapter 39.46 RCW; adding a new section to chapter 39.53 RCW; adding a new section to chapter 36.88 RCW; creating a new section; repealing section 28A.51.030, chapter 223, Laws of 1969 ex. sess., section 22, chapter 167, Laws of 1983 and RCW 28A.51.030; repealing section 28A.51.055, chapter 223, Laws of 1969 ex. sess., section 23, chapter 167, Laws of 1983 and RCW 28A.51.055; repealing section 28A.51.056, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.056; repealing section 28A.51.057, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.057; repealing section 28A.51.058, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.058; repealing section 28A.51.210, chapter 223, Laws of 1969 ex. sess. and RCW 28A.51.210; repealing section 28A.52.055, chapter 223, Laws of 1969 ex. sess., section 29, chapter 167, Laws of 1983 and RCW 28A.52.055; repealing section 35.37.060, chapter 7, Laws of 1965 and RCW 35.37.060; repealing section 35.37.070, chapter 7, Laws of 1965 and RCW 35.37.070; repealing section 35.37.100, chapter 7, Laws of 1965, section 37, chapter 167, Laws of 1983 and RCW 35.37.100; repealing section 35.40.010, chapter 7, Laws of 1965 and RCW 35.40.010; repealing section 35.40.020, chapter 7, Laws of 1965 and RCW 35.40.020; repealing section 35.40.040, chapter 7, Laws of 1965 and RCW 35.40.040; repealing section 35.40.050, chapter 7, Laws of 1965 and RCW 35.40.050; repealing section 35.61.160, chapter 7, Laws of 1965, section 2, chapter 61, Laws of 1983, section 53, chapter 167, Laws of 1983 and RCW 35.61.160; repealing section 35.61.170, chapter 7, Laws of 1965, section 19, chapter 232, Laws of 1969 ex. sess., section 41, chapter 56, Laws of 1970 ex. sess., section 54, chapter 167, Laws of 1983 and RCW 35.61.170; repealing section 35.67.080, chapter 7, Laws of 1965, section 20, chapter 232, Laws of 1969 ex. sess., section 42, chapter 56, Laws of 1970 ex. sess., section 57, chapter 167, Laws of 1983 and RCW 35.67.080; repealing section 35.67.090, chapter 7, Laws of 1965, section 58, chapter 167, Laws of 1983 and RCW 35.67.090; repealing section 35.67.100, chapter 7, Laws of 1965 and RCW 35.67.100; repealing section 36.62.080,

chapter 4, Laws of 1963, section 73, chapter 167, Laws of 1983 and RCW 36.62.080; repealing section 36.67.030, chapter 4, Laws of 1963, section 79, chapter 3, Laws of 1983, section 74, chapter 167, Laws of 1983 and RCW 36.67.030; repealing section 36.67.040, chapter 4, Laws of 1963, section 3, chapter 107, Laws of 1967, section 5, section 142, Laws of 1969, section 1, chapter 145, Laws of 1980, section 10, chapter 156, Laws of 1981, section 75, chapter 167, Laws of 1983 and RCW 36.67.040; repealing section 36.67.050, chapter 4, Laws of 1963, section 76, chapter 167, Laws of 1983 and RCW 36.67.050; repealing section 1, chapter 151, Laws of 1923, section 1, chapter 141, Laws of 1961, section 1, chapter 74, Laws of 1965 ex. sess., section 105, chapter 167, Laws of 1983 and RCW 39.44.010; repealing section 4, chapter 74, Laws of 1965 ex. sess. and RCW 39.44.011; repealing section 2, chapter 151, Laws of 1923, section 2, chapter 74, Laws of 1965 ex. sess., section 6, chapter 188, Laws of 1975 1st ex. sess. and RCW 39.44.020; repealing section 3, chapter 151, Laws of 1923, section 2, chapter 141, Laws of 1961, section 3, chapter 74, Laws of 1965 ex. sess., section 93, chapter 232, Laws of 1969 ex. sess., section 58, chapter 56, Laws of 1970 ex. sess., section 14, chapter 156, Laws of 1981, section 11, chapter 216, Laws of 1982, section 106, chapter 167, Laws of 1983 and RCW 39.44.030; repealing section 4, chapter 151, Laws of 1923 and RCW 39.44.060; repealing section 6, chapter 151, Laws of 1923 and RCW 39.44.080; repealing section 1, chapter 180, Laws of 1939 and RCW 39.44.090; repealing section 3, chapter 170, Laws of 1895, section 1, chapter 54, Laws of 1901, section 1, chapter 204, Laws of 1909, section 114, chapter 167, Laws of 1983 and RCW 39.52.030; repealing section 4, chapter 24, Laws of 1951 2nd ex. sess. and RCW 52.16.090; repealing section 5, chapter 24, Laws of 1951 2nd ex. sess., section 40, chapter 232, Laws of 1969 ex. sess., section 67, chapter 56, Laws of 1970 ex. sess., section 124, chapter 167, Laws of 1983 and RCW 52.16.100; repealing section 6, chapter 24, Laws of 1951 2nd ex. sess., section 125, chapter 167, Laws of 1983 and RCW 52.16.110; repealing section 7, chapter 24, Laws of 1951 2nd ex. sess., section 51, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.16.120; repealing section 1, chapter 7, Laws of 1941 and RCW 53.43.010; repealing section 2, chapter 7, Laws of 1941 and RCW 53.43.020; repealing section 3, chapter 7, Laws of 1941, section 141, chapter 167, Laws of 1983 and RCW 53.43.030; repealing section 4, chapter 7, Laws of 1941, section 17, chapter 156, Laws of 1981, section 142, chapter 167, Laws of 1983 and RCW 53.43.040; repealing section 5, chapter 7, Laws of 1941 and RCW 53.43.050; repealing section 6, chapter 7, Laws of 1941 and RCW 53.43.060; repealing section 7, chapter 7, Laws of 1941 and RCW 53.43.070; repealing section 2, chapter 239, Laws of 1947, section 91, chapter 232, Laws of 1969 ex. sess., section 76, chapter 56, Laws of 1970 ex. sess., section 143, chapter 167, Laws of 1983 and RCW 53.44.020; repealing section 4, chapter 239, Laws of 1947 and RCW 53.44.040; repealing section 13, chapter 264, Laws of 1945, section 3, chapter 65, Laws of 1969 ex. sess., section 86, chapter 56, Laws of 1970 ex. sess., section 173, chapter 167, Laws of 1983 and RCW 70.44.120; repealing section 136, chapter 254, Laws of 1927 and RCW 89.30.406; repealing section 137, chapter 254, Laws of 1927 and RCW 89.30.409; repealing section 139, chapter 254, Laws of 1927, section 251, chapter 167, Laws of 1983 and RCW 89.30.415; repealing section 140, chapter 254, Laws of 1927, section 61, chapter 232, Laws of 1969 ex. sess., section 102, chapter 56, Laws of 1970 ex. sess., section 252, chapter 167, Laws of 1983 and RCW 89.30.418; repealing section 141, chapter 254, Laws of 1927, section 253, chapter 167, Laws of 1983 and RCW 89.30.421; repealing section 142, chapter 254, Laws of 1927 and RCW 89.30.424; repealing section 271, chapter 167, Laws of 1983; and repealing section 272, chapter 167, Laws of 1983."

MOTIONS

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1124, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Zimmerman, Senator McDonald was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1124, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1124, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 00; absent, 04; excused, 05.

Voting yea: Senators Bauer, Bender, Bluechel, Boltiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Absent: Senators Deccio, Lee, McManus, Owen - 4.

Excused: Senators Barr, Benitz, McDonald, Newhouse, Pullen - 5.

SUBSTITUTE HOUSE BILL NO. 1124, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 914, by Committee on Judiciary (originally sponsored by Representatives West and Dellwo)

Changing the mechanics' and materialmen's lien laws to provide increased protection for subcontractors and lien claimants.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendments were considered and adopted simultaneously:

On page 4, beginning on line 28 strike all material down to and including the period on line 30.

On page 5, line 32 after "(3)" insert "if the prime contractor complies with section 3 of this act."

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 914, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 914, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 914, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 01; absent, 02; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senator Quigg - 1.

Absent: Senators Deccio, Owen - 2.

Excused: Senators Barr, McDonald, Newhouse, Pullen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 914, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1539, by Committee on Judiciary (originally sponsored by Representatives Crane and Addison)

Providing for the payment of costs of legal services for juveniles represented by publicly-funded counsel.

The bill was read the second time.

MOTIONS

On motion of Senator Zimmerman, Senator Deccio was excused.

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1539 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1539.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1539, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 02; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Owen, Patterson - 2.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

SUBSTITUTE HOUSE BILL NO. 1539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE JOINT MEMORIAL NO. 34, by Representatives Tilly and Armstrong

Petitioning Congress to adopt the "Taxpayer Antitrust Enforcement Act of 1983."

The memorial was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Joint Memorial No. 34 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Quigg: "Senator Talmadge, what about the state's anti-collusion provisions we have already? How does that impact this--in particular talking about highway funds? I know in the southeast, there's some contract paving contractors that have colluded and so forth and got caught. How does this interplay on that?"

Senator Talmadge: "In RCW 19.86, we have a parallel anti-trust enforcement mechanism to the federal. I don't know if the issue of direct purchase/indirect purchase has been addressed in this state or not, but, I think, clearly under federal law we would want to make sure that we have the opportunity to proceed."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 34.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 34, and the memorial passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Moore - 1.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

HOUSE JOINT MEMORIAL NO. 34, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666, by Committee on Local Government (originally sponsored by Representative Allen)

Authorizing professionally designated real estate brokers to appraise certain public properties before the properties are sold.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed Substitute House Bill No. 1666 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1666.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1666, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1162, by Representatives Stratton, Mitchell, Halsan and Van Dyken

Correcting double amendments and making other technical corrections in the fisheries code.

The bill was read the second time.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 5, after line 30, insert the following:

NEW SECTION, Sec. 6. There is added to chapter 75.12 RCW a new section to read as follows:

It shall be lawful to take, fish for, land, or possess Dungeness crabs for commercial purposes in coastal, Pacific Ocean, Grays Harbor, Willapa Harbor, and Columbia River waters throughout the year."

Renumber the remaining sections accordingly.

POINT OF ORDER

Senator Owen: "A point of order, Mr. President. I challenge the amendment on scope and object. The bill merely corrects several amendments--when we rewrote the fisheries code last year--and this amendment sets seasons and I think it's clearly outside the scope of the bill."

Debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Mr. President, prior to your ruling, I wonder if Senator Rasmussen would yield to a question that might help clarify the situation?"

Senator Rasmussen, as you know, I'm from the eastside and we don't see too many crabs and lobsters. Could you tell me how you differentiate between a crab that is migrating and one that is immigrating?"

Senator Rasmussen: "I tell you the crab are native. They never immigrate. They are native to Washington and they travel up and down the coast. One month you can have a tremendous amount of good quality crab and the next month they have migrated and British Columbia, which is open year-around, has the ability to catch them."

Senator McCaslin: "Do you know, Senator Rasmussen, I swear I heard you say 'migrate.'"

Senator Rasmussen: "They do. Migrate means to travel from here to there."

Senator McCaslin: "How about immigrate--what does that mean?"

Senator Rasmussen: "That means to come in from outside of the country."

Senator McCaslin: "I knew you'd pick up on something. Thank you."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Owen, the President finds that House Bill No. 1162 is a measure which simply makes technical corrections to the fisheries code.

"The amendment proposed by Senator Rasmussen would permit year-around crab fishing in certain areas.

*The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken.

The amendment was ruled out of order.

MOTION

On motion of Senator Owen, the rules were suspended, House Bill No. 1162 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1162.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1162, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

HOUSE BILL NO. 1162, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 706, by Representatives Todd, Miller, Tilly, Lux, Isaacson, Garrett, Brough, Crane, McDonald, Walk, Taylor, Holland and Barrett

Requiring notice of taxes due on real property before assessing penalties for delinquent taxes.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendments were considered simultaneously and adopted:

On page 1, line 6, after "The" insert "interest and"

On page 1, line 15, after "of" insert "interest and"

On page 1, line 15, after "full" insert "amount of interest and"

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 706, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 706, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 706, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

ENGROSSED HOUSE BILL NO. 706, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1395, by Representatives Sayan and Powers

Providing certain documents from county auditors to veterans without charge.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1395 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1395.

ROLL CALL

The Secretary called the roll on final passage of House Bill 1395, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Barr, Deccio, Newhouse, Pullen - 4.

HOUSE BILL NO. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:54 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 11:30 a.m.

SECOND READING

HOUSE BILL NO. 1517, by Representatives McMullen, Appelwick, Niemi and Armstrong

Modifying provisions relating to executive conflicts of interest.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, House Bill No. 1517 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1517.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1517, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 04; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Hayner, McManus, Owen, Sellar - 4.

Excused: Senators Barr, Newhouse, Pullen - 3.

HOUSE BILL NO. 1517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1386, by Representatives R. King and Betrozoff (by Attorney General request)

Modifying provisions relating to third party actions for industrial injuries.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following Committee on Judiciary amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 51.24 RCW a new section to read as follows:

(1) Actions against third persons that are assigned by the claimant to the department, voluntarily or by operation of law in accordance with chapter 51.24 RCW, may be prosecuted by special assistant attorneys general.

(2) The attorney general shall select special assistant attorneys general from a list compiled by the department and the Washington state bar association. The attorney general, in conjunction with the department and the Washington state bar association, shall promulgate rules and regulations outlining the criteria and the procedure by which private attorneys may have their names placed on the list of attorneys available for appointment as special assistant attorneys general to litigate third party actions under subsection (1) of this section.

Sec. 2. Section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020 are each amended to read as follows:

If injury ~~((or death))~~ results to a worker from the deliberate intention of his or her employer to produce such injury ~~((or death))~~, the worker ~~((surviving spouse, child, or dependent))~~ or beneficiary of the worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any ~~damages in excess of ((damages over the amount received or receivable))~~ compensation and benefits paid or payable under this title.

Sec. 3. Section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030 are each amended to read as follows:

(1) If ~~((the))~~ an injury to a worker for which benefits and compensation are provided under this title is due to the negligence or wrong of a third person not in the same employ, the injured worker or beneficiary may elect to seek damages from the third person.

(2) For the purposes of this chapter, "injury" shall include any physical or mental condition, disease, ailment or loss, including death, for which compensation and benefits are paid or payable under this title.

Sec. 4. Section 3, chapter 85, Laws of 1977 ex. sess. as amended by section 1, chapter 211, Laws of 1983 and RCW 51.24.050 are each amended to read as follows:

(1) An election not to proceed against the third person operates as an assignment of the cause of action to the department or self-insurer, which may prosecute or compromise the action in its discretion in the name of the injured worker, beneficiary or legal representative.

(2) If an injury to a worker results in the worker's death, the department or self-insurer to which the cause of action has been assigned may petition a court for the appointment of a special personal representative for the limited purpose of maintaining an action under this chapter and chapter 4.20 RCW.

(3) If a beneficiary is a minor child, an election not to proceed against a third person on such beneficiary's cause of action may be exercised by the beneficiary's legal custodian or guardian.

(4) Any ~~((award or settlement recovered))~~ recovery made by the department or self-insurer shall be distributed as follows:

(a) The department or self-insurer shall be paid the expenses incurred in making the recovery including reasonable costs of legal services;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the ~~((award or settlement))~~ recovery made, which shall not be subject to subsection ~~((3))~~ (5) of this section: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department and/or self-insurer; and

(d) The injured worker or beneficiary shall be paid any remaining balance.

~~((3))~~ (5) Hereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation ~~((or))~~ and benefits shall equal any such remaining balance. Hereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no ~~((third party person claim))~~ recovery had been made from a third person.

~~((4))~~ (6) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled.

(7) When the cause of action has been assigned to the self-insurer and compensation and benefits have been paid and/or are payable from state funds for the same injury:

(a) The prosecution of such cause of action shall also be for the benefit of the department to the extent of compensation and benefits paid and payable from state funds;

(b) Any compromise or settlement of such cause of action which results in less than the entitlement under this title is void unless made with the written approval of the department;

(c) The department shall be reimbursed for compensation and benefits paid from state funds;

(d) The department shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the self-insurer in obtaining the award or settlement; and

(e) Any remaining balance under subsection (4)(d) of this section shall be applied, under subsection (5) of this section, to reduce the obligations of the department and self-insurer to pay further compensation and benefits in proportion to which the obligations of each bear to the remaining entitlement of the worker or beneficiary.

Sec. 5. Section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060 are each amended to read as follows:

(1) ((In an action by the injured worker or beneficiary against the third person)) If the injured worker or beneficiary elects to seek damages from the third person, any ((award or settlement)) recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the ((award)) recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation ((or)) and benefits paid;

(d) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the ((claimant)) worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(e) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation ((or)) and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no ((third party person claim)) recovery had been made from a third person.

(2) The ((award or settlement)) recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation ((or)) and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such

recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled.

Sec. 6. Section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070 are each amended to read as follows:

(1) The department or self-insurer may require the injured worker or beneficiary to exercise the right of election under this chapter by serving a written demand by registered mail, certified mail, or personal service on the worker or beneficiary.

(2) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the department or self-insurer, the injured worker or beneficiary is deemed to have assigned the action to the department or self-insurer. The department or self-insurer shall allow the worker or beneficiary at least ninety days from the election to institute or settle the action. When a beneficiary is a minor child the demand shall be served upon the legal custodian or guardian of such beneficiary.

(3) If an action which has been filed is not diligently prosecuted, the department or self-insurer may petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

(4) Any written demand, notice, or order provided by this chapter is deemed to have been received by the injured worker, beneficiary, or legal custodian if it is delivered to his or her last known address as shown by the records of the department, or the last known address of the person whom such injured worker, beneficiary, or legal custodian selected to receive notices or orders under this chapter.

(5) If the department or self-insurer has taken an assignment of the third party cause of action under subsection (2) of this section, the injured worker or beneficiary may, at the discretion of the department or self-insurer, exercise a right of reelection and assume the cause of

action subject to reimbursement of litigation expenses incurred by the department or self-insurer.

Sec. 7. Section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090 are each amended to read as follows:

(1) Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer; PROVIDED, That for the purposes of this chapter, "entitlement" means benefits and compensation paid and payable.

(2) If a compromise or settlement is void because of subsection (1) of this section, the department or self-insurer may petition the court in which the action was filed for an order assigning the cause of action to the department or self-insurer. If an action has not been filed, the department or self-insurer may proceed as provided in chapter 7.24 RCW.

NEW SECTION. Sec. 8. There is added to chapter 51.24 RCW a new section to read as follows:

The department may adopt, amend, and rescind under chapter 34.04 RCW such rules as may be necessary to the administration of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 51.24 RCW a new section to read as follows:

This act applies to all causes of action against third persons in which judgment or settlement of the underlying action has not taken place before the effective date of this act."

MOTION

Senator Benitz moved adoption of the following amendment to the Committee on Judiciary amendment:

On page 2, line 31 of the Senate Judiciary Committee amendment, after "third person" insert:

", except that where the United States, or any of its agencies, and one or more independent prime contractors enter into contracts which:

(a) Relate to projects, buildings, constructions, improvements, and property belonging to the United States on land and premises owned or held by the United States to which the workers' compensation laws apply under RCW 51.12.060; and

(b) Provide that workers' compensation payments and payments on accounts of liability to third persons are to be paid by the United States as an allowable cost under the contract; no employee or beneficiary of an employee of the independent prime contractor may bring an action for injuries received acting in the course of employment under the contract against any other independent prime contractor or its employees under the contract."

Debate ensued.

Senator Shinpoch demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Benitz to the Committee on Judiciary amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Benitz failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 09; nays, 36; absent, 01; excused, 03.

Voting yea: Senators Benitz, Bluechel, Deccio, Guess, Haley, Hayner, Metcalf, Quigg, von Reichbauer - 9.

Voting nay: Senators Bauer, Bender, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Absent: Senator Sellar - 1.

Excused: Senators Barr, Newhouse, Pullen - 3.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment was adopted.

MOTIONS

On motion of Senator Bluechel, Senator Haley was excused.

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

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "amending section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020: amending section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030; amending section 3, chapter 85, Laws of 1977 ex. sess. as amended by

section 1, chapter 211, Laws of 1983 and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060; amending section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070; amending section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090; and adding new sections to chapter 51.24 RCW."

On motion of Senator Talmadge, the rules were suspended, Engrossed House Bill No. 1386, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1386, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1386, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Metcalf - 1.

Excused: Senators Barr, Haley, Newhouse, Pullen - 4.

ENGROSSED HOUSE BILL NO. 1386, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGES FROM THE HOUSE

February 24, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3133,

SUBSTITUTE SENATE BILL NO. 3620,

SUBSTITUTE SENATE BILL NO. 4313,

SENATE BILL NO. 4513,

SUBSTITUTE SENATE BILL NO. 4775,

SENATE JOINT MEMORIAL NO. 127,

SENATE JOINT MEMORIAL NO. 131, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 24, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 69,

HOUSE BILL NO. 1373, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 24, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 739,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SENATE BILL NO. 3117,

SUBSTITUTE SENATE BILL NO. 4220,

SENATE BILL NO. 4300,

SENATE BILL NO. 4348,

SUBSTITUTE SENATE BILL NO. 4367,

SENATE BILL NO. 4371,
 SENATE BILL NO. 4388,
 ENGROSSED SENATE BILL NO. 4415,
 SENATE BILL NO. 4439,
 SENATE BILL NO. 4668,
 SENATE BILL NO. 4696,
 SUBSTITUTE SENATE BILL NO. 4758,
 SENATE BILL NO. 4773.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE HOUSE BILL NO. 69,
 HOUSE BILL NO. 739,
 HOUSE BILL NO. 1373,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687.

MOTION

AT 12:00 noon, on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE BILL NO. 939, by Representatives Appelwick and Hine

Modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings.

The bill was read the second time.

MOTIONS

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

On page 2, line 23, after "proceedings" insert "and each person or party claiming any right, title, estate, lien or interest in, to, or upon the property"

On motion of Senator Thompson, the rules were suspended. House Bill No. 939, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 939, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 939, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Owen - 1.

Excused: Senators Barr, Haley, Newhouse, Pullen - 4.

HOUSE BILL NO. 939, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4416, by Senators Newhouse, Vognild, Quigg, McManus, Moore and McDonald (by Employment Security Department request)

Modifying provisions relating to unemployment insurance.

MOTION

On motion of Senator Vognild, Substitute Senate Bill No. 4416 was substituted for Senate Bill No. 4416 and the substitute bill was placed on second reading and read the second time.

Senator Quigg moved that the following amendment be adopted:

On page 12, line 6, after "paying" insert "non-union"

MOTION

Senator Bottiger moved that the amendment be laid on the table.

Senator Sellar demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger to lay the Quigg amendment on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 19; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 19.

Excused: Senators Barr, Haley, Newhouse, Pullen - 4.

MOTION

Senator Deccio moved the following amendments by Senators Deccio, Quigg and McDonald be considered and adopted simultaneously:

On page 12, beginning on line 4, after "(f)" strike all material through "(g)" on line 8.

On page 12, after line 14, insert the following:

"Sec. 8. Section 77, chapter 35, Laws of 1945 as amended by section 12, chapter 8, Laws of 1953 ex. sess. and RCW 50.20.090 are each amended to read as follows:

(1) An individual shall be disqualified for benefits for any week with respect to which the commissioner finds that ~~((he))~~ the individual's unemployment is due to a ~~((stoppage of work which exists because of a))~~ labor dispute at the factory, establishment, or other premises at which ~~((he))~~ the individual is or was last employed ~~((PROVIDED That))~~.

(2) Subsection (1) of this section shall not apply if it is shown to the satisfaction of the commissioner that:

~~((t) he))~~ (a) The individual is not participating in or financing or directly interested in the labor dispute ((which caused the stoppage of work:)) and ((?) he) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the ((stoppage)) labor dispute, there were members employed at the premises at which the ((stoppage)) labor dispute occurs, any of whom are participating in or financing or directly interested in the dispute ((PROVIDED That)) ; or

(b) The individual is unemployed due to a lockout by his or her employer, except for lockouts by employers who are members of a multi-employer bargaining unit if the employees locked out belong to the same bargaining unit which has struck a member of the multi-employer bargaining unit; or

(c) The labor dispute has been settled by the negotiating parties, or the labor organization has provided written notice to the employer that the labor dispute is terminated.

(3) For the purposes of this section, if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall ((for the purpose of this subdivision)) be deemed to be a separate factory, establishment, or other premises."

Renumber the remaining sections and correct internal references accordingly.

Debate ensued.

MOTION

Senator Bottiger moved that the amendments by Senators Deccio, Quigg and McDonald be laid on the table.

Senator Hemstad demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on the motion by Senator Bottiger to lay the amendments by Senators Deccio, Quigg and McDonald on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Excused: Senators Barr, Newhouse, Pullen - 3.

POINT OF INQUIRY

Senator Hemstad: "Will Senator Bottiger yield to a question?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Senator Bottiger does not seem to be on the floor. He does not choose to yield."

PERSONAL PRIVILEGE

Senator Bluechel: "A point of personal privilege. Mr. President, would you explain to the body how we are supposed to debate the issues here if all of our legitimate amendments are being laid on the table without debate?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The President can only conduct the meeting of the Senate in accordance with the rules, and as far as I know the rules so far have been followed."

Senator Bluechel: "Mr. President, may I speak?"

President Pro Tempore Goltz: "Is this on the point of personal privilege?"

Senator Bluechel: "Yes, Mr. President."

President Pro Tempore Goltz: "State your point of personal privilege."

Senator Bluechel: "My point of personal privilege is that how do we debate this measure if we are not allowed any amendments, whatsoever? How do we give a good public hearing? How do we express the viewpoints of those who may be in the minority as regard to this bill?"

President Pro Tempore Goltz: "I believe, Senator Bluechel, that is not a point of personal privilege, and I cannot answer your question under this point of personal privilege."

POINT OF ORDER

Senator Fleming: "Mr. President, I think you might address as to what order of business we are speaking under, but I just said that if the Senator would like to express his opinion, we will have it on third reading and he can express his opinion on it on final passage, I am sure."

POINT OF INQUIRY

Senator McCaslin: "Mr. President—Senator Hemstad, would you yield to a question?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "There is no matter before the body at the moment."

Senator McCaslin: "I think there is a matter of importance, Mr. President, whether or not the minority can pass legislation."

President Pro Tempore Goltz: "We are trying to put an amendment by Senator Lee before the body. Otherwise, there is nothing before the body at the present time."

MOTIONS

Senator Lee moved that the following amendment be adopted:

On page 1, strike all material after the enacting clause and insert:

"Sec. 1. Section 89, chapter 35, Laws of 1945 as last amended by section 9, chapter 33, Laws of 1977 ex. sess. and RCW 50.24.010 are each amended to read as follows:

Contributions shall accrue and become payable by each employer (except employers as described in RCW 50.44.010 who have properly elected to make payments in lieu of contributions and those employers who are required to make payments in lieu of contributions) for each calendar year in which the employer is subject to this title at the rate of ~~((two) five and (seven-tenths))~~ four-tenths percent of wages paid each employee ~~((except for such rates as determined for qualified employers according to chapter 50.29 RCW. PROVIDED: That if, as of any June 30th, the amount in the unemployment compensation fund is less than three and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year, contributions for the following calendar year for all employers shall be payable at the rate of three percent of wages subject to tax))~~ for the 1984 calendar year and the 1985 calendar year.

((The amount of wages subject to tax for each individual as of January 1, 1971, shall be four thousand two hundred dollars. If the amount in the unemployment compensation fund on any June 30th, after January 1, 1971, is less than four and one-half percent of total remuneration paid by all employers during the preceding calendar year and reported on or before the March 31st following such year)) In each rate year, the amount of wages subject to tax for each individual shall increase on the January 1st next following by six hundred dollars: PROVIDED, That the amount of wages subject to tax in any calendar year shall not exceed eighty percent of the "average annual wage" for the second preceding calendar year rounded to the next lower multiple of three hundred dollars: PROVIDED FURTHER, That the amount subject to tax shall be seven thousand dollars for the 1984 calendar year and the 1985 calendar year.

In making computations under this section ~~((and RCW 50.29.040)),~~ wages paid based on services for employers making payments in lieu of contributions shall not be considered remuneration. Moneys paid from the fund, based on services performed for employers who make payments in lieu of contributions, which have not been reimbursed to the fund as of any June 30 shall be deemed an asset of the unemployment compensation fund, to the extent that such moneys exceed the amount of payments in lieu of contributions which the commissioner has previously determined to be uncollectible: PROVIDED, FURTHER, That the amount attributable to employment with the state shall also include interest as provided for in RCW 50.44.020.

Contributions shall become due and be paid by each employer to the treasurer for the unemployment compensation fund in accordance with such regulations as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in employment of the employer. Any deduction in violation of the provisions of this section shall be unlawful.

In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

NEW SECTION, Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 10, chapter 2, Laws of 1970 ex. sess., section 16, chapter 3, Laws of 1971, section 11, chapter 158, Laws of 1973 1st ex. sess., section 17, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.010;

(2) Section 11, chapter 2, Laws of 1970 ex. sess., section 6, chapter 228, Laws of 1975 1st ex. sess. and RCW 50.29.020;

(3) Section 12, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.030;

(4) Section 15, chapter 2, Laws of 1970 ex. sess., section 13, chapter 158, Laws of 1973 1st ex. sess., section 18, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.060;

(5) Section 16, chapter 2, Laws of 1970 ex. sess., section 14, chapter 158, Laws of 1973 1st ex. sess., section 19, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.29.070; and

(6) Section 17, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.080.

NEW SECTION, Sec. 3. This act shall apply to contributions made after January 1, 1984."

MOTION

Senator Vognild moved the following amendment to the Lee amendment:

On page 2, line 14, strike "seven" and insert "eight" and after "thousand" insert "five hundred"

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the Vognild amendment to the Lee amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Vognild carried and the amendment to the amendment was adopted by the following vote: Yeas, 26; nays, 20; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurlley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Decchio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Excused: Senators Barr, Newhouse, Pullen - 3.

MOTION

On motion of Senator Lee and there being no objection, the amendment by Senator Lee, as amended, was withdrawn.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute Senate Bill No. 4416 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4416.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4416, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Decchio, Fuller, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Quigg, Sellar, von Reichbauer, Zimmerman - 17.

Excused: Senators Barr, Newhouse, Pullen - 3.

SUBSTITUTE SENATE BILL NO. 4416, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Vognild, Substitute Senate Bill No. 4416 was ordered immediately transmitted to the House.

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

MESSAGES FROM THE HOUSE

February 25, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3117,
 SUBSTITUTE SENATE BILL NO. 4220,
 SENATE BILL NO. 4300,
 SENATE BILL NO. 4348,
 SUBSTITUTE SENATE BILL NO. 4367,
 SENATE BILL NO. 4371,
 SENATE BILL NO. 4388,
 SENATE BILL NO. 4415,
 SENATE BILL NO. 4439,
 SENATE BILL NO. 4668,
 SENATE BILL NO. 4696,
 SUBSTITUTE SENATE BILL NO. 4758,
 SENATE BILL NO. 4773, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 571,
 HOUSE BILL NO. 596,
 HOUSE BILL NO. 1119.

SUBSTITUTE HOUSE BILL NO. 1153,

HOUSE BILL NO. 1328,

SUBSTITUTE HOUSE BILL NO. 1400,

HOUSE BILL NO. 1409, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 571,

HOUSE BILL NO. 596,

HOUSE BILL NO. 1119,

SUBSTITUTE HOUSE BILL NO. 1153,

HOUSE BILL NO. 1328,

SUBSTITUTE HOUSE BILL NO. 1400,

HOUSE BILL NO. 1409.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 1462, by Representatives R. King, O'Brien, Belcher, Niemi, Miller, Locke, Fisch and Galloway

Modifying provisions relating to unemployment compensation.

The bill was read the second time.

MOTIONS

Senator Shinpoch moved the following Committee on Commerce and Labor amendments be considered and adopted simultaneously:

On page 1, beginning on line 8, strike all material through "time." on page 2, line 19 and insert the following:

"Sec. 1. Section 33, chapter 35, Laws of 1945 as last amended by section 6, chapter 23, Laws of 1983 1st ex. sess. and RCW 50.04.320 are each amended to read as follows:

(1) For the purpose of payment of contributions, "wages" means:

(a) The remuneration paid by one employer during any calendar year to an individual in its employment under this title or the unemployment compensation law of any other state in the amount specified in RCW 50.24.010(;;);

(b) Tips reported to an employer pursuant to the United States Internal Revenue Code; and

(c) If an employer (hereinafter referred to as a successor employer) during any calendar year acquires substantially all the operating assets of another employer (hereinafter referred to as a predecessor employer) or assets used in a separate unit of a trade or business of a predecessor employer, and immediately after the acquisition employs in his trade or business an individual who immediately before the acquisition was employed in the trade or business of the predecessor employer, then, for the purposes of determining the amount of remuneration paid by the successor employer to the individual during the calendar year which is subject to contributions, any remuneration paid to the individual by the predecessor employer during that calendar year and before the acquisition shall be considered as having been paid by the successor employer.

(2) For the purpose of payment of benefits, "wages" means:

(a) The remuneration paid by one or more employers to an individual for employment under this title during his base year: PROVIDED, That at the request of a claimant, wages may be calculated on the basis of remuneration payable. The department shall notify each claimant that wages are calculated on the basis of remuneration paid, but at the claimant's request a redetermination may be performed and based on remuneration payable; and

(b) Tips reported to employers pursuant to the United States Internal Revenue Code.

(3) "Remuneration" means all compensation paid for personal services including commissions and bonuses and the cash value of all compensation paid in any medium other than cash. The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner.

"Remuneration" does not include payments to members of a reserve component of the armed forces of the United States, including the organized militia of the state of Washington, for the performance of duty for periods not exceeding seventy-two hours at a time."

Strike all of section 2 and insert:

"NEW SECTION. Sec. 2 This act shall take effect on January 1, 1985."

On motion of Senator Shinpoch, the following amendment to the Committee on Commerce and Labor amendment was adopted:

Amend the committee amendment, striking section 2 and inserting a new section 2 as follows: On the last line of the amendment, strike "January" and insert "July"

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

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

MOTIONS

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

On page 1, line 4 of the title, after "50.04.320: and" strike all the material down to and including "50.20.050" on line 6, and insert "providing an effective date"

On motion of Senator Shinpoch, the rules were suspended, Engrossed House Bill No. 1462, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1462, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1462, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McCaslin, Owen, Warnke - 3.

Excused: Senators Barr, Newhouse, Pullen - 3.

ENGROSSED HOUSE BILL NO. 1462, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 25, 1984

Mr. Bill Gleason
Assistant Secretary of the Senate
Washington State Senate

Dear Bill:

While attempting to prepare a series of complicated amendments, I mistakingly voted in favor of EHB 1462.

I felt at the time, and still feel the bill will negatively impact the operation and economic viability of small businesses. I recognize the concern of some individuals regarding inclusion of tips in determining wages for computing unemployment benefits. However, I believe the legislation could cause some employers to reduce the number of employees, therefore, causing far more harm to both groups.

I regret my affirmative vote on EHB 1462 and request this statement be included in the record.

Sincerely,
Senator Mike McManus

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1246, by Committee on Education (originally sponsored by Representatives Galloway, P. King and Taylor)

Providing programs for educational excellence.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Each school district board of directors is encouraged to revise its goal-setting process and to begin immediately to establish an annual process of identifying measurable goals which concentrate on improving educational excellence in the district. This process of identifying goals should involve teachers, administrators, school directors, students, parents, business persons, and other community members. The annual goals and recognition of accomplishments should be reported by the school district to the community each year.

NEW SECTION, Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

All public high schools in the state shall provide a curriculum designed to provide an opportunity for the acquisition of competency skills including effective written and oral communication skills; thinking and reasoning skills; student appreciation of or participation in the arts; knowledge of American civilization and government; substantive exposure to at least one language other than English; computation skills and the ability to use computers; understanding of geography, economics, and history; job acquisition and retention skills; appreciation of what constitutes desirable mental and physical health and human growth and developments; and ability to assume future roles as parents, consumers, home managers, and citizens.

School district boards of directors shall identify courses with content that assist in the acquisition of these competency skills. Such courses may be applied or theoretical, academic or vocational.

Sec. 3. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, ~~((on or before September 1, 1977, for grades kindergarten through eight, and on or before September 1, 1978, for grades nine through twelve, by rule and regulation;)) shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district ((in the areas of language arts, reading, and math, and initiate implementation of such program on or before September 1, 1978, for grades kindergarten through eight, and on or before September 1, 1981, for grades nine through twelve; PROVIDED, That such student learning objectives for grades kindergarten through eight shall be reviewed by the superintendent of public instruction and a report of such review shall be submitted to the legislature on or before January 31, 1978; PROVIDED FURTHER, That)) in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. ((Such)) The program of student learning objectives shall assure that the district's resources in ((such)) the educational program, such as money, facilities, time, materials and personnel, ~~((shall be utilized)) are used~~ so as to provide both economies in management and operation, and quality education in ~~((the aforesaid)) all subject areas and courses((-PROVIDED FURTHER, That such)), The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually and the student learning objectives program shall be reviewed at least every two years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.~~~~

The superintendent of public instruction shall review implementation of the learning objectives law biennially and shall submit a report of such review to the legislature on or before January 30 of each year.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

NEW SECTION, Sec. 4. Section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092 are each repealed.

NEW SECTION, Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area. Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.

NEW SECTION, Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

- (a) English for three years;
- (b) Mathematics for two years;
- (c) Science for two years, including at least two credits of laboratory science;
- (d) Social science for three years which shall include courses in United States history and government and Washington state history and government as required under RCW 28A.05.050;
- (e) Occupational education and consumer and life skills in any manner which when combined total one year;
- (f) An additional two years chosen from the above areas or art, music, or foreign language or any combination thereof;
- (g) Health and physical education for two years: PROVIDED, That individual students may be excused on account of physical disability, employment, or religious belief, or because of participation in directed athletics or military science and tactics: PROVIDED FURTHER, That individual high school students shall be excused therefrom upon the written request of parents or guardians.

(2) The state board of education shall develop and establish procedures for students to meet equivalencies for courses required for graduation in subsection (1) of this section. Such procedures may include provisions for competency testing in lieu of such courses.

(3) The state board of education shall establish procedures for establishing high school graduation requirements for students with special educational needs, in accord with limitations on their ability to fulfill these high school graduation requirements.

(4) The local school districts shall consider the relevance of vocational and applied courses in fulfilling these high school graduation requirements.

(5) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from the graduation requirements in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach required subjects. The state board of education may adopt reasonable and necessary rules regarding exemptions for students who transfer between districts.

(6) In exercise of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall continuously reevaluate the graduation requirements and shall report such findings to the legislature and the temporary committee on educational policies, structure and management in a timely manner as determined by the state board.

NEW SECTION, Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW a new section to read as follows:

(1) The state board of education shall develop for use by all public school districts a standardized high school transcript. The state board of education shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) Transcripts are important documents to students who will apply for admission to post-secondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to

see transcripts and that the decision to release transcripts can be an important part of the process of applying for employment.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) School districts shall issue diplomas to students signifying graduation from high school upon the students' satisfactory completion of all local and state graduation requirements. Districts shall grant students the option of receiving a final transcript in addition to the regular diploma.

(2) School districts or schools of attendance shall establish policies and procedures to notify senior students of the transcript option and shall direct students to indicate their decisions in a timely manner. School districts shall make appropriate provisions to assure that students who choose to receive a copy of their final transcript shall receive such transcript after graduation.

Sec. 9. Section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. and RCW 28A.03.360 are each amended to read as follows:

~~(1) ((It shall be the intent and purpose of this section to direct the office of superintendent of public instruction to conduct standardized reading, mathematics, and language arts achievement level surveys of approximately two thousand students distributed throughout the state in each of the grade levels eight and eleven during such testing cycles as provided for in subsection (2) of this section. The survey testing shall be based on a statistical random sample of students from these grade levels sufficient to generalize about all of the students at each of the selected grade levels from the state's school districts. The purpose of these surveys is to allow the public and the legislature to evaluate how Washington students in these grades compare to students in the same grades tested in other comparable national achievement surveys. The office of superintendent of public instruction shall coordinate such tests and provide such information as obtained therefrom to the legislature no less often than once every four years.~~

~~(2) The superintendent of public instruction shall prepare a report to the legislature on the achievement levels of students in grades eight and eleven based on the achievement level surveys conducted in the 1975-77 biennium and for each of the subsequent testing cycles as designated by the superintendent of public instruction's office. Such report shall include a comparison of the achievement levels attained by Washington students to the levels attained by students outside of the state, with special emphasis placed on the basic skills of reading, mathematics, and language arts. Such report shall also focus on appropriate input variables and comparisons of variables reported by other states' testing programs.~~

~~(3) Results of the first survey test shall be made available to the school districts and the legislature no later than June 30, 1977.~~

~~(4) In addition to the survey testing for grades eight and eleven as set forth in this section,)) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.~~

~~((5)) (2) The superintendent of public instruction shall prepare (, with the assistance of local school districts,)) and conduct, with the assistance of local school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.~~

~~(3) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an assessment to be administered annually to all grade eight students. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school programs and courses for the students and to provide comparisons within the district, the state and, if applicable, the nation. The assessment shall include but not be limited to tests in reading, mathematics, and language arts and a student interest inventory. The superintendent of public instruction shall make the results available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion.~~

~~(4) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an assessment to be administered annually to all grade ten students. The purposes of the assessment are to assist students in meeting district graduation requirements and in making decisions regarding potential career options. The results of the assessment shall be used to provide comparisons within the district, the state and, if applicable, the nation. The superintendent of public instruction shall make the results available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion.~~

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

School districts are encouraged to prepare and administer a program of assessment tests to be periodically administered to students as they progress from the eighth through eleventh grades for the purpose of identifying and remedying deficiencies.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) The superintendent of public instruction shall prepare, in consultation with and with the assistance of school districts, a model test to assess students' ability to perform various functions common to everyday life. This model test shall be called the "Washington life skills test" and shall be made available to school districts for use at the district's option. The test shall include questions designed to determine students' academic growth and proficiency in skills generally thought to be useful in adult life, including but not limited to English, vocabulary, communications, and mathematical skills as such skills relate to career, consumer, economic, health, and other issues important to individuals becoming productive citizens. The superintendent of public instruction shall develop and implement a process to review periodically the contents of the test and make changes as may be appropriate or necessary.

(2) School districts may establish their own policies and procedures governing the use of the test. Districts may use the test as a requirement for graduation in conjunction with other state and local graduation requirements, for counseling-related purposes, or for other purposes as districts may determine.

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Pursuant to rules and regulations adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by section 14 of this act.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules and regulations adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

NEW SECTION. Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010;

(2) Section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; and

(3) Section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

(1) All public high schools of the state shall provide a program, directly or otherwise, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the entrance requirements under section 18 of this act.

(2) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from providing the program described in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach subjects which must be provided.

NEW SECTION. Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50. Such waivers shall not extend beyond completion of the baccalaureate degree or five consecutive school years, whichever is sooner.

NEW SECTION. Sec. 18. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

(1) The boards of regents or trustees of the state universities, regional universities, and The Evergreen State College shall establish minimum admissions requirements which include the completion of the following program of high school study or comparable college coursework:

- (a) English for four years;
- (b) Mathematics for three years, including one year of algebra and one year of geometry;
- (c) Science for two years, including one year of laboratory science;
- (d) Social science for three years;
- (e) Foreign language for two years;
- (f) Two years of electives chosen from the areas in this subsection, one year of which may be in art or music.

(2) The boards of regents or trustees shall ensure that special admission procedures shall be available to applicants who may be unable to meet the requirements specified in subsection (1) of this section for admission. Such applicants must be able to submit additional evidence of academic capability sufficient to ensure that the applicant will benefit from or contribute to the institutions' undergraduate program: PROVIDED, That such special admission procedures shall not be interpreted as guaranteeing admittance to the institutions. The special admission of students into educational opportunity programs shall be included in this special admission procedure.

NEW SECTION. Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The boards of regents or trustees of the state universities, regional universities, and The Evergreen State College, in consultation with the council for postsecondary education, shall mutually set uniform academic transfer policies for students who complete Washington state community college associate degrees.

NEW SECTION. Sec. 20. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction shall develop procedures for project grants to school districts to assist in the development of innovative programs for the retention of students in the common school system.

NEW SECTION. Sec. 21. Implementation of sections 5, 11, and 20 of this act and the amendment to RCW 28A.03.360 by section 9 of this act are each subject to funds being appropriated or available for such purpose or purposes.

NEW SECTION. Sec. 22. Section 18 of this act shall take effect July 1, 1989.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

MOTION

Senator Gaspard moved the following amendments to the Committee on Education amendment be considered and adopted simultaneously:

On page 4, line 21, after "January", strike "30" and insert "1"

On page 4, line 22, after "each" insert "odd-numbered"

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I would like to challenge the committee amendments to House Bill 1246 on scope and object. Substitute House Bill 1246 originally was a simple bill on curriculum improvements and student evaluations. This committee amendment would add thirteen new sections to the bill ranging on some things as graduation requirements, standardized high school transcripts, high school diploma requirements, college tuition and fee waivers, college admissions standards, community college credit transfer ability, and a number of other sections that are completely out of scope and object with the bill that was intended to make curriculum improvements and student evaluations. I think that upon looking at it you will find it's completely out of scope and object."

Debate ensued.

MOTION

On motion of Senator Shipoch, further consideration of Substitute House Bill No. 1246 was deferred.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, by Committee on Ways and Means (originally sponsored by Representatives Grimm, Dickie, Isaacson and Clayton)

Improving the quality of education.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction, in consultation with representatives of the state and regional universities, the council for postsecondary education, and the state board of education, shall develop a program to implement at least one campus educational research center located in the state of Washington. Any research center shall be located at an existing state or regional university campus and may be utilized by school districts and all teacher preparation institutions to assist in educational research and the field testing of new innovations in curriculum design, teaching methodology, management practices, and school organizational structures. The superintendent of public instruction shall report to the legislature and the temporary committee on educational policies, structure and management by January 1, 1985, on the plan for the organization and operation of any research center, locations, and costs related thereto. The superintendent of public instruction shall also make available to the temporary committee on educational policies, structure and management, prior to the presentation of the final plan, such information as may be developed in the preparation of the plan.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

(1) The superintendent of public instruction is hereby authorized to grant funds for selected school improvement research projects, including improvements in curriculum, instruction, and classroom management developed by teachers.

(2) The superintendent shall appoint an advisory committee on research and development composed of certificated and noncertificated staff, administrators, curriculum specialists, parents, school directors, postsecondary educators, business persons, and others as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate proposed school improvement research projects proposed by educational employees. The criteria approved by the superintendent shall: (a) Assure to the extent possible that projects will be chosen which represent the various geographical locations, school or district sizes, and grade levels existent in the state; (b) provide for evaluation of each project upon completion; and (c) include such other requirements as the superintendent finds necessary. The committee shall recommend to the superintendent of public instruction the awarding of grants to fund those proposals showing the most potential for developing knowledge which will be helpful to local districts in their efforts to enhance educational equity and excellence. Projects may involve the collaboration of personnel from higher education institutions and kindergarten through grade twelve educators.

(3) The superintendent of public instruction shall award grants to selected project participants in such amounts as recommended by the advisory committee on research and development under subsection (2) of this section and the sum of all grants awarded per year shall not exceed that amount appropriated by the legislature for such purposes. Grants may be awarded to individual teachers or teams of teachers including teacher's aides and volunteers.

(4) The superintendent of public instruction shall maintain a clearinghouse of information on these research projects for the use of local districts.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) Recent and expanding activity in educational research has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on education, the superintendent of public instruction shall act as the state clearinghouse for educational information.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost, including information on the school improvement research projects under section 2 of this act.

(4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(4), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1985, and should be completed for all schools within a district by the end of the 1989-90 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1989-90 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall annually report to the superintendent of public instruction on the scheduling and implementation of their self-study activities.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction is hereby authorized to grant funds to local school districts to establish pilot projects in building-based management from funds appropriated to include that purpose or from funds otherwise available.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

The superintendent of public instruction shall develop, with the advice of the state board of education, school board members, administrators, the temporary committee on educational policies, structure and management and the institutions of higher education offering teacher training programs, a plan for an administrators training academy. The plan shall include components to develop management skills of board members, superintendents, principals, and other supervisory personnel. The plan should focus on developing leadership skills, curriculum improvement and upgrading, teacher evaluation and counseling, linkages with the community, enhancement of a positive learning environment, planning and goal setting, effective school research, finance, school law, and classroom management techniques and methods to make better use of the school day for learning and to reduce disruptions and nonteaching tasks for teachers.

The plan shall provide for the shared cost of the academy.

Sec. 7. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and
- (5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated classroom employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

(1) The superintendent of public instruction shall establish an annual teacher excellence award program for teachers in diverse grades or subject areas. Not more than one award per educational service district may be granted in any school year.

(2) The awards shall include:

(a) Certificates presented by the governor and the superintendent of public instruction at public ceremonies in appropriate locations;

(b) Waiver of tuition and fees under section 9 of this act; and

(c) A stipend not to exceed one thousand dollars to cover costs incurred in taking courses, which stipend shall not be considered compensation for the purposes of RCW 28A.58.095.

NEW SECTION. Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Teachers who have received a teacher excellence award under section 8 of this act shall have the tuition and fees waived at any state institution of higher education for eighteen quarter hours or twelve semester hours taken within three years after the award was received.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

School district boards of directors are encouraged to develop and implement incentives which recognize and encourage staff excellence. School districts may provide monetary incentives in the form of compensation to staff for additional work or assigned projects conducted in addition to a district's basic education program. Such compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095 nor shall such compensation be applied to the district's salary schedule or be provided in a manner which would increase the state's basic education funding obligation.

NEW SECTION. Sec. 11. (1) There is established for the 1984-85 school year a pilot program to permit up to one hundred fifty teachers who are assigned to supervise the field experience of student teachers to receive a stipend and up to three quarter hour credits or the equivalent at a state institution of higher education.

(2) The objective of the program is to: (a) Enhance the quality of teachers entering the profession through improved practical field experience; and (b) recognize the value of instruction provided by supervisory teachers.

(3) Each supervisory teacher shall assure that the student teacher receives practical teaching experience and direct supervision throughout the assignment.

(4) Each participating school or college of education shall provide training in supervisory skills for the supervisory teacher.

(5) School districts shall provide supervisory teachers with release time the district deems necessary to be able to supervise the student teachers.

(6) For the purposes of this section, "student teacher" means an individual who receives training experiences under supervision in school or school-related settings while participating in a teacher education program approved by the state board of education.

(7) The state board of education shall administer, coordinate, and evaluate the program and report back to the education committees of the house of representatives and the senate by September 15, 1985.

NEW SECTION. Sec. 12. The state board of education shall recommend a plan to establish a graduate level professional teacher preparation program for teacher certification. The plan shall be based on an analysis of the need for and design of: explicit entry and exit competency criteria, which shall include testing and assessments of competency in various subject matters or in pedagogy including the ability to encourage students to learn and relate to others in a mutually respectful manner, or both; breadth and depth of subject matter; training and research relevant to teaching skills; extensive experience in local districts including internship, a portion of which may be paid; research on education; continued involvement of program units as defined by the state board of education; and other criteria as the board may determine appropriate. The state board shall also recommend enabling legislation and changes in certification needed to establish such program, provide data relative to costs, and recommend a process for certifying teachers who have been certified in another state. The state board of education shall submit to the legislature by December 1, 1984, recommendations for legislation required to implement such a graduate level professional teacher preparation program.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW a new section to read as follows:

After June 30, 1987, each applicant for initial certification shall have completed the necessary coursework and field training requirements, shall submit letters of evaluation from academic and field training supervisors, shall pass an examination or examinations that measure the applicant's subject area knowledge, and shall satisfy other procedures prescribed by the state board of education before receiving initial certification to teach or perform other professional duties in the schools of the state.

NEW SECTION. Sec. 14. The Washington state legislature intends to address the appropriate salary levels of teachers, for both current preparation standards and the increased professional preparation standards under section 12 of this act, to a level similar to persons in public and private occupations in this state holding positions requiring or imposing similar training, responsibilities, judgment, knowledge, skills, and working conditions. The superintendent of public instruction shall contract for a study to assist the legislature in a determination of those appropriate salary levels. The study shall compare teachers to public and private occupations on both an hourly wage basis and on an annual salary basis. The study shall be completed

and the results reported to the legislature and the temporary committee on educational policies, structure and management by January 1, 1985. The superintendent of public instruction shall also make available to the temporary committee on educational policies, structure and management, prior to the presentation of the final report, such data as may be developed in the compilation of the salary survey. The legislature is not obligated to implement any or all of the results contained in such study.

NEW SECTION. Sec. 15. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to equate credits for district in-service training with college credits for the purpose of salary allocation. Certificated employees may receive up to three additional education credits per year for advancement on the salary schedule for staff development courses taking place after September 1, 1985.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

Each school district shall design, and implement a staff development plan under the In-Service Training Act of 1977, RCW 28A.71.200 and 28A.71.210.

The plan shall be established prior to September 1, 1985, and shall provide for staff development training programs which are of professional benefit to employees. School districts shall review and approve staff development training courses. Courses shall be recognized by a school district if such courses:

(1) Enable employees to maintain or improve proficiency in their current or anticipated assignments; or

(2) Respond to an area of district-needed expertise.

NEW SECTION. Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) Local districts shall assign secondary teachers holding initial level certificates to endorsed areas and levels only. Teachers holding initial level elementary endorsement shall be assigned to elementary grades only. Teachers holding continuing level certificates should be assigned to recommended areas and levels or to areas and levels in which they have demonstrated competency during professional service: PROVIDED, That teachers holding certificates endorsed for grades kindergarten through eight or seven through twelve may be assigned to junior high schools and middle schools: PROVIDED FURTHER, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize initially certificated teachers to serve at different grade levels or in different subject matter fields from those recommended: PROVIDED FURTHER, That when a certificated teacher is assigned outside his or her recommended areas or levels, or outside areas or levels where competence has been demonstrated, the school district shall provide training equivalent to that needed for endorsement in the new assignment and the district shall develop with each affected teacher a plan for this training, and the teacher may not continue teaching outside his or her recommended areas or levels for more than one year unless substantial progress has been made on this planned training.

(2) Assignments to serve in educational staff associate roles shall be limited to persons holding valid educational staff associate certificates with appropriate endorsements.

(3) Assignment of persons to serve as principals or vice principals shall be limited to persons holding valid administrator certificates with the appropriate endorsement or endorsements: PROVIDED, That principals holding certificates endorsed for grades kindergarten through eight or seven through twelve may be assigned to junior high schools and middle schools.

(4) School districts shall assign beginning teachers who hold provisional certificates to the elementary, junior high, or senior high school levels and to subject fields in accordance with the beginning teacher's qualifications. Such assignment shall obtain during the beginning teacher's first year of teaching: PROVIDED, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize beginning teachers to teach at different grade levels or in different subject matter fields from those recommended: PROVIDED FURTHER, That when a beginning teacher is assigned outside his or her areas or levels of qualification, the school district shall provide training equivalent to that needed for endorsement in the new assignment and the district shall develop with each affected teacher a plan for this training, and the teacher may not continue teaching outside his or her areas or levels of qualification for more than one year unless substantial progress has been made on this planned training.

Sec. 18. Section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of ~~((computers, computer components, computer accessories, or computer software))~~ tangible personal property irrevocably donated to and accepted by any public or private nonprofit school or ~~((college))~~ institution of higher education, as defined under chapter 84.36 RCW, in this state. ~~((For purposes of this section, "computer" means a data processor that can perform substantial computation, including numerous arithmetic or logic operations, without intervention by a human operator during the run.))~~

NEW SECTION. Sec. 19. Implementation of sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, and 16 of this act are each subject to funds being appropriated or available for such purpose or purposes.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Senator Craswell: "Mr. President, I challenge this committee amendment on scope and object. The original bill as it came from the House was a bill to improve staff training and recognize staff excellence. We now have twelve new sections to add in picking up all or parts of at least four other bills ranging from establishing campus research centers, to an SPI clearing house, building-based management programs, administrative training academies, contract hour waivers, salary surveys, youth tax exemptions for donations of tangible property to schools and a number of other things. I think this is a far cry from what the original bill did, which was improving staff training and recognizing staff excellence. I do believe it is out of scope and object."

Debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Second Substitute House Bill No. 1660 was deferred.

Vice President Pro Tempore Rasmussen assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1613, by Committee on Higher Education (originally sponsored by Representatives Powers, Sutherland, Burns, Jacobsen, McMullen, Fisch, D. Nelson, Kreidler, Smitherman, Ebersole, Taylor, Wang, Tanner, Miller, Todd and Allen)

Creating the Washington award for vocational excellence program.

The bill was read the second time.

MOTIONS

On motion of Senator Gaspard, the following amendment by Senator Goltz was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 28C.04 RCW a new section to read as follows:

(1) The commission for vocational education, in consultation with representatives from the state board for community college education and the superintendent of public instruction and representatives from business, industry, and labor organizations having an interest in vocational education, shall devise a recognition program comparable to the Washington scholars program under RCW 28A.58.820 through 28A.58.830 for outstanding accomplishments by vocational education students. The vocational education student recognition program shall be effective starting with the 1985-86 school year.

(2) The commission may accept any and all donations, grants, bequests, and devises, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the recognition program for vocational students. The commission shall encourage maximum participation from business, labor, and community groups. The commission shall also coordinate, where feasible, the contribution activity of the various participants.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Secondary vocational education students recognized for outstanding performance under section 1 of this act are eligible for two consecutive years of tuition and fee waivers at state

institutions of higher education or fee waivers at a public vocational technical institute post-secondary education program commenced within five years after the award is received."

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

On page 1, on line 2 of the title, after "excellence," strike the remainder of the title and insert "adding a new section to chapter 28C.04 RCW; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW."

MOTIONS

On motion of Senator Vognild, Senator Goltz was excused.

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1613, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1613, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1613, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yeas: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalfe, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Quigg - 1.

Excused: Senators Barr, Goltz, Newhouse, Pullen - 4.

SUBSTITUTE HOUSE BILL NO. 1613, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1456, by Committee on Education (originally sponsored by Representatives Galloway, P. King, Ebersole and Powers) (by Superintendent of Public Instruction request)

Revising requirements for transitional bilingual education.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 95, Laws of 1979 and RCW 28A.58.800 are each amended to read as follows:

RCW 28A.58.800 through 28A.58.810 shall be known and cited as "The Transitional Bilingual Instruction Act ((of 1979))". The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. ((Experience has shown that classes which are taught in English are inadequate to meet the needs of these children.)) The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.58.800 through 28A.58.810 to provide for the implementation of transitional bilingual education programs in the public schools, and to provide supplemental financial assistance to ((help local)) school districts to meet the extra costs of these programs.

Sec. 2. Section 2, chapter 95, Laws of 1979 and RCW 28A.58.802 are each amended to read as follows:

As used in RCW 28A.58.800 through 28A.58.810, unless the context thereof indicates to the contrary:

(1) "Transitional bilingual instruction" means :

(a) A system of instruction which uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable the pupil to achieve competency in English. Concepts and information are introduced in the primary language and reinforced in the second language: PROVIDED, That the program shall include testing in the subject matter in English(;-); or

(b) In those cases in which the use of two languages is not practicable as established by the superintendent of public instruction and unless otherwise prohibited by law, an alternative system of instruction which may include English as a second language and is designed to enable the pupil to achieve competency in English.

(2) "Primary language" means the language most often used by the student for communication in his/her home.

(3) "Eligible pupil" means any enrollee of the school district whose primary language is other than English and whose English language skills are sufficiently deficient or absent to impair learning ~~((when taught only in English, but shall not include pupils who are equally or almost equally competent in English and other languages)).~~

Sec. 3. Section 3, chapter 95, Laws of 1979 and RCW 28A.58.804 are each amended to read as follows:

Every school district board of directors shall:

(1) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction ~~(;- PROVIDED: That such rules shall provide that any school district with a limited number of pupils of the same non-English dominant language shall not be required to activate a new bilingual program but may carry on an alternative instructional program utilizing resources available to the district)).~~

(2) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program.

(3) ~~((Annually))~~ Determine, by administration of ~~((a))~~ an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases. If, however, a preliminary interview indicates little or no English speaking ability, eligibility testing shall not be necessary.

(4) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction.

~~((4))~~ (5) Provide in-service training for ~~((all))~~ teachers, counselors, and other staff, who are involved in the district's transitional bilingual ((education within the district)) program. Such training shall include appropriate instructional strategies for children of culturally different backgrounds, use of curriculum materials, and ~~((bilingual))~~ program models.

Sec. 4. Section 4, chapter 95, Laws of 1979 and RCW 28A.58.806 are each amended to read as follows:

Every school district board of directors may appoint, maintain, and receive recommendations from an advisory committee ~~((of persons including))~~ which includes parents whose children are in the transitional bilingual instruction program ~~((and bilingual))~~; teachers, and other staff members.

Sec. 5. Section 5, chapter 95, Laws of 1979 and RCW 28A.58.808 are each amended to read as follows:

The superintendent of public instruction shall ~~((prepare and))~~:

(1) Promulgate and issue ~~((prior to September, 1979))~~ program development guidelines to assist school districts in preparing their programs(;-);

(2) Promulgate rules for implementation of ((this bilingual instruction act shall be promulgated by the superintendent of public instruction)) RCW 28A.58.800 through 28A.58.810 in accordance with chapter 34.04 RCW ((no later than May 15, 1980)). The rules shall be designed to maximize the role of school districts in selecting programs appropriate to meet the needs of eligible students. The rules shall identify the process and criteria to be used to determine when a student is no longer eligible for transitional bilingual instruction pursuant to RCW 28A.58.800 through 28A.58.810.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to be codified between RCW 28A.58.800 and 28A.58.810 to read as follows:

School districts may enrich the programs required by RCW 28A.58.800 through 28A.58.810: PROVIDED, That such enrichment shall not constitute a basic education responsibility of the state.

Sec. 7. Section 6, chapter 95, Laws of 1979 and RCW 28A.58.810 are each amended to read as follows:

The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for transitional bilingual instruction programs. Moneys appropriated by the legislature for the purposes of RCW 28A.58.800 through 28A.58.810 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of

operating an approved transitional bilingual instruction program(~~(; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~)

An eligible student may receive no more than three school years of transitional bilingual instruction as defined in RCW 28A.58.802(1)(a).

School districts are hereby empowered to accept grants, gifts, donations, devices and other gratuities from private and public sources to aid in accomplishing the purposes of RCW 28A.58.800 through 28A.58.810.

NEW SECTION. Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

The superintendent of public instruction shall review annually the transitional bilingual instruction program and shall submit a report of such review to the legislature on or before January 1 of each year."

Debate ensued.

The Vice President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment.

The motion by Senator Gaspard carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Gaspard, the following title amendment was adopted:
On page 1, beginning on line 7 of the title, strike "a new section" and insert "new sections"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1456, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The Vice President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1456, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1456, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 33.

Voting nay: Senators Clarke, Craswell, Deccio, Fuller, Guess, Haley, Kiskaddon, McCaslin, McDonald, Metcalf, Sellar, Zimmerman - 12.

Absent: Senator Quigg - 1.

Excused: Senators Barr, Newhouse, Pullen - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1456, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

February 25, 1984

STATEMENT ON ESHB 1456

I voted "No" on the Senate version because I hope the House will insist on its original version. The House version is superior to the Senate amendments, because it recognizes bilingual as transitional, and focuses strongly on English.

Hal Zimmerman,
State Senator, 17th District

President Pro Tempore Goltz assumed the chair.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1017, by Committee on Education (originally sponsored by Representative Galloway)

Changing the axle requirements for school buses.

The bill was read the second time.

MOTIONS

On motion of Senator Sellar, Senator Quigg was excused.

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1017 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1017.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1017 and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Barr, Newhouse, Pullen, Quigg - 4.

SUBSTITUTE HOUSE BILL NO. 1017, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Substitute House Bill No. 1246 and the pending striking Committee on Education amendment, proposed earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Craswell, the President finds that Substitute House Bill No. 1246 is a measure which relates to school curriculum and students and borders on being an omnibus bill by dealing with the following issues: curriculum programs, student learning objectives, student testing, policies on progress, placement and promotion and grading and attendance policies.

"The amendment proposed by the Senate Committee on Education also relates to school curriculum and students by dealing with the issues of curriculum programs, student learning objectives, student testing, progress, placement and promotion and grading and attendance policies.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The Committee on Education amendment was ruled in order.

The President Pro Tempore declared the question before the Senate to be adoption of the two amendments to page 4, line 21, and page 4, line 22, proposed by Senator Gaspard earlier to the Committee on Education amendment.

The motion by Senator Gaspard carried and the two amendments to the Committee on Education amendment were adopted:

MOTIONS

On motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 9, beginning on line 7, strike all material through "graduation," on page 10, line 28.

Renumber the remaining sections accordingly and correct internal references.

Senator Craswell moved the following amendment to the Committee on Education amendment be adopted:

On page 5, line 1, strike everything through page 6, line 30

Renumber the remaining sections accordingly

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Craswell to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Kiskaddon moved the following amendment by Senators Kiskaddon, Craswell and Hemstad to the Committee on Education amendment be adopted:

On page 6, line 34, after "follows:", strike all material through page 9, line 6, and insert

"(1) The state board of education shall establish high school graduation requirements for students intending to graduate during the 1988-89 school year and thereafter.

(2) In recognition of the authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall continuously reevaluate the graduation requirements and shall report such finding to the legislature in a timely manner as determined by the legislature or the state board."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Kiskaddon, Craswell and Hemstad to the Committee on Education amendment.

The motion by Senator Kiskaddon failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Craswell moved the following amendments by Senators Craswell, Lee and Metcalf to the Committee on Education amendment be considered and adopted simultaneously:

On page 13, line 29, after "include", strike "but not be limited to"

On page 13, line 31, after "mathematics," strike "and language arts and a student interest inventory." and insert: "science, history and language arts."

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell, Lee and Metcalf to the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 17; nays, 26; absent, 02; excused, 04.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Metcalf, Sellar, von Reichbauer, Zimmerman - 17.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senators Hurley, Patterson - 2.

Excused: Senators Barr, Newhouse, Pullen, Quigg - 4.

MOTION

Senator Craswell moved the following amendments to the Committee on Education amendment be considered and adopted simultaneously:

On page 13, line 19, after "assessment", strike "to" and insert "which may"

On page 14, line 4, after "assessment", strike "to" and insert "which may"

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senator Craswell to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Kiskaddon moved the following amendment by Senators Kiskaddon, Craswell and Hemstad to the Committee on Education amendment be adopted:

On page 19, line 34, strike all of new section 18 and renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Kiskaddon, Craswell and Hemstad to the Committee on Education amendment.

The motion by Senator Kiskaddon failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Craswell moved the following amendments by Senators Craswell and Haley to the Committee on Education amendment be considered and adopted simultaneously:

On page 6, line 36, after "establish" and before "high" insert "public"

On page 7, line 32, after "for" and before "students" insert "public school"

On page 8, line 7, after "establishing" and before "high" insert "public"

On page 8, line 35, after "minimum" and before "high" insert "public"

Debate ensued.

Senator Hayner demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senators Craswell and Haley to the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendments to the committee amendment were not adopted by the following vote: Yeas, 21; nays, 24; absent, 00; excused, 04.

Voting yea: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shlnpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senators Barr, Newhouse, Pullen, Quigg - 4.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the Committee on Education amendment, as amended, was adopted.

MOTION

On motion of Senator Gaspard, the following title amendments were adopted:

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; amending section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. and RCW 28A.03.360; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating a new section; repealing section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092; repealing section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010; repealing section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; repealing section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030; and providing an effective date."

Renumber the remaining sections accordingly and correct internal references.

On page 23, line 2 of the title, after "28A.03 RCW;" strike all material through "RCW;" on line 5.

On page 23, line 10, strike "adding new sections" and insert "adding a new section"

MOTION

On motion of Senator Gaspard, the rules were suspended, Substitute House Bill No. 1246, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1246, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1246, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Patterson, Rinehart, Zimmerman - 16.

Excused: Senators Newhouse, Pullen, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1246, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute House Bill No. 1660 and the pending striking Committee on Education amendment, proposed earlier in the day.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Craswell, the President finds that Engrossed Second Substitute House Bill No. 1660 is a measure which borders on being an omnibus bill by dealing with issues relating to staff development, training and salaries, incentives for staff excellence, and various school improvements through grants, research and studies.

"The amendment proposed by the Senate Committee on Education also deals with the issues of staff development, training and salaries, incentives for staff excellence, and various school improvements through grants, research and studies.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The Committee on Education amendment was ruled in order.

MOTION

Senator Craswell moved the following amendment by Senators Craswell and Lee to the Committee on Education amendment be adopted:

On page 1, beginning with line 7, strike all material down to and including "plan" on page 2, line 11.

Renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Craswell and Lee to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Craswell moved the following amendment by Senators Craswell and Lee to the Committee on Education amendment be considered and adopted simultaneously:

On page 5, line 30, after "shall" insert "be encouraged to"

On page 6, line 5, after "used", strike "must" and insert "may"

On page 6, line 9, after "process", strike "must" and insert "may"

On page 6, line 13, after "age" strike all material down to and including "activities" on page 7, line 18.

POINT OF ORDER

Senator Fleming: "Mr. President, a point of order. Is it possible that we could consider all these amendments on this page as one, with permission of the body-- rather than being unfair and trying to lay something on the table?"

REMARKS BY SENATOR CRASWELL

Senator Craswell: "Mr. President, we are considering all the remainder of the amendments on this page."

Senator Fleming: "I mean on all three pages."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Fleming, it's rather difficult to discuss amendments which are unrelated to one another as though it were one amendment. If you will not accept a formal interpretation of your point of order, I think we'll proceed with the amendments in good faith."

Further debate on the amendments by Senators Craswell and Lee to the Committee on Education amendment ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Craswell and Lee to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendments to the committee amendment were not adopted.

MOTION

Senator Craswell moved the following amendment by Senators Craswell and Lee to the Committee on Education amendment be adopted:

On page 8, line 27, after "academy," strike all material down to and including "excellence," on page 13, line 8.

Renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Craswell and Lee to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

MOTION

Senator Craswell moved the following amendment to the Committee on Education amendment be adopted:

On page 14, line 9, strike all of section 10 through line 30, and renumber the remaining sections accordingly.

Debate ensued.

Senator Craswell demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Craswell to the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 16; nays, 28; absent, 02; excused, 03.

Voting yea: Senators Barr, Benitz, Bluschel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Lee, McCaslin, McDonald, Patterson, Sellar, von Reichbauer, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody - 28.

Absent: Senators Haley, Metcalf - 2.

Excused: Senators Newhouse, Pullen, Quigg - 3.

MOTION

Senator Craswell moved the following amendment by Senators Craswell and Lee to the Committee on Education amendment be adopted:

On page 16, line 2, strike all of section 12 through page 17, line 2, and renumber the remaining sections accordingly.

Debate ensued.

Senator Hayner demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Craswell and Lee to the Committee on Education amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Craswell failed and the amendment to the committee amendment was not adopted by the following vote: Yeas, 17; nays, 27; absent, 02; excused, 03.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Haley, Hayner, Lee, McCaslin, McDonald, Owen, Patterson, Sellar, von Reichbauer, Zimmerman - 17.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Absent: Senators Guess, Metcalf - 2.

Excused: Senators Newhouse, Pullen, Quigg - 3.

MOTION

Senator Craswell moved the following amendment by Senators Craswell and Lee to the Committee on Education amendment be adopted:

On page 18, line 23, strike all of section 15 through page 19, line 1, and renumber the remaining sections accordingly.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senators Craswell and Lee to the Committee on Education amendment.

The motion by Senator Craswell failed and the amendment to the committee amendment was not adopted.

MOTIONS

On motion of Senator Zimmerman, Senators Metcalf and von Reichbauer were excused.

On motion of Senator Gaspard, the following amendments to the Committee on Education amendment were considered and adopted simultaneously:

On page 2, line 19, after "improvement" insert "and"

On page 2, line 34, after "improvement" insert "and"

Senator Craswell moved the following amendment to the Committee on Education amendment be adopted:

On page 22 of the amendment, after line 33, insert the following:

NEW SECTION, Sec. 19. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW a new section to read as follows:

"Church educational ministry", for the purposes of section 2 of this act, means an educational ministry that is integral to and inseparable from its sponsoring religious organization offering educational programs for children.

NEW SECTION, Sec. 20. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.27 RCW a new section to read as follows:

If a child of mandatory attendance age is attending an unapproved private school which is operated as part of a church educational ministry under this section and section 1 of this act, the parents, guardians, or custodians of the child shall not be subject to the provisions of this chapter: PROVIDED, That this shall not preclude the application of chapter 26.44 RCW."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator Gaspard: "Mr. President, I raise the question of scope and object of this amendment. This bill clearly relates to improving schools and deals with staff excellence, staff development training, school level improvement and other

improvements to our public school system. The amendment before us defines a new category of schools called church educational ministries and simply says that any school-age student attending such a church educational ministry is not subject to the mandatory attendance law and, further, that the parents of those children are not responsible for any of the fines that may result from that non attendance. I believe it is clearly outside the scope and object.

"Just an additional comment. We tried to deal with this issue in the Education Committee and I think we had an excellent plan to bring out here for this body to look at, but because of some insistence of Senator Craswell and others who would not agree with the plan that reached a compromise, that plan did not come before us. So, Senator Craswell, to say that we have not tried to deal with the issue is not correct. We tried to deal with the issue, but because you just wanted to go in one particular way of handling it, it did not come up."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Gaspard, the President finds that Engrossed Second Substitute House Bill No. 1660 is a measure which deals with staff excellence and development as well as various school improvements.

"The amendment proposed by Senator Craswell exempts parents from compliance with the compulsory school attendance law if their children attend an unapproved private school that is operated as a part of a church educational ministry.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment to the committee amendment was ruled out of order.

MOTION

Senator Gaspard moved that the following amendment by Senator Goltz to the Committee on Education amendment be adopted:

On page 22 of the amendment, after line 33, insert the following:

"Sec. 19. Section 2, chapter 92, Laws of 1974 ex. sess. as last amended by section 1, chapter 56, Laws of 1983 and RCW 28A.02.201 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. Minimum requirements shall be as follows:

(1) The minimum school year ((shall be the same as that required of public schools in RCW 28A.01.025 as now or hereafter amended)) for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum program hour offerings as prescribed in RCW 28A.58.754.

(2) The ((length of the)) school day shall be the same as that required ((of public schools)) in RCW 28A.01.010 and 28A.58.754, each as now or hereafter amended, except that the percentages of total program hour offerings as prescribed in RCW 28A.58.754 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(5) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements.

(6) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(7) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (6) above provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved."

Renumber the remaining sections consecutively and renumber any internal references accordingly.

POINT OF ORDER

Senator Craswell: "Mr. President, a point of order. I challenge this on scope and object. I believe that it, also, has to deal with private schools, as the last amendment did, and so I would suggest that your ruling must have meant that any private school bills are out of scope and object."

RULING BY PRESIDENT PRO TEMPORE GOLTZ

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Craswell, the President finds that Engrossed Second Substitute House Bill No. 1660 is a measure that deals with staff excellence and development as well as various school improvements.

"The amendment proposed by Senator Goltz does not follow what's in that, and therefore, it is out of the scope and object and the point of order is well taken."

The amendment to the committee amendment was ruled out of order.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

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

MOTIONS

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

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

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140; amending section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW; and creating new sections."

On motion of Senator Gaspard, the rules were suspended, Engrossed Second Substitute House Bill No. 1660, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Gaspard, this is for my information and it need not be on the record for that matter, if that's possible. The school superintendents and school board members were in town last week and there has been a lot happen since then. Bills have been combined and it's a little confusing because of the combinations--the House and the Senate--part of this and part of that. Their attitude at that time, you know, from the local level was pretty negative and with the combinations--your answer depends on how I'm going to vote on this bill--with this combination now in relation to their attitude last week on what was before the House at that time?"

Senator Gaspard: "It appears that their concerns really focus on two issues and the first was the self study part of it. Now, we have changed that self study to still say that they have to do it, but we allow them to come up with their own plan, if they wish to use their own plan instead of going through the accreditation process of the SPI. We felt that even with the accreditation process that they could develop their own plan and we spelled it out, specifically, for them that they can do that.

"Now, as far as taking an official position, I don't know if they have or not. We have talked to some individual school board members and talked to some individuals in the Association and they have told us privately, anyway, that they can now support this, but they haven't taken any official position, so I can't speak as to how the Association will react to this section. The other section they had concerns about was the section that encouraged local districts to have both monetary and nonmonetary incentives for teachers and that has been changed dramatically. Basically, what we are saying now is that school districts may provide monetary incentives in the form of compensation for staff for additional work or assigned projects and if you look at what that is telling us, basically, it's no different than what school districts are doing right now. When they require additional work, they pay additional money, so this section has been amended to say that if there is additional work you can get additional money.

"Those are the two main concerns that I can recall, anyway, that the school directors and administrators were concerned about. Whether or not they have changed their official position, I am not sure, but talking with individuals they seemed to be much more receptive with what we're doing now."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 1660, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 1660, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; absent, 00; excused, 06.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, Patterson, Sellar - 13.

Excused: Senators Kiskaddon, Melcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

March 7, 1984

The Honorable John Cherberg
 President, Washington State Senate
 Legislative Building
 Olympia, Washington 98504

Dear Sir:

The Senate Journal recorded my vote as being in support of the final passage of Engrossed Second Substitute House Bill 1660 on February 25, 1984. I was opposed to this legislation and spoke of its detrimental fiscal and policy impacts on the Senate floor during consideration of amendments to the bill on the same day as the final passage. The contents of this omnibus education bill encompassed spending procedures, program expansions, and granting unnecessary new authorities I have consistently opposed.

My intention was to vote against Engrossed Second Substitute House Bill 1660 when considered for final passage. Circumstances drew me off the Senate floor while the roll was originally being read on final passage of the bill. I returned as the roll was being re-read and my vote recorded.

Although the President Pro-Tempore announced my vote as in favor of the passage of Engrossed Second Substitute House Bill No. 1660, I request this statement

of my opposition to the passage of this bill be incorporated into the edited Senate Journal for the 1984 session.

Your prompt consideration of my request is appreciated.

Sincerely,
Dan McDonald
State Senator, 48th Legislative District

(Editor's Note--The tape of the proceedings of the roll call vote on Engrossed Second Substitute House Bill No. 1660 indicates that President Pro Tempore Goltz repeated that Senator McDonald voted 'aye'.)

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1178, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Lewis, Wang and B. Williams)

Regulating health and health-related professions and businesses.

The bill was read the second time.

MOTION

On motion of Senator McManus, the following Committee on Social and Health Services amendments were considered simultaneously and adopted:

On page 33, after line 32, insert the following:

"Sec. 65. Section 3, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.030 are each amended to read as follows:

((On or after July 1, 1970)) Nursing homes operating within this state must be under the active, overall administrative charge and supervision of an administrator licensed as provided in this chapter. An administrator may delegate functions and duties to other persons. No person acting in any capacity, unless he is the holder of a nursing home administrator's license issued under this chapter, shall be charged with the overall responsibility to make decisions or direct actions involved in managing the internal operation of a nursing home, except as specifically delegated in writing by the administrator to identify a responsible person to act on the administrator's behalf when the administrator is absent during the administrator's normal working hours. The administrator shall review the decisions upon the administrator's return and amend the decisions if necessary. Nothing in this chapter or the rules adopted under this chapter applies to a sanatorium or nursing home operated, or listed and certified, by any well-established and generally recognized church or religious denomination which teaches religious or spiritual means alone for healing through prayer.

Sec. 66. Section 7, chapter 57, Laws of 1970 ex. sess. as last amended by section 2, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.070 are each amended to read as follows:

Upon the director's receipt of an application and examination fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

(1) Is at least twenty-one years of age and of good moral character.

(2) Has presented evidence satisfactory to the board of practical experience, education, and training which, when evaluated according to criteria developed by the board, is equivalent to two years of experience in the operation of a nursing home: PROVIDED, That after January 1, 1980, no license shall be issued to any applicant unless such applicant has either successfully completed at least two years of formal education beyond the high school level or holds an associate degree from a recognized institution of higher learning: PROVIDED FURTHER, That the educational degree required by this subsection may be waived for individuals who present evidence satisfactory to the board of sufficient practical experience.

(3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal ~~((instruction))~~ education and training or actual experience ~~((PROVIDED HOWEVER, That nothing in this chapter or the rules and regulations thereunder shall be construed to require an applicant for a license or provisional license as a nursing home administrator who is certified by any well established and generally recognized church or religious denomination which teaches reliance on spiritual means alone for healing as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teachings, to demonstrate proficiency in any medical techniques or to meet any medical educational qualifications or medical standards not in accord with the remedial care and treatment provided in such institutions: PROVIDED FURTHER, That any such individual shall demonstrate in the process of application for the examination his membership in such church or religious denomination and his license shall indicate the limited extent of his authority to act as an administrator))~~.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of RCW 18.52.040 and 18.52.050. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this chapter as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

Sec. 67. Section 7, chapter 57, Laws of 1970 ex. sess. as last amended by section 2 of this 1984 act and RCW 18.52.070 are each amended to read as follows:

Upon the director's receipt of an application and examination fee determined by the director as provided in RCW 43.24.086, and completed application forms provided by the director, a nursing home administrator's license shall be issued to any person who:

- (1) Is at least twenty-one years of age and of good moral character.
- (2) Has presented evidence satisfactory to the board of practical experience, education, and training which, when evaluated according to criteria developed by the board, is equivalent to two years of experience in the operation of a nursing home: PROVIDED, That after January 1, ~~((1980))~~ 1987, no license shall be issued to any new applicant unless such applicant has either successfully completed at least ~~((two))~~ four years of formal education beyond the high school level or holds ~~((an-associate))~~ a B.A., B.S., or equivalent degree from a recognized institution of higher learning: PROVIDED FURTHER, That the educational degree required by this subsection may be waived for individuals who present evidence satisfactory to the board of sufficient practical experience.

(3) Has passed an examination administered by the board which shall be designed to test the candidate's competence to administer a nursing home on the basis of the candidate's formal education and training or actual experience.

(4) The initial administrator members of the board shall be selected and appointed by the governor to meet the requirements of subsection (1) of this section and of RCW 18.52.040 and 18.52.050. The three nonadministrator members of the first board shall administer to the initial administrator members an appropriate examination, and the initial administrator members shall thereafter be issued their licenses under this chapter as nursing home administrators. The three nonadministrator members of the first board may exercise the powers of the board to carry out licensing of the initial administrator members, regardless of the normal quorum or procedural requirements for board action. The licensing of the initial administrator members of the first board shall be carried out within thirty days after appointment of the board, and in all events prior to April 1, 1970.

NEW SECTION. Sec. 68. Section 67 of this act shall take effect January 1, 1987.

Sec. 69. Section 9, chapter 57, Laws of 1970 ex. sess. as amended by section 3, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.090 are each amended to read as follows:

The director shall have the administrative duty and responsibility to:

(1) Issue nursing home administrator's licenses to individuals who meet the licensing requirements of RCW 18.52.070 ~~((and 18.52.086))~~;

(2) Investigate complaints against nursing home administrators, and upon order of the board reprimand any licensee, or revoke, suspend, deny, or refuse to reregister the license of any licensee or applicant who fails to meet the applicable requirements of this chapter.

Sec. 70. Section 11, chapter 57, Laws of 1970 ex. sess. as last amended by section 54, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.110 are each amended to read as follows:

(1) Every holder of a nursing home administrator's license shall reregister it annually with the director on dates specified by the director by making application for reregistration on forms provided by the director. Such reregistration shall be granted automatically upon receipt of a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086. In the event that any license is not reregistered within thirty days after the date for reregistration specified by the director, the director shall, in accordance with rules prescribed by the board, give notice to the license holder, and may thereafter in accordance with rules prescribed by the board charge up to double the normal reregistration fee. In the event that the license of an individual is not reregistered within ~~((three))~~ two years from the most recent date for reregistration it shall lapse and such individual must again apply for licensing and meet all requirements of this chapter for a new applicant. The board may prescribe rules for maintenance of a license at a reduced fee for temporary or permanent withdrawal or retirement from the active practice of nursing home administration.

(2) A condition of reregistration shall be the presentation of proof by the applicant that he has attended the number of classroom hours of approved educational programs, classes, seminars, or proceedings set by the board. The board shall have the power to approve programs, classes, seminars, or proceedings offered in this state or elsewhere by any accredited institution of higher learning or any national or local group or society if such programs, classes, seminars, or proceedings are reasonably related to the administration of nursing homes. The board shall

establish rules and regulations providing that the applicant for reregistration may present such proofs yearly, or may obtain the cumulative number of required hours over a three year period and present such proofs over periods of three years. In no event shall the number of classroom hours required for any time period exceed the number of such board approved classroom hours reasonably available over such time period on an adult or continuing education basis to nonmatriculating participants in this state.

(3) An individual may obtain and reregister a license under this chapter although he does not actively engage in nursing home administration. The licensee shall meet requirements set by the board to ensure the individual's continued competency.

Sec. 71. Section 12, chapter 57, Laws of 1970 ex. sess. as last amended by section 5, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.120 are each amended to read as follows:

The director, after any notice and hearing before the board which may be required by law, and upon the order of the board, shall, subject to any deferral or condition ordered, refuse to reregister or shall suspend or revoke an administrator's license, or issue a reprimand as directed by the board, as provided in this chapter when proof has been submitted to the board that:

(1) The licensee has committed any fraud or material misrepresentation or concealment in obtaining or maintaining the license.

(2) The license was obtained due to the mistake or inadvertence of the board or the director.

(3) The licensee has (~~knowingly or~~) repeatedly violated any of the provisions of this chapter or of the rules promulgated by the board in accordance with this chapter or authorized or directed another so to act.

(4) The licensee has (~~knowingly or~~) repeatedly violated rules promulgated by the department of social and health services or the state board of health concerning patient care in a manner demonstrating a substantial disregard for patient health and safety.

(5) The licensee is unable to administer a nursing home with due regard for patient health and safety by reason of habitual, intemperate use of alcohol, controlled substances, or other chemicals or materials; or the licensee is similarly incapacitated by mental illness, insanity, mental disorder, or some other condition (~~or situation requiring entry of an order for a guardianship, and such mental status or the need of a guardianship has been determined to exist by a court of competent jurisdiction: PROVIDED, That the board, when considering cases under this subsection, shall endeavor to encourage the recovery and rehabilitation of the administrator and the maintenance of the administrator's livelihood, but always subject to the primary objective of protecting patient health and safety~~) which creates an undue risk that the person would cause harm to other persons by being a nursing home administrator.

(6) The licensee has committed any (~~acts which, whether or not criminal prosecutions occur, constitute fraud, forgery, wrongful obtaining of funds, theft, larceny by trick, scheme or device, assault in the first, second or third degree, bribery or corrupt influence, or solicitation or conspiracy to commit any of said offenses: PROVIDED, That if some form of intent is required to render any such acts criminal such intent shall also be required to permit action against the licensee under this subsection, and liability under this subsection may be determined pursuant to the principles of liability set forth in RCW 9A.08.020~~) act involving moral turpitude, dishonesty, or corruption, committed in the course of his or her duties as a nursing home administrator, whether or not the act constitutes a crime.

(7) The licensee has been (~~grossly~~) negligent or has committed (~~gross~~) misconduct in the administration of a nursing home.

(8) The licensee has participated in or has offered or agreed to participate in, any arrangement whereby any payment or rebate is given to any party in return for the referral of a patient to the facility the licensee administers, or for referral by such licensee of a patient to any party for rendition of professional services to such patient.

(9) The licensee or applicant has previously been refused a license as an administrator or had renewal thereof refused, or has had such a license suspended or revoked by any competent state, federal, or foreign authority: PROVIDED, That a suspension, revocation, refusal to issue or refusal to reregister a license under this subsection must be based upon a showing in the record of such previous proceedings which would constitute a proper basis for the action proposed under the provisions of this chapter, and the licensee or applicant shall, on request, have the opportunity to challenge the fairness of the previous proceedings or the correctness of the factual determinations involved.

Administrators whose licenses have been revoked, or to whom reregistration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of the period of suspension specified in the board's order, but must be reregistered in the normal course if they expire during the period of suspension.

Sec. 72. Section 17, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.160 are each amended to read as follows:

~~((On or before March 15, 1970 the governor shall establish the first board which shall immediately meet for organizational purposes and shall thereafter)) The board shall meet as often as may be necessary to carry out the duties of the board under this chapter. ~~((The first examinations shall be administered and regular and provisional licenses shall be issued under this chapter prior to July 1, 1970. Thereafter))~~ Examinations shall be administered at intervals not less than semiannually and at such times and places as may be determined by the board. There shall not be a limit upon the number of times a candidate may take the required examination.~~

NEW SECTION. Sec. 73. There is added to chapter 18.52 RCW a new section to read as follows:

Members of the board and the board's staff shall be immune from liability in any suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members or staff of the board, when the action is being brought by or on behalf of the person who is being evaluated.

NEW SECTION. Sec. 74. Section 8, chapter 57, Laws of 1970 ex. sess., section 53, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.080 are each repealed."

Renumber the remaining sections consecutively.

On page 3, line 26, after "RCW" insert "unless a disciplinary committee is established under chapter 18.83 RCW"

On page 4, after line 17, insert the following:

"(xi) The board of occupational therapy practice as established in chapter 18.____ RCW (chapter ____ (SB 3074), Laws of 1984);"

Renumber the subsections consecutively.

On page 4, after line 17, insert the following:

"(xi) The state board of social work examiners as established in chapter 18.____ RCW (chapter ____ (SB 3838), Laws of 1984);"

Renumber the subsections consecutively

On page 8, line 5, after "violation" insert "of section 18 of this act"

On page 12, line 33, after "not." insert "The disciplinary authority shall define by rule acts involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession."

On page 14, beginning on line 5, strike all material down to and including line 6

On page 33, line 28, strike "includes" and insert "are limited to"

MOTION

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

On page 27, beginning on line 14, strike all material down to and including line 2 on page 28

Renumber the sections consecutively and correct internal references accordingly.

On page 33, after line 34, insert the following:

"Sec. 66. Section 1, chapter 305, Laws of 1955 as last amended by section 67, chapter 158, Laws of 1979 and RCW 18.83.010 are each amended to read as follows:

When used in this chapter:

(1) The "practice of psychology" means the application of established principles of learning, motivation, perception, thinking and emotional relationships to problems of evaluation, group relations and behavior adjustment, including but not limited to: (a) counseling and guidance; (b) use of psychotherapeutic techniques with clients who have adjustment problems in the family, at school, at work or in interpersonal relationships; (c) measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes and skills.

This definition does not include the teaching of principles of psychology for accredited educational institutions, or the conduct of research in problems of human or animal behavior.

Nothing in this definition shall be construed as permitting the administration or prescribing of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

(2) "Director" means director of licensing.

(3) "Board" means the ~~((board of psychologist examiners created by this chapter))~~ examining board of psychology.

(4) "Committee" means the disciplinary committee established by the board.

(5) "Department" means the department of licensing.

NEW SECTION. Sec. 67. There is added to chapter 18.83 RCW a new section to read as follows:

There is created the examining board of psychology which shall examine the qualifications of applicants for licensing. The board shall consist of seven psychologists and two public members, all appointed by the governor. The public members shall not be and have never been psychologists or in training to be psychologists; they may not have any household member who is a psychologist or in training to be a psychologist; they may not participate or ever have participated in a commercial or professional field related to psychology, nor have a

household member who has so participated; and they may not have had within two years before appointment a substantial financial interest in a person regulated by the board. Each psychologist member of the board shall be a citizen of the United States who has actively practiced psychology in the state of Washington for at least three years immediately preceding appointment and who is licensed under this chapter. Each member of the board shall serve for a term of five years. The members of the first board appointed after the effective date of this act shall determine by lot psychologist members to serve for five, four, and three year terms to stagger the terms, with members of the board existing on the effective date of this act serving the shorter terms. Public members of the first board appointed after the effective date of this act shall choose one to serve for five years and one to serve for four years. Upon the death, resignation, or removal of a member, the governor shall appoint a successor to serve for the unexpired term. The board shall elect one of its members to serve as chairperson.

NEW SECTION. Sec. 68. There is added to chapter 18.83 RCW a new section to read as follows:

The board shall meet at least once each year and at such other times as the board deems appropriate to properly discharge its duties. All meetings shall be held in Olympia, Washington, or such other places as may be designated by the director. Five members of the board shall constitute a quorum, except that oral examinations may be conducted with only three psychologist members.

Sec. 69. Section 5, chapter 305, Laws of 1955 as amended by section 5, chapter 70, Laws of 1965 and RCW 18.83.050 are each amended to read as follows:

~~((It shall be the duty of the board to:))~~

(1) The board shall adopt such rules as it deems necessary to carry out its functions.

(2) The board shall examine the qualifications of applicants for licensing under this chapter, to determine which applicants are eligible for licensing hereunder and shall forward to the director the names of applicants so eligible.

~~((2) Prepare, give and grade such examinations to applicants as are required by the terms of this chapter. The board shall determine the scope and length of such examinations, and what score shall be deemed a passing score. Such examination shall be oral and written. The board may designate one or more of its members to personally supervise the taking of the examinations by applicants.))~~

(3) The board shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examinations and shall require both written and oral examinations of each applicant, except as provided in RCW 18.83.170. The board may allow applicants to take the written examination upon the granting of their doctoral degree before completion of their internship for supervised experience.

(4) The board shall keep a complete record of its own proceedings, of the questions given in examinations, of the names and qualifications of all applicants, and the names and addresses of all licensed psychologists. The examination paper of such applicant shall be kept on file for a period of at least one year after examination.

(5) The board shall, by rule, adopt a code of ethics for psychologists which is designed to protect the public interest.

(6) The board shall create a disciplinary committee within the board for the purposes of hearing, examining, and ruling on complaints and evidence of unethical conduct or practices brought by the public, other psychologists, organizations, corporations, public or private agencies, or officers, agencies, or instrumentalities of state, county, or local governments.

Sec. 70. Section 6, chapter 305, Laws of 1955 as last amended by section 72, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.060 are each amended to read as follows:

Each applicant for a license shall file with the director an application duly verified, in such form and setting forth such information as the board shall prescribe. An application fee determined by the director as provided in RCW ~~((43-24.085 as now or hereafter amended))~~ 43.24.086 shall accompany each application.

Sec. 71. Section 7, chapter 305, Laws of 1955 as amended by section 7, chapter 70, Laws of 1965 and RCW 18.83.070 are each amended to read as follows:

An applicant for a license as "psychologist" must submit proof to the board that:

(1) ~~((He))~~ The applicant is of good moral character.

(2) ~~((He holds a doctoral degree from an accredited institution of higher learning with an adequate major in psychology as determined by the board and has had at least one year experience practicing psychology under qualified supervision after receiving such degree.))~~ The applicant holds a doctoral degree from a regionally accredited institution, obtained from an integrated program of graduate study in psychology as defined by rules of the board.

(3) ~~((He is professionally competent by passing an examination in psychology prescribed by the board and covering the basic subject matter of psychology and psychological skills and techniques: PROVIDED, That persons who have not previously failed an examination hereunder or been denied a certificate by the board and who are holding a doctoral or master's degree from an accredited institution of higher learning with an adequate major in psychology as determined by the board and who have practiced psychology for a period of five years or its equivalent in part time employment, at least three years of which shall have been~~

in the state of Washington prior to the date of application and who submit to the board proof of good moral character shall be granted the title of "psychologist" and shall receive a license hereunder without taking any examination, if such persons apply for such license within one year after the effective date of this amendatory act of 1965)) The applicant has had no fewer than two years of supervised experience, at least one of which shall have been obtained subsequent to the granting of the doctoral degree. The board shall adopt rules defining the circumstances under which supervised experience shall qualify the candidate for licensure.

(4) The applicant has passed the written and oral examinations prescribed by the board. Any person holding a valid license to practice psychology in the state of Washington on the effective date of this 1984 act shall be considered licensed under this chapter.

Sec. 72. Section 20, chapter 70, Laws of 1965 as amended by section 15, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.072 are each amended to read as follows:

(1) Examination of applicants shall be held in Olympia, Washington, or at such other place as designated by the director, at least annually at such times as the board may determine.

(2) Any applicant shall have the right to discuss with the board his or her performance on the examination.

(3) Any applicant who fails to make a passing grade on the examination may be allowed to ~~((take the examination a second time))~~ retake the examination. Any applicant who fails the examination a second time must obtain special permission from the board to take the examination again.

(4) The reexamination fee shall be the same as the application fee set forth in RCW 18.83.060.

Sec. 73. Section 23, chapter 70, Laws of 1965 as amended by section 73, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.082 are each amended to read as follows:

(1) ~~((All "certified psychologists" who are certified under the provisions of chapter 18.83 RCW shall be promptly issued a license by the director. The fee for this license shall be determined by the director as provided in RCW 43.24.085 as now or hereafter amended.~~

~~(2) The words "certification" and "licensing" shall be known as interchangeable terms in this chapter.~~

~~(3)) A valid receipt for an initial application for license hereunder, provided the applicant meets the requirements of ((subsections (1) and (2) of)) RCW 18.83.070 (1), (2), and (3), shall constitute a temporary permit to practice psychology until the board ((of examiners)) completes action on the application. The board must complete action within one year of the date such receipt is issued.~~

~~((4)) (2) A person, not licensed in this state, who wishes to perform practices under the provisions of this chapter for a period not to exceed ninety days within a calendar year, must petition the board for a temporary permit to perform such practices. If the person is licensed or certified in another state deemed by the board to have standards equivalent to this chapter, a permit may be issued. No fee shall be charged for such temporary permit.~~

Sec. 74. Section 9, chapter 305, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 and RCW 18.83.090 are each amended to read as follows:

~~((Each licensed psychologist shall pay to the state treasurer, on or before the tenth day of January of each year, an annual license renewal fee determined by the director as provided in RCW 43.24.085 as now or hereafter amended.))~~ The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal. Each licensed psychologist shall pay to the health professions account, created in RCW 43.24.072, annually, at such time as determined by the board, an annual license renewal fee determined by the director under RCW 43.24.086. Upon receipt of the fee, the director shall issue a certificate of renewal in such form as the director shall determine.

Sec. 75. Section 13, chapter 305, Laws of 1955 as amended by section 12, chapter 70, Laws of 1965 and RCW 18.83.120 are each amended to read as follows:

Within the meaning of this chapter unethical practice of psychology shall include ((the following:

~~(1) Willfully misleading a client or furnishing a client with information known to be erroneous;~~

~~(2) The offering of any psychological services entirely by mail; the use of untrained personnel or of mechanical devices alone in the interpretation of test results; the indiscriminate dissemination of psychological testing materials;~~

~~(3) The employment of psychological techniques for entertainment, or other purposes not consistent with the development of psychology as a science;~~

~~(4) Engaging in individual psychological diagnosis or treatment in the course of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media;~~

~~(5) Representing himself as a psychologist under any name, except his own, which shall be that used in his license issued by the director;~~

~~(6) Conducting an office for the practice of psychology in his name or use his name in connection with any office for the practice of psychology, unless he is personally present~~

therein functioning as a psychologist or personally overseeing the functions performed in any office during most of the time that office is being operated:

(7) Employing a solicitor or solicitors to obtain business;

(8) Advertising individual psychological diagnosis or treatment in newspapers, periodicals, or in bold face type or in any printed matter or by the use of any form of display sign or by means of hand bills, posters, circulars, stereopticon slide, motion pictures, television, or any printed publication or medium: PROVIDED, That he may be listed in any directory in a manner uniform as to type, size and color with others listed therein, may display a dignified sign at the entrance to his office or on the windows thereof, containing not more than his name, degree, the designation psychologist, and the type of psychological activity, and may use dignified business cards containing his name, title, degree, and the type of psychological activity, office and residence address and telephone numbers and his office hours:

(9) Obtaining any fee by fraud or misrepresentation;

(10) Willfully betraying professional secrets;

(11) Adopting any means tending to deceive the public or to be habitually intemperate or grossly immoral or to commit any offense involving moral turpitude, in which case the record of conviction thereof shall be conclusive evidence;

(12) Obtaining by fraud or deceit a license as psychologist;

(13) Advertising the rendition of individual psychological diagnosis or treatment at a stipulated price or any variation of such price or as being free;

(14) Violating the provisions of chapter 19.68 RCW;

(15) Being guilty of unprofessional conduct as defined in any other act relating to the practice of psychology;

(16) All advertising of any psychological practice which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public morals or safety;

(17) Repeating acts of immorality, or repeating acts of gross misconduct in the practice of psychology)) any act or practice which violates the codes of ethics established by the board. In addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:

(1) The commission of any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.

(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.

(3) Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.

(4) Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.

(5) Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.

(6) Violation of any state statute or administrative code specifically governing the practice of psychology.

(7) Failure to cooperate with the committee by:

(a) Not furnishing any papers or documents requested by the committee;

(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;

(c) Not appearing before the committee at the time and place designated; or

(d) Not properly responding to subpoenas issued by the committee.

(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.

(9) Aiding or abetting an unlicensed person to practice when a license is required.

(10) Gross, willful, or continued overcharging for professional services.

(11) Willful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.

(12) Practice beyond the scope of practice as defined by law.

(13) Misrepresentations or fraud in any aspect of the conduct of the profession.

(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.

(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health.

(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service.

(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.

(18) Physically abusing or having sexual contact with a patient or client.

(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.

(20) The wilful betrayal of a professional secret.

(21) Violation of chapter 19.68 RCW.

Sec. 76. Section 12, chapter 305, Laws of 1955 as amended by section 13, chapter 70, Laws of 1965 and RCW 18.83.130 are each amended to read as follows:

The ((director)) board shall refuse to grant a license to any applicant and shall revoke or suspend ((any license upon proof of the following)) the license of any psychologist, or place other restrictions on that psychologist's practice of psychology, for the following reasons:

(1) ((Conviction of crime involving moral turpitude;

(2) Habitual use of narcotics, or any other substance which impairs the intellect and judgment to such an extent as to incapacitate the applicant or license holder for the practice of psychology;

(3) Habitual drunkenness;

(4) Violation of the provisions of this chapter;

(5) The unethical practice of psychology.)) Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.

(2) Failing to maintain the confidentiality of information under RCW 18.83.110.

(3) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.

(4) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research, and failing to undertake reasonable efforts to remove possible harmful effects of participation.

(5) Practicing in an area of psychology for which the person is clearly untrained or incompetent.

(6) Being negligent in the practice of psychology.

(7) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.

(8) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.

(9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.

(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.

(11) Unprofessional conduct as defined in chapter 19.68 RCW.

(12) Wilful violation of RCW 18.83.120 or section 79 of this 1984 act or wilful disregard of the subpoena or notice of the disciplinary committee.

(13) Failure to abide by the terms of corrective actions directed under RCW 18.83.150.

(14) Violation of any board rule fixing a standard of professional conduct.

NEW SECTION, Sec. 77. There is added to chapter 18.83 RCW a new section to read as follows:

The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

The committee shall have the following authority:

(1) To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;

(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;

(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;

(4) To compel attendance of witnesses at hearings;

(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;

(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;

(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings; however, the disciplining authority shall make the final decision regarding disposition of the license;

(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;

(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;

(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;

(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;

(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;

(13) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee;

(14) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged;

(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:

(a) The person or agency initiating the action;

(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and

(c) The public.

This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42.17 RCW or is otherwise privileged or confidential.

The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34.04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions.

NEW SECTION. Sec. 78. There is added to chapter 18.83 RCW a new section to read as follows:

The director has the following authority:

(1) To hire such investigative, administrative, and clerical staff as necessary for the enforcement of this chapter;

(2) To establish fees to be paid for witnesses, expert witnesses, and consultants used in any investigation, hearing, or proceeding, and to reimburse the individuals for services provided.

NEW SECTION. Sec. 79. There is added to chapter 18.83 RCW a new section to read as follows:

The disciplinary committee may take any of the following actions as a result of investigation of a complaint and the ensuing hearing:

(1) Revocation of the license.

(2) Suspension of the license for a fixed term.

(3) Restriction or limitation upon the licensee's practice.

(4) Establishment of a requirement that a licensee complete a specified program of continuing education or reeducation.

(5) Monitoring of the licensee's practice by a licensed psychologist or other person or organization appointed by the committee.

(6) Censure or reprimand.

(7) Compliance with conditions of probation for a designated period of time.

(8) Any combination of the foregoing, which may be partly or totally stayed.

(9) Dismissal of the complaint and exoneration of the licensee.

(10) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account.

(11) Denial of the license request.

(12) Corrective action by the license holder.

(13) Refund of fees charged to the consumer by the license holder.

NEW SECTION, Sec. 80. There is added to chapter 18.83 RCW a new section to read as follows:

The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

In the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal.

If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exoneration of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary.

NEW SECTION, Sec. 81. There is added to chapter 18.83 RCW a new section to read as follows:

Any portion or all of the costs associated with providing a psychologist or other person or organization for monitoring the conditions of probation or of the licensee's compliance with the terms of the committee's decision and order may be assessed by the committee against the licensee, in which event payment of such costs and expenses shall become a legal obligation of the licensee to the department of licensing.

NEW SECTION, Sec. 82. There is added to chapter 18.83 RCW a new section to read as follows:

Orders of the board may be appealed as provided in chapter 34.04 RCW. An order, if appealed, shall not be stayed pending the appeal unless the committee or the court to which the appeal is taken enters an order staying the order of the committee, which stay shall provide terms necessary to protect the public.

Sec. 83. Section 17, chapter 305, Laws of 1955 as last amended by section 76, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.170 are each amended to read as follows:

Upon application accompanied by a fee determined by the director as provided in RCW ~~((43.24.085 as now or hereafter amended))~~ 43.24.086, the board may ~~((recommend and the director shall be empowered to))~~ grant a license, without written ~~((or oral))~~ examination, to any applicant who has not previously failed any examination held by the board of psychology of the state of Washington and furnishes evidence satisfactory to the board that ~~((he))~~ the applicant:

(1) Holds a doctoral degree with primary emphasis on psychology from an accredited college or university; and

(2) Is licensed or certified to practice psychology in another state or country in which the requirements for such licensing or certification are, in the judgment of the board, essentially equivalent to those required by this chapter and the rules and regulations of the board. Such individuals must have been licensed or certified in another state for a period of at least two years; or

(3) Is a ~~((diplomat))~~ diplomat in good standing of the American Board of Examiners in Professional Psychology.

NEW SECTION, Sec. 84. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 305, Laws of 1955, section 3, chapter 70, Laws of 1965, section 27, chapter 292, Laws of 1971 ex. sess. and RCW 18.83.030;

(2) Section 4, chapter 305, Laws of 1955, section 4, chapter 70, Laws of 1965 and RCW 18.83.040;

(3) Section 14, chapter 305, Laws of 1955, section 14, chapter 70, Laws of 1965 and RCW 18.83.140;

(4) Section 15, chapter 305, Laws of 1955, section 15, chapter 70, Laws of 1965 and RCW 18.83.150; and

(5) Section 16, chapter 305, Laws of 1955, section 16, chapter 70, Laws of 1965, section 61, chapter 81, Laws of 1971 and RCW 18.83.160.

NEW SECTION, Sec. 85. There is added to chapter 43.131 RCW a new section to read as follows:

The powers and duties of the board of psychologists examiners shall be terminated on June 30, 1986."

Renumber the sections consecutively.

MOTION

Senator McManus moved adoption of the following amendment:

On page 33, after line 34, insert the following:

NEW SECTION. Sec. 66. It is the intent and purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience, by promoting high standards of professional performance, by requiring professional accountability, and by requiring the licensing of those persons who seek to provide licensed social work practice under the title of licensed social worker.

NEW SECTION. Sec. 67. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Board" means the state board of social work examiners.
- (2) "Department" means the department of licensing.
- (3) "Chair" means the elected chair of the state board of social work examiners.
- (4) "Director" means the director of licensing.
- (5) "Licensed social worker" means an individual who has a doctorate or master's degree in social work from an accredited graduate school of social work which is approved by the board and who has obtained a license as provided in this chapter.

(6) "Licensed social work practice" consists of the professional application of social work values, principles, and methods by individuals trained in accredited social work programs. Licensed social work practice includes clinical social work treatment and nonclinical social services delivered to individuals, families, or groups in various public or private settings, either autonomously or under supervision. It requires adherence to the social work code of ethics. "Licensed social work practice" also includes the activities of licensed social workers in policy, planning, administration, research, and education directed toward client services.

(7) "An accredited social work program" is a program whose curriculum has been evaluated and certified by the board.

NEW SECTION. Sec. 68. Within ninety days of the effective date of this act, the governor shall appoint a state board of social work examiners composed of five members, one member initially appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, all appointments shall be for terms of three years. No person may serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of duty required by law, for incompetency, or for unprofessional or dishonorable conduct. In the case of a vacancy, the governor shall appoint a person to serve the remainder of the unexpired term.

NEW SECTION. Sec. 69. (1) Members of the board shall be residents of this state. The board shall include:

- (a) Four persons qualified under sections 74, 75, and 76 of this act; and
- (b) One person who is a member of the public.

(2) Except for the public member, the initial members of the board shall be presumed to be eligible for licensing and, after licensing is established, shall be licensed under this chapter.

NEW SECTION. Sec. 70. (1) The board has the following duties:

- (a) To set educational, ethical, and professional standards for practice under this chapter.
- (b) To prepare and administer or cause to be prepared and administered a written examination in subjects determined by the board to all qualified applicants for licensure under this chapter.

(c) To establish criteria for evaluating the ability and qualifications of persons applying for a license under this chapter, including standards for passing the examination and standards of qualification for licensed social work practice.

- (d) To set fees in accordance with RCW 43.24.086.

(2) The board shall adopt such rules as are necessary to carry out this chapter.

NEW SECTION. Sec. 71. The board shall meet at the times and places designated by the chair of the board and shall hold meetings during the year as necessary to transact business. At the board's organizational meeting, the board shall elect a chair and a secretary from among the members of the board.

Each member of the board shall be reimbursed for actual travel expenses necessarily incurred while actually engaged in the services of the board as provided in RCW 43.03.050 and 43.03.060. In addition, members of the board shall be paid fifty dollars per day when engaged in the business of the board.

The department shall furnish to the board secretarial, clerical, and other assistance as is necessary to effectively administer this chapter.

NEW SECTION. Sec. 72. After the implementation of the licensing provisions of this chapter, it is a misdemeanor and also grounds for refusal to issue or renew a license:

(1) For any person who does not have a license under this chapter to use a title or description of himself or herself which incorporates the term "licensed social worker" and, under that title or description, and for remuneration in any form, renders or offers to render service as a licensed social worker to any individual, group, corporation, governmental agency, or the public;

(2) For any person licensed under this chapter to render or offer to render licensed social work practice to any individual, group, corporation, governmental agency, or to the public in violation of the restrictions or conditions of the license, or during any period of a license suspension or revocation;

(3) For any person to obtain fraudulently a diploma, license, or record of a doctorate or master's degree of graduation as a social worker;

(4) For any person to knowingly make a false statement in connection with an application under this chapter;

(5) For any person to use in connection with the person's name any designation or initials tending to falsely imply that the person is licensed under this chapter;

(6) For any person to otherwise knowingly violate the provisions of this chapter.

NEW SECTION. Sec. 73. The director may, by proceedings instituted by the attorney general, enjoin any person from practicing as a licensed social worker or from holding himself or herself out as a "licensed social worker" in violation of this chapter.

NEW SECTION. Sec. 74. An applicant for a license to practice under this chapter shall submit to the department a written application on a form to be determined by the director with the approval of the board, together with the documentary evidence required to establish the applicant's educational attainment, and other documentation that the board determines is necessary. The applicant shall take any examination or examinations required under this chapter.

Upon approval of the application by the board and payment of the fee under section 75 of this act, the department shall issue the applicant a license.

The department shall not permit access to or use of its mailing list of licensees for commercial purposes.

NEW SECTION. Sec. 75. Pursuant to RCW 43.24.086 the director shall determine the amount of any fee to be charged to applicants for a license. The fees shall be sufficient to defray all the costs of the department and board in administering this chapter. The applicant shall transmit the fee to the state treasurer for deposit in the general fund. The director shall set fees for applications, licenses, renewal of licenses, duplicate licenses, late renewal penalty, examination fees, and temporary licenses.

NEW SECTION. Sec. 76. Qualifications for the license of a social worker are:

(1) A minimum of a master's degree from an accredited graduate school of social work which is approved by the board;

(2) A minimum of two years of post-master's degree social work practice under the supervision of a licensed social worker under this chapter or a person deemed acceptable to the board, such experience consisting of at least thirty hours per week for two years or at least twenty hours per week for three years; and

(3) Successful completion of the examination identified in section 70(1) of this act, unless the applicant qualifies under an exemption in sections 77 or 78 of this act.

NEW SECTION. Sec. 77. Upon receiving a written application, evidence of qualification, and the required fee, the director may, with the approval of the board, issue a license to practice without examination to an applicant who is currently licensed as a social worker under the laws of another state, territory, or foreign country so long as the requirements of the other jurisdiction are substantially similar to the requirements in this chapter.

NEW SECTION. Sec. 78. Except as provided in section 80 of this act, an applicant shall be exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after the effective date of this act:

(1) The applicant shall establish to the satisfaction of the board that he or she has been engaged in the practice of social work as defined in section 67 (5) through (7) of this act for two of the previous four years; and

(2) The applicant has the following academic qualifications: (a) A doctorate or master's degree in social work from an accredited graduate school of social work; and (b) two years of postgraduate social work experience under the supervision of a social worker who qualifies for licensing under this chapter or under the supervision of any other professional deemed appropriate by the board.

NEW SECTION. Sec. 79. A license issued under this chapter shall be renewed annually in the month of the licensee's date of birth. The board may establish rules governing mandatory continuing education requirements which shall be met by a licensed social worker applying for license renewal. A licensee who allows the license to lapse by failing to renew prior to the expiration date shall, upon application for renewal, pay an additional fee as set by the director.

NEW SECTION. Sec. 80. A person licensed under this chapter who is or desires to be temporarily retired from the practice of social work in this state shall send written notice to the director. Upon receipt of the notice, the person shall be placed upon the nonpracticing list. While on the list, the person is not required to pay the renewal fees and shall not engage in the practice of social work in the state. In order to resume practice under this chapter, application for renewal shall be made in the ordinary course with the renewal fee for the current period. Persons in a nonpracticing status for a period exceeding five years shall provide evidence of current knowledge or skill, by examination, as the board may direct.

NEW SECTION. Sec. 81. (1) Subject to chapter 34.04 RCW, the board may revoke, suspend, or refuse to renew a license to any person if the board finds that:

(a) The person has procured or attempted to procure the license by fraud, deceit, or misrepresentation;

(b) The person's ability to perform the functions for which the person is licensed is substantially impaired by reason of physical or mental disability;

(c) The person has been grossly negligent in the practice of social work;

(d) The person has been convicted of a felony;

(e) The person has willfully violated any of the provisions of this chapter or any rules adopted under this chapter, including rules or standards of ethical conduct.

(2) As used in this chapter, unethical social work practice includes:

(a) Sexual activity between any licensed social worker and client;

(b) Unfair or deceptive business practices;

(c) Willful action or communication that misleads a client or furnishes a client with information known to be erroneous;

(d) Failure to report information required by law;

(e) Failure to provide clients with accurate and complete information and reports;

(f) Failure to refer clients to an appropriate professional when services needed are beyond the competency of the licensed social worker;

(g) Failure to respond within thirty days to the board regarding any investigation about the licensed social worker's conduct.

(3) The board may reinstate or renew a license previously revoked, suspended, or rejected for renewal under this section. Application for reinstatement or renewal shall be made in the manner and under the conditions provided by the board.

(4) The private activities of persons licensed under this chapter shall not furnish grounds for disciplinary action unless the actions materially affect the licensee's professional services.

NEW SECTION. Sec. 82. This chapter does not prohibit:

(1) The practice of social work by students attending a school of social work approved by the board of social work examiners during an internship approved by that school, or other training approved by the board. Students enrolled in recognized programs of study leading to social work degrees may practice only under supervision of professionals deemed appropriate by the board;

(2) The offering of counseling or guidance by any other profession or calling, licensed under state law, or under standards of that profession, if the individual or group of individuals offering the counseling or guidance does not hold themselves out to the public by title as a licensed social worker;

(3) The delivery of social services by a person employed by the federal or state government or a political subdivision of the state;

(4) The performance of teaching;

(5) The rendering of social services if the title or description "licensed social worker" is not used by the person or persons rendering the services.

NEW SECTION. Sec. 83. A person licensed under this chapter shall not disclose any information the licensee may have acquired from persons consulting the licensee in a professional capacity that was necessary to enable the licensee to render services in the licensee's professional capacity to those persons except:

(1) With the written consent of that person or, in the case of death or disability, the person's own personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition;

(2) That a person licensed under this chapter is not required to treat as confidential a communication that reveals the contemplation or commission of a crime or harmful act;

(3) If the person is a minor, and the information acquired by the licensee indicates that the minor was the victim or subject of a crime, in which case the licensee may testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of the crime is the subject of the inquiry;

(4) If the person waives the privilege by bringing charges against the licensee.

NEW SECTION. Sec. 84. This chapter shall not be construed as permitting the administration or prescription of drugs or in any way infringing upon the practice of medicine and surgery as defined in chapter 18.71 RCW.

NEW SECTION. Sec. 85. Sections 66 through 84 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 86. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1985, the sum of one hundred twenty-six thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 66 through 84 of this act."

Renumber the remaining section and correct internal references accordingly.

POINT OF ORDER

Senator Haley: "Mr. President, I would raise the point of scope and object on the amendment. The substance of the bill does not really include licensing a brand new health provider organization. It simply lays out the process of disciplinary

boards and other structures under the Department of Licensing, but does not embrace a brand new licensure act, which should be a separate act."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Haley, the President finds that Substitute House Bill No. 1178 is a measure which deals with the regulation of health and health-related professions that are currently licensed by the State of Washington.

"The amendment proposed by Senator McManus establishes a new license for social workers. While there is a reference to the State Board of Social Work Examiners in the Committee amendment adopted by the Senate, that reference is only effective if a separate licensing bill for social workers is enacted.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator McManus moved the following amendment be adopted:

On page 33, after line 34, insert the following:

NEW SECTION, Sec. 66. It is the intent and purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience, by promoting high standards of professional performance, by requiring professional accountability, and by requiring the licensing of those persons who seek to provide licensed mental health counseling.

NEW SECTION, Sec. 67. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Licensed mental health counselor" means a person with a masters or doctoral degree in counseling from an accredited graduate school. A degree in counseling must show evidence of the following coursework: (a) Counseling theory; and (b) supervised counseling practicum, plus six of the following: (i) Human growth and development; (ii) social and cultural foundations; (iii) human communications; (iv) group dynamics, processing, and counseling; (v) lifestyle and career development; (vi) psychological testing; (vii) research and evaluation; or (viii) professional ethics and law.

(2) "The practice of a licensed mental health counselor" is the rendering of counseling services to individuals or groups for the purpose of helping to achieve effective interpersonal development.

(3) "Licensed therapeutic procedures" means engaging in methods and techniques that include but are not restricted to:

(a) "Counseling," which means assisting individuals and groups in achieving more effective personal, social, educational, and career development and adjustment using eclectic methods and techniques in accordance to therapeutic training.

(b) "Appraisal," which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics.

(c) "Consulting," which means the application of therapeutic principles and procedures in counseling, guidance, and human development to provide assistance in understanding and solving some current or potential problem that the counseled person may have in relation to a third party, group, or organization.

(d) "Referral," which means the evaluation of information to identify needs or problems of the counselee in order to determine the advisability of referral to other specialists, informing the person of such judgment, and communicating as deemed appropriate to the referral sources.

(4) "Supervision" means that the counselor has participated in individual or group training for a period of two years with a person deemed knowledgeable by the board. Group participation of supervision can not include more than eight supervisees. One year of group supervision and one year of individual supervision is permissible, based on a weekly or biweekly schedule. No more than two supervisors can be used during the two-year supervisory period in order to provide for consistent learning.

(5) "Board" means the state board of examiners for mental health counseling.

(6) "Director" means the director of licensing.

(7) "Department" means the department of licensing.

NEW SECTION, Sec. 68. Within ninety days of the effective date of this act, the governor shall appoint a state board of examiners for mental health counseling composed of seven members, consisting of six members trained in the practice of mental health counseling and one public member. The members of the board must be presumed to be eligible for licensing and after licensing is established must be licensed under this chapter. Initially, three members

shall be appointed for a term of one year, two for a term of two years, and two for a term of three years. Thereafter, appointments shall be for terms of three years. No person may serve as a member of the board for more than two consecutive terms.

The governor may remove any member from the board for neglect of duty required by law, for incompetency, or for unprofessional or dishonorable conduct. In the case of a vacancy, the governor shall appoint a person to serve the remainder of the unexpired term. Members of the board shall be residents of the state.

NEW SECTION, Sec. 69. (1) The board has the following duties:

(a) To set educational, ethical, and professional standards for practice under this chapter;

(b) To prepare and administer or cause to be prepared and administered a written, oral, or presentation examination in subjects determined by the board to qualified applicants for licensure under this chapter;

(c) To establish criteria for evaluating the ability and qualifications of persons applying for a license under this chapter, including standards for passing the examination and standards of qualification for the practice of a licensed mental health counselor. The board shall direct the director to issue a license to those persons found qualified;

(d) To investigate all complaints or reports of unprofessional conduct against any holder of a license and to hold hearings to determine if unprofessional conduct has been committed;

(e) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;

(f) To take or cause depositions to be taken as needed in any investigation, hearing, or disciplinary hearing;

(g) To investigate complaints or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training in such cases, and to direct corrective action;

(h) To take emergency action ordering summary suspension of the license of a mental health counselor or limiting a mental health counselor's practice pending proceedings by the board as authorized by RCW 34.04.170;

(i) To appoint a hearing officer to conduct hearings subject to final determination by the board;

(j) To enter into contracts for professional services determined by the board to be necessary;

(k) To contract with licensed mental health counselors or other persons or organizations to provide services necessary for the monitoring and supervision of licensed mental health counselors who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and

(l) To set continuing education requirements.

(2) The board shall adopt such rules under chapter 34.04 RCW as are necessary to carry out this chapter.

NEW SECTION, Sec. 70. The board shall meet at the time and places designated by the chair of the board and shall hold meetings during the year as necessary to transact business. At the board's organizational meeting, the board shall elect a chair and a secretary from the members of the board.

Members of the board shall be reimbursed for actual travel expenses necessarily incurred while actually engaged in the services of the board as provided by RCW 43.03.050 and 43.03.060. In addition, members of the board shall be paid fifty dollars per day when engaged in the business of the board.

NEW SECTION, Sec. 71. A license shall not be denied, revoked, or suspended without prior notice and the opportunity for hearing.

NEW SECTION, Sec. 72. The board may waive formal examination requirements of an applicant if the applicant is licensed to practice mental health counseling by a similar board in another state and the requirements for licensure in the other state are substantially similar to the requirements in this state.

NEW SECTION, Sec. 73. (1) A license to practice mental health counseling will be granted upon completion to the following qualifications:

(a) A masters or doctoral degree in counseling showing evidence of work as prescribed in section 67 of this act;

(b) Two-year postgraduate experience in the field of counseling under the supervision of a licensed mental health counselor, psychologist, or psychiatrist, provided that the supervisory person is not a blood or legal relative;

(c) Qualification by written, oral, or presentation examination and submission of all necessary documents and payment of required fees.

(2) No mental health counselor may come before the board for examination without the initial educational and supervisory credentials as is required in this chapter.

NEW SECTION, Sec. 74. An applicant is exempt from the examination provisions of this chapter under the following conditions if application for exemption is made within twelve months after the effective date of this act:

(1) The applicant establishes to the satisfaction of the board that the applicant has been engaged in the practice of counseling as defined in section 86 of this act for two of the previous four years; and

(2) The applicant has the academic qualifications required under section 67 of this act.

NEW SECTION. Sec. 75. The following acts are prohibited and are grounds for suspension or revocation of a license under this chapter:

(1) The use of the title licensed mental health counselor by a person not licensed under this chapter.

(2) Sexual activity between licensee and client while seeking or receiving counseling or between a trainee and a mental health counselor who is sponsoring and supervising the trainee, not including a spousal relationship.

(3) Divulging confidential information gathered by the licensee without the permission of the client unless release of the information is required by law.

(4) Failure to refer any person seeking or receiving professional counseling to an appropriate professional if the services needed are beyond the competency of the licensee as determined by the licensee's training and experience.

(5) The procurement of a license by fraud, deceit, or misrepresentation.

(6) Inability to perform the functions for which the person is licensed because of physical impediment.

(7) Conviction of a felony, subject to section 77 of this act.

(8) Unfair or deceptive business practices.

(9) Failure to report information required by law.

(10) Willful action or communication that misleads a client or furnishes a client with information known to be erroneous.

(11) Failure to respond within thirty days to the board regarding any investigation.

NEW SECTION. Sec. 76. A person who violates any provision of this chapter is guilty of a gross misdemeanor.

NEW SECTION. Sec. 77. The private activities of persons licensed under this chapter do not furnish grounds for disciplinary action unless the actions materially affect the licensee's professional services. Further, the department shall, upon recommendation of the board, reinstate or renew a license previously revoked, suspended, or rejected for renewal under this section. Application for reinstatement or renewal shall be made in the manner and under the conditions prescribed by the board.

NEW SECTION. Sec. 78. (1) This chapter shall not be construed to limit or prevent the practice of an individual's profession or to restrict a person from counseling if the person does not hold himself or herself out to the public by title or description as being a licensed counselor.

(2) This chapter does not apply to the activities and services of a student, intern, or trainee in counseling pursuing a course of study in counseling in an accredited university if activities are performed under supervision and constitute a part of the supervised course of study.

(3) This chapter does not apply to the activities and services of a rabbi, priest, minister, or clergy of any religious denomination or sect if the activities and services are within the scope of the performance of the person's regular or specialized ministerial duties and for which no separate charge is made, or if the activities are performed, with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established or legally cognizable church, denomination, or sect, if the persons rendering the services remain accountable to the established authority thereof and do not misrepresent themselves as mental health counselors.

(4) This chapter does not apply to the activities, title, and description of persons offering volunteer services for public and private nonprofit organizations or charities if the persons are not licensed under this chapter, are not called licensed mental health counselors, and are approved by the organizations or agencies for whom they render services.

NEW SECTION. Sec. 79. The director shall:

(1) Set fees for license applications, original licenses, renewal of licenses, duplicate licenses, and examination fees as required in RCW 43.24.086. The fees so collected shall be deposited in the health professions account under RCW 43.24.072; and

(2) Provide such administrative, clerical, and other assistance as may be required to carry out this chapter.

Sec. 80. Section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding

under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A regular physician ((or)), surgeon, or licensed mental health counselor shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

NEW SECTION, Sec. 81. Sections 66 through 79 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION, Sec. 82. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1985, the sum of fifty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 66 through 79 of this act."

Renumber the remaining section and correct internal references accordingly.

POINT OF ORDER

Senator Haley: "Mr. President, I would ask for a ruling on scope and object using the same kinds of remarks and reasons as the previous ruling on scope and object."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Haley, the President finds that Substitute House Bill No. 1178 is a measure which deals with the regulation of health and health-related professions that are currently licensed by the State of Washington.

"The amendment proposed by Senator McManus establishes a new license for mental health counselors.

"The President, therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator McManus moved that the following amendment be adopted:

On page 33, after line 34, insert the following:

"NEW SECTION, Sec. 66. This chapter shall be known and may be cited as the "Dietetics Practice Act."

NEW SECTION, Sec. 67. In order to safeguard the public health, safety, and welfare, to protect the public from being misled by incompetent, unethical, and unauthorized persons, to assure the highest degree of professional conduct on the part of dietitians, and to assure the availability of nutritional services of high quality to persons in need of such services, it is the purpose of this chapter to provide for the regulation of persons offering dietetics to the public through licensure.

NEW SECTION, Sec. 68. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the board of dietetics.

(2) "Dietetics" is the integration and application of scientific principles of food, nutrition, biochemistry, physiology, management, and behavioral and social sciences in counseling people to achieve and maintain health. Unique functions of dietetics include, but are not limited to:

(a) Assessing individual and community food practices and nutritional status using anthropometric, biochemical, clinical, dietary, and demographic data for clinical, research, and program planning purposes;

(b) Establishing priorities, goals, and objectives that meet nutritional needs and are consistent with available resources and constraints;

(c) Providing nutrition counseling and education as components of preventive, curative, and restorative health care; and

(d) Developing, implementing, managing, and evaluating nutrition care systems.

(3) "Dietitian" means any person licensed to practice dietetics.

(4) "Dietetic technician" means a person who is trained to perform specific dietetic functions of a licensed dietitian, as defined by this chapter, under professional supervision as defined by the board, but who does not perform activities that require advanced training in the sciences or practices involved in the profession of dietetics.

(5) "Person" means any individual, partnership, unincorporated organization, or corporate body, except that only an individual may be licensed under this chapter.

(6) "Department" means the department of licensing.

(7) "Director" means the director of licensing.

NEW SECTION. Sec. 69. No person may practice dietetics or hold out himself or herself as a dietitian unless the person is licensed in accordance with, or is in compliance with, this chapter.

NEW SECTION. Sec. 70. This chapter shall not be construed as preventing or restricting the practice, services, or activities of:

(1) A person licensed or certified in this state under any other law from engaging in the profession or occupation for which the person is licensed or certified;

(2) A person employed as a dietitian by the government of the United States, if the person engages in dietetics solely under direction or control of the organization by which the person is employed;

(3) A cooperative extension home economist;

(4) A person pursuing a course of study leading to a degree certificate in dietetics in an accredited and approved educational program if the activities and services constitute a part of a supervised course of study, and if the person is designated by a title that clearly indicates the person's status as a student or trainee;

(5) A person fulfilling the supervised fieldwork experience requirements of section 71 of this act if the activities and services constitute a part of the experience necessary to meet the requirements of section 71 of this act;

(6) Any person employed by or supervised by a licensed dietitian as a dietetic technician;

(7) A person practicing dietetics in this state, if the dietetics are performed for no more than one hundred eighty days, and if:

(a) The person is licensed under the laws of another state which has licensure requirements at least as stringent as the requirements of this chapter, as determined by the board; or

(b) The person has met commonly accepted standards for the practice of dietetics, as specifically defined by the board; or

(8) A person with a limited permit. A limited permit may be granted to persons who have completed the education and experience requirements of this chapter, or education and experience requirements that the board deems equivalent to those specified requirements for licensure. The limited permit allows the applicant to practice in association with a dietitian. The limited permit is valid until the results of the next examination have been made public. One extension of this permit may be granted if the applicant has failed the examination, but during this period the person shall be under the direct supervision of a dietitian.

NEW SECTION. Sec. 71. (1) An applicant applying for a license as a dietitian shall file a written application on forms provided by the department showing to the satisfaction of the board that the applicant meets the requirements specified in this subsection.

(a) The applicant shall be of good moral character.

(b) The applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in dietetics recognized by the board and having received a baccalaureate or higher degree from an accredited college or university, as determined by the board. Such a program shall be approved by rules of the board.

(c) The applicant shall submit to the board evidence of having successfully completed a minimum of six months of supervised fieldwork experience or a coordinated undergraduate program in dietetics, both of which meet the training criteria established by the board. Supervisors of the program shall meet minimum qualifications established by the board.

(d) An applicant for licensure as a dietitian shall pass an examination as provided in section 72 of this act.

NEW SECTION. Sec. 72. (1) A person applying for licensure shall demonstrate eligibility in accordance with section 71 of this act and shall apply for examination upon a form and in such a manner as the board prescribes. The application shall be accompanied by a fee prescribed by section 77 of this act, which fee shall not be refunded. Each application shall be accompanied by the prescribed fee.

(2) An applicant for licensure under this chapter shall be given a written examination to test the applicant's knowledge of basic and clinical sciences relating to dietetics and such other subjects as the board deems useful to determine the applicant's fitness to practice dietetics. The board shall approve the examination and establish standards for acceptable performance.

(3) Applicants for licensure shall be examined at a time and place and under such supervision as the board determines. The examination shall be given at least twice each year at

places the board determines. The board shall give reasonable public notice of the examinations in accordance with its rules at least sixty days prior to the administration of the examination.

(4) Applicants may obtain their examination scores and may review their papers in accordance with rules established by the board.

NEW SECTION, Sec. 73. (1) The board may grant a license to any applicant who presents proof of current licensure as a dietitian in another state, the District of Columbia, or a territory of the United States, which license has standards considered by the board to be equivalent to the requirements for licensure under this chapter.

(2) The board shall waive the education and experience requirements for licensure in section 71(1) of this act for applicants for licensure who present evidence to the board that they have been engaged in the practice of dietetics for three years immediately prior to the effective date of this act. Proof of actual practice shall be presented to the board in a manner the board prescribes by rule. To obtain the waiver, an applicant shall file an application no later than twelve months after the effective date of this act.

NEW SECTION, Sec. 74. The director shall issue a license to a person who meets the licensing requirements of this chapter upon payment of the prescribed license fee. The license shall be posted in a conspicuous location at the person's work site.

NEW SECTION, Sec. 75. (1) Licenses under this chapter shall be renewed at the time and in the manner determined by the director and with the payment of a renewal fee. The board may establish requirements for license renewal that provide evidence of continued competency. The director may provide for the late renewal of a license upon the payment of a late fee in accordance with the board's rules.

(2) A suspended license is subject to expiration and may be renewed as provided in this section, but the renewal does not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in dietetics, or in any other conduct or activity in violation of the order or judgment for which the license was suspended. If a license revoked on disciplinary grounds is reinstated, the licensee, as a condition of reinstatement shall pay the renewal fee and any applicable late fee.

(3) A dietitian licensed under this chapter not practicing dietetics or providing services may place his or her license in an inactive status. The board may prescribe requirements for maintaining an inactive status and converting from inactive or active status.

NEW SECTION, Sec. 76. (1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for a license has engaged in conduct which has endangered the health, welfare, or safety of the public. Such conduct includes, but is not limited to:

(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;

(b) Engaging in unprofessional conduct or gross incompetence as defined by the rules of the board, or violating the code of ethics adopted and published by the board, which code shall require that a dietitian, after evaluating a patient, refer a medical case to a physician for appropriate medical direction if such direction is lacking. Treatment by a dietitian of such a medical case may take place only upon the referral of a physician licensed to practice medicine in this state;

(c) Being convicted of a crime of moral turpitude or a felony that relates to the practice of dietetics;

(d) Violating an order or rule of the board; or

(e) Violating this chapter.

(2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions on a licensee may be ordered by the board in compliance with chapter 34.04 RCW. One year from the date of revocation of a license, application may be made to the board for reinstatement. The board has discretion to accept or reject an application for reinstatement and may hold a hearing to consider the reinstatement.

NEW SECTION, Sec. 77. The director shall prescribe and publish license and permit fees in amounts determined by the director as provided in RCW 43.24.086.

NEW SECTION, Sec. 78. (1) There is established a board of dietetics. The board shall consist of five members appointed by the governor, who may consider the persons who are recommended for appointment by the dietitians of the state. The members of the board shall be residents of the state. Four of the members shall have been engaged in the practice of dietetics with the public, teaching dietetics, or research in dietetics for at least five years immediately preceding their appointments. These four board members shall be dietitians who shall at all times be holders of licenses for the practice of dietetics in the state, except for the initial members of the board, all of whom shall fulfill the requirements for licensure under this chapter. The remaining member of the board shall be a member of the public with an interest in the rights of consumers of health services.

(2) The governor shall, within sixty days after the effective date of this act, appoint one member for a term of one year, two members for a term of two years, and two members for a term of three years. Appointments made thereafter shall be for three-year terms, but no person

may be appointed to serve more than two consecutive full terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the initial appointed members, who shall serve through the last calendar day of the year in which they are appointed before commencing the terms prescribed by this section. The governor shall make appointments for vacancies in unexpired terms within ninety days after the vacancies occur.

(3) The board shall meet during the first month of each calendar year to select a chairperson and for other purposes. At least one additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairperson or the written request of any two board members. A majority of members of the board constitutes a quorum for all purposes. All meetings of the board shall be open to the public, except that the board may hold closed sessions to prepare, approve, grade, and administer examinations or, upon request of an applicant who fails examination, to prepare a response indicating the reasons for the applicant's failure.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 79. (1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations and applicants for licensure under this chapter. The board may issue subpoenas, examine witnesses, and administer oaths and investigate allegations of practices violating this chapter.

(2) The board shall adopt rules, in accordance with chapter 34.04 RCW, relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice dietetics in this state.

(3) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its functions. The board shall provide at least thirty days' notice in writing to the appropriate persons of the times and places of all hearings authorized under this chapter in such a manner and at such times as determined by its rules.

NEW SECTION. Sec. 80. The director shall provide an administrative and investigative staff as necessary for the board to carry out its duties under this chapter.

NEW SECTION. Sec. 81. A person who violates section 69 of this act is guilty of a misdemeanor punishable by a fine of not more than five hundred dollars, or imprisonment in the county jail for a period not exceeding ninety days, or both such fine and imprisonment. The court may impose a civil fine of up to one thousand dollars for any violation of section 69 of this act.

NEW SECTION. Sec. 82. Sections 66 through 81 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 83. There is appropriated from the general fund to the department of licensing for the biennium ending June 30, 1985, the sum of twenty-five thousand five hundred dollars or so much thereof as may be necessary, to carry out the purposes of sections 66 through 81 of this act.

NEW SECTION. Sec. 84. Sections 66 through 83 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Renumber the remaining section consecutively.

POINT OF ORDER

Senator McCaslin: "Mr. President, a point of order. I would raise the question of scope and object. I think the remarks that Senator Haley made pertain to this."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute House Bill No. 1178 is a measure which deals with the regulation of health and health-related professions that are currently licensed by the State of Washington.

"The amendment proposed by Senator McManus establishes a new license for dietitians.

"The President, therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator McManus moved that the following amendment be adopted:

On page 33, after line 32, insert the following:

NEW SECTION. Sec. 65. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Acupuncture" means a health care service based on a traditional Oriental system of medical theory and diagnosis in treatment used to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. By way of illustration and not limitation, acupuncture includes the following techniques:

- (a) Use of acupuncture needles to simulate acupuncture points and meridians;
 - (b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;
 - (c) Moxibustion;
 - (d) Acupressure;
 - (e) Cupping;
 - (f) Dermal friction technique (gwa hsa);
 - (g) Infra-red;
 - (h) Sonopuncture;
 - (i) Laserpuncture;
 - (j) Dietary advice; and
 - (k) Point injection therapy (aquapuncture).
- (2) "Acupuncturist" means an acupuncturist licensed under this chapter.
- (3) "Department" means the department of licensing.
- (4) "Director" means the director of licensing.

NEW SECTION. Sec. 66. LICENSE REQUIRED. Any person who practices acupuncture in this state shall first obtain from the director a license to do so. The director may grant a license after an examination as provided for in this chapter.

NEW SECTION. Sec. 67. EXEMPTIONS. This chapter shall not be construed to apply or interfere in any way with the practice of religion or any kind of treatment by prayer, nor may this chapter be construed to prohibit:

- (1) The furnishing of acupuncture assistance in cases of emergency requiring immediate attention;
- (2) Domestic administration of acupuncture by members of the patient's immediate family;
- (3) The practice of any other health care profession by a holder of a valid license under the methods or means permitted by that license;
- (4) The practice of acupuncture under the authority of any instrumentality of the United States government;
- (5) The practice of acupuncture by a person who is a regular student in a school of acupuncture approved by the director if the performance of such services is in the regular course of instruction or assignments from an instructor and if such services are performed only under the supervision and control of a person licensed under this chapter or any other chapter licensing healing arts the scope of which includes acupuncture;
- (6) The practice of acupuncture by any person licensed to perform acupuncture in any other jurisdiction with standards equivalent to or greater than those required in this state if that person is doing so in the course of regular instruction of a school of acupuncture approved by the director or in an educational seminar sponsored by a recognized professional organization of a healing art the scope of which includes the practice of acupuncture. If the person practicing acupuncture is doing so in the course of an educational seminar sponsored by a recognized professional organization of a healing art the scope of which includes the practice of acupuncture, the practice shall be supervised directly by a licensed acupuncturist physically present.

NEW SECTION. Sec. 68. QUALIFICATIONS FOR PRACTICE. Any person seeking to be examined shall present to the director, at least forty-five days before the beginning of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof that the candidate has:

- (1) A high school degree or its equivalent;
- (2) Completed a minimum of two academic years or seventy-two quarter credits of undergraduate college education in the general sciences and humanities prior to entering an acupuncture training program, however obtaining a degree is not required for the educational credits to qualify;
- (3) Completed a course of instruction in basic Western sciences and acupuncture over a period of two academic years that includes such subjects as anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and a survey of Western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a drugless healer under chapter 18.36 RCW, the requirements of this subsection relating to Western basic sciences may be reduced by up to one year depending upon the candidate's qualifications as determined under rules adopted by the director;
- (4) Successfully completed a course of clinical training in acupuncture over a period of one academic year, including a minimum of twenty-five quarter credits of supervised practice, consisting of three hundred fifty separate patient treatments involving a minimum of sixty

different patients and a minimum of one hundred hours or nine quarter credits of observation including case presentation and discussion.

NEW SECTION. Sec. 69. ACUPUNCTURE EDUCATION PROGRAMS—APPROVAL PROCEDURE. The department will consider for approval any school, program, apprenticeship, or tutorial that meets the requirements of this chapter and provides the training required under section 68 of this act. Clinical and instructive training may be approved as separate programs or as a joint program. The process for approval shall be established by the director by rule.

NEW SECTION. Sec. 70. ADMISSION OF CANDIDATE TO EXAMINATION—FEE—REEXAMINATION. If the application is approved and the candidate has deposited an examination fee determined by the director as provided in RCW 43.24.086, the candidate shall be admitted to the examination, and in the case of failure to pass the examination, may be reexamined at any regular examination within one year without the payment of an additional fee. The fee shall be retained by the director after failure to pass the second examination.

NEW SECTION. Sec. 71. EXAMINATION—TIMES AND PLACES—SUBJECTS—PROVISION OF NEEDLES. (1) The director of licensing may implement this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the director determines. The examination shall be written and practical and shall be in the English language.

(2) The director, with the assistance of the acupuncture board, shall develop or approve a licensure examination in the subjects that the director determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include anatomy, physiology, bacteriology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the director and be retained by the director for at least one year, when they may be destroyed.

(3) If a candidate satisfactorily completes the examination, the director shall issue to such candidate a license entitling the candidate to practice acupuncture in the state of Washington.

(4) Each applicant may be required to provide his or her own sterile needles and other equipment necessary for demonstrating the applicant's skill and proficiency in acupuncture.

NEW SECTION. Sec. 72. ENGLISH FLUENCY. Each applicant must demonstrate sufficient fluency in reading, speaking, and understanding the English language to enable the applicant to communicate with other health care providers and patients concerning health care problems and treatment.

NEW SECTION. Sec. 73. INVESTIGATION. An applicant for a license to perform acupuncture shall, as part of the application, furnish written consent to an investigation of the applicant's personal background, professional training, and experience by the department or any person acting on its behalf.

NEW SECTION. Sec. 74. REFUSAL, SUSPENSION, OR REVOCATION OF LICENSE—REPRIMAND OR CENSURE—GROUNDS—COMPLAINTS—HEARING—APPEAL. (1) The director may refuse to grant or may suspend or revoke any license, may reprimand or censure a license holder, or may place on probation subject to reasonable remedial conditions a license holder for any of the following reasons:

- (a) Persistent inebriety or other substance abuse;
- (b) The practice of abortion except the practice of acupuncture for anesthetic purposes related to an abortion procedure;
- (c) The commission of any crime involving moral turpitude relevant to the practice of acupuncture;
- (d) Presentation of a certificate or diploma for licensure illegally obtained;
- (e) Application for examination under fraudulent misrepresentation;
- (f) Mishandling needles authorized by this chapter;
- (g) Neglect or refusal to make proper returns to the department of social and health services of infectious diseases within the required limit of time;
- (h) Professional incompetence; or
- (i) Wilful violation of any other provisions of this chapter or regulations adopted under it.

(2) In complaints of violations of the provisions of this section, the accused shall be furnished with a copy of the complaint and be given a hearing before a hearing examiner, with right of appeal to the director. Proceedings and further appeals under this section shall be governed by chapter 34.04 RCW.

(3) Any acupuncturist refused admission to the examination or whose license has been revoked who attempts or continues the practice of acupuncture is subject to the penalties prescribed under this chapter.

NEW SECTION. Sec. 75. ANNUAL REGISTRATION—RENEWAL FEE—DELINQUENT RENEWALS. (1) Every person licensed to practice acupuncture shall register with the director annually and pay an annual renewal registration fee determined by the director as provided in RCW 43.24.086 on or before the licensee's birth anniversary date. The license of the person shall be renewed for a period of one year.

(2) Any failure to register and pay the annual renewal registration fee renders the license invalid. The license shall be reinstated upon written application to the director, payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086, and payment to the state of all delinquent annual license renewal fees.

(3) Any person who fails to renew his or her license for a period of three years is not entitled to renew that license under this section. In order to obtain a license to practice acupuncture in this state, the person shall file a new application under this chapter, along with the required fee.

NEW SECTION. Sec. 76. FORM TO INFORM PATIENT OF QUALIFICATIONS OF ACUPUNCTURIST. The director, with the advice of the acupuncture board, shall develop a form to be used by an acupuncturist to inform the patient of the acupuncturist's qualifications.

NEW SECTION. Sec. 77. WRITTEN PLAN FOR CONSULTATION, EMERGENCY TRANSFER, AND TRANSPORT. Every licensed acupuncturist shall develop a written plan for consultation, emergency transfer, and referral to other licensed practitioners. The written plan shall be submitted with the initial application for licensure as well as annually thereafter with the license renewal fee to the department. The department may withhold licensure or renewal of licensure if the plan fails to meet the standards contained in rules adopted by the director.

NEW SECTION. Sec. 78. UNLAWFUL PRACTICE—PENALTIES. Any person practicing acupuncture in this state without first complying with this chapter, is guilty of a misdemeanor and shall be punished as provided in RCW 9.92.030.

NEW SECTION. Sec. 79. RULES. The director shall adopt rules in the manner provided by chapter 34.04 RCW as are necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 80. ACUPUNCTURE ADVISORY COMMITTEE—CREATED—MEMBERS—APPOINTMENT—TERMS—TRAVEL EXPENSES. (1) The acupuncture board is hereby created. The board shall be composed of one physician licensed under chapter 18.71 or 18.57 RCW, three acupuncturists licensed under this chapter, and one public member who has no financial interest in the rendering of health services.

(2) The governor shall appoint the members of the board, the initial terms shall be staggered. Thereafter, the terms shall be for five years.

(3) The members of the board shall select the chairperson from among the members. The board shall meet regularly at the call of the chairperson.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 81. PUBLIC REPRESENTATIONS OF PRACTICE OF ACUPUNCTURE. (1) No person may hold himself or herself out to the public as an acupuncturist unless licensed under this chapter.

(2) Persons licensed under this chapter may affix L.Ac. after their name.

NEW SECTION. Sec. 82. PREVIOUSLY REGISTERED ACUPUNCTURE ASSISTANTS. All persons registered as acupuncture assistants under chapter 18.71A or 18.57A RCW shall be issued licenses under this chapter by the director without examination if they otherwise would qualify for licensure under this chapter and apply for a license within one hundred twenty days of the effective date of this act.

NEW SECTION. Sec. 83. RECIPROCITY. The director may issue a license without examination to a person licensed as an acupuncturist in another jurisdiction, if in the director's judgment the requirements of that jurisdiction are equivalent to or greater than those of Washington state.

NEW SECTION. Sec. 84. As used in this chapter, section captions constitute no part of the law.

Sec. 85. Section 1, chapter 157, Laws of 1969 ex. sess. as last amended by section 4, chapter 56, Laws of 1975-76 2nd ex. sess. and RCW 4.24.240 are each amended to read as follows:

(1) (a) A person licensed by this state to provide health care or related services, including, but not limited to, ((a)) an acupuncturist, physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his estate or personal representative;

(b) An employee or agent of a person described in subparagraph (a) of this subsection, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subparagraph (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution,

or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

Sec. 86. Section 1, chapter 35, Laws of 1975 1st ex. sess. as amended by section 1, chapter 149, Laws of 1983 and RCW 4.24.290 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, an acupuncturist licensed under sections 65 through 84 of this 1984 act, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatrist licensed under chapter 18.22 RCW, or a nurse licensed under chapters 18.78 or 18.88 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 87. Section 7, chapter 56, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 53, Laws of 1981 and RCW 7.70.020 are each amended to read as follows:

As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, ((a)) an acupuncturist, physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including in the event such officer, director, employee, or agent is deceased, his estate or personal representative.

NEW SECTION. Sec. 88. Sections 65 through 84 of this act shall constitute a new chapter in Title 18 RCW."

Renumber the sections consecutively.

POINT OF ORDER

Senator McCaslin: "Mr. President, a point of order. Ditto. I would raise the point of scope and object."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator McCaslin, the President finds that Substitute House Bill No. 1178 is a measure which deals with the regulation of health and health-related professions that are currently licensed by the State of Washington.

"The amendment proposed by Senator McManus establishes a new license for acupuncturists which allows them to establish independent practices.

"The President, therefore finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

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

On page 1, line 24 of the title, after "18.32.620;" insert "amending section 3, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.030; amending section 7, chapter 57, Laws of 1970 ex. sess. as last amended by section 2, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.070; amending section 7, chapter 57, Laws of 1970 ex. sess. as last amended by section 2 of this 1984 act and RCW 18.52.070; amending section 9, chapter 57, Laws of 1970 ex. sess. as amended by section 3, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.090; amending section 11, chapter 57, Laws of 1970 ex. sess. as last amended by section 54, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.110; amending section 12, chapter 57, Laws of 1970 ex. sess. as last amended by section 5, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.120; amending section 17, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.160."

On page 2, line 1 of the title strike "a new section" and insert "new sections"

On page 2, line 9 of the title after "section;" insert "repealing section 8, chapter 57, Laws of 1970 ex. sess., section 53, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.52.080; providing an effective date;"

On page 1, line 15 of the title, after "18.73.040;" strike all material down to and including "18.83.030;" on line 17

On page 1, line 24 of the title, after "18.32.620;" insert "amending section 1, chapter 305, Laws of 1955 as last amended by section 67, chapter 158, Laws of 1979 and RCW 18.83.010; amending section 5, chapter 305, Laws of 1955 as amended by section 5, chapter 70, Laws of 1965 and RCW 18.83.050; amending section 6, chapter 305, Laws of 1955 as last amended by section 72, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.060; amending section 7, chapter 305, Laws of 1955 as amended by section 7, chapter 70, Laws of 1965 and RCW 18.83.070; amending section 20, chapter 70, Laws of 1965 as amended by section 15, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.072; amending section 23, chapter 70, Laws of 1965 as amended by section 73, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.082; amending section 9, chapter 305, Laws of 1955 as last amended by section 1, chapter 58, Laws of 1977 and RCW 18.83.090; amending section 13, chapter 305, Laws of 1955 as amended by section 12, chapter 70, Laws of 1965 and RCW 18.83.120; amending section 12, chapter 305, Laws of 1955 as amended by section 13, chapter 70, Laws of 1965 and RCW 18.83.130; amending section 17, chapter 305, Laws of 1955 as last amended by section 76, chapter 30, Laws of 1975 1st ex. sess. and RCW 18.83.170;"

On page 2, line 6 of the title, strike "a new section" and insert "new sections"

On page 2, line 9 of the title, after "new section;" insert "repealing section 3, chapter 305, Laws of 1955, section 3, chapter 70, Laws of 1965, section 27, chapter 292, Laws of 1971 ex. sess. and RCW 18.83.030; repealing section 4, chapter 305, Laws of 1955, section 4, chapter 70, Laws of 1965 and RCW 18.83.040; repealing section 14, chapter 305, Laws of 1955, section 14, chapter 70, Laws of 1965 and RCW 18.83.140; repealing section 15, chapter 305, Laws of 1955, section 15, chapter 70, Laws of 1965 and RCW 18.83.150; repealing section 16, chapter 305, Laws of 1955, section 16, chapter 70, Laws of 1965, section 61, chapter 81, Laws of 1971 and RCW 18.83.160;"

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

MOTION

On motion of Senator McManus, the rules were suspended, Substitute House Bill No. 1178, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1178, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1178, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Böttiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Hansen - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 1178, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 85, by Committee on Labor (originally sponsored by Representatives R. King and Patrick)

Expanding number of counties subject to binding arbitration for law enforcement officers.

The bill was read the second time.

MOTIONS

On motion of Senator Thompson, the following Committee on Local Government amendment was adopted:

On page 2, after line 15, insert the following:

"NEW SECTION. Sec. 2. This act shall take effect on July 1, 1985."

Senator Zimmerman moved that the following amendment be adopted:

On page 2, after line 15, insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 41.56 RCW a new section to read as follows:

The county legislative authority is authorized to direct the sheriff to make such changes in the operation of the sheriff's department that are deemed necessary by the county legislative authority to accommodate arbitration awards authorized under this chapter."

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendment was not adopted by the following vote: Yeas, 17; nays, 26; absent, 00; excused, 06.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 17.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

MOTIONS

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

On page 1, line 1 of the title, strike "and"

On page 1, line 4 of the title, after "41.56.030" insert "; and providing an effective date"

On motion of Senator Thompson, the rules were suspended, Second Substitute House Bill No. 85, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 85, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 85, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 16; absent, 01; excused, 06.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hansen, Hayner, Lee, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 16.

Absent: Senator Hurley - 1.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

SECOND SUBSTITUTE HOUSE BILL NO. 85, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1378, by Representatives Niemi, O'Brien, Johnson, Belcher, Kreidler and Walk

Changing provisions relating to state civil service.

The bill was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 18, after line 29, insert the following:

"NEW SECTION. Sec. 19. There is added to chapter 72.09 RCW a new section to read as follows:

(1) In recognition of the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:

(a) An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed:

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right."

MOTION

Senator Zimmerman moved the following amendments be considered and adopted simultaneously:

On page 2, beginning on line 14, strike all of section 1.

Renumber the remaining sections accordingly.

On page 5, line 3, after "promotions" strike "~~((and reemployment from layoff))~~" and insert "and reemployment from layoff"

On page 5, line 17, after "reemployment" strike ", both according to seniority"

On page 7, line 8, after "Increment" strike all material down to and including "service" on line 11 and insert "or merit increases within the series of steps for each pay grade"

On page 8, line 10, after "chapter" strike all material down to and including "agency" on line 13.

On page 8, beginning on line 14, strike all of section 4.

Renumber the remaining sections accordingly

On page 10, beginning on line 31, strike all of section 10.

Renumber the remaining sections accordingly.

On page 12, beginning on line 2, strike "~~((and reemployment from layoff))~~" and insert "and reemployment from layoff"

On page 12, line 13, after "reemployment" strike ", both according to seniority" On page 14, line 15, after "Increment" strike all material down to and including "service" on line 18 and insert "or merit increases within the series of steps for each pay grade"

On page 15, line 9, after "chapter" strike all material down to and including "board" on line 15.

On page 15, line 22, after "board" strike all material down to and including "board" on line 26.

On page 15, beginning on line 27, strike all of section 12.

Renumber the remaining sections accordingly.

On page 17, beginning on line 9, strike all of section 17.

Renumber the remaining sections accordingly.

On page 18, beginning on line 32, strike all material down to and including "28B.16.270;" on page 19, line 8.

Renumber the remaining subsections consecutively.

On page 19, beginning on line 9, strike all material down to and including "28B.16.290;" on line 12.

Renumber the remaining subsections consecutively.

On page 19, beginning on line 13, strike all material down to and including "28B.80.270;" on line 22.

Renumber the remaining subsections accordingly.

On page 19, beginning on line 23, strike all material down to and including "41.06.195;" on line 28.

Renumber the remaining subsections accordingly.

On page 19, beginning on line 29, strike all material down to and including "41.06.215" on line 32.

On page 20, beginning on line 1, strike all of section 21 and insert the following:

"NEW SECTION, Sec. 21. This act shall take effect on July 1, 1986."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed and the amendments were not adopted by the following vote: Yeas, 15; nays, 27; absent, 01; excused, 06.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 15.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 27.

Absent: Senator Benitz - 1.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

MOTION

Senator Zimmerman moved that the following amendment be adopted:

On page 20, after line 5, insert a new section as follows:

"NEW SECTION, Sec. 22. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

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

MOTIONS

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

On page 1, line 20 of the title, after "43.01 RCW;" insert "adding a new section to chapter 72.09 RCW;"

On motion of Senator Warnke, the rules were suspended, House Bill No. 1378, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1378, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1378, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 15; absent, 01; excused, 06.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 15.

Absent: Senator Benitz - 1.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

HOUSE BILL NO. 1378, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1419, by Representative Lux

Modifying provisions relating to state employee group insurance program.

The bill was read the second time.

MOTION

On motion of Senator Moore, the rules were suspended, House Bill No. 1419 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1419.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1419, and the bill passed the Senate by the following vote: Yeas, 31; nays, 09; absent, 03; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogniild, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Lee, McCaslin, McDonald - 9.

Absent: Senators Benitz, Deccio, Rasmussen - 3.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 6.

HOUSE BILL NO. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1355, by Representatives Niemi, Belcher, O'Brien, Johnson, Kreidler, Halsan and D. Nelson

Authorizing voluntary payroll deduction for political action committees by state employees.

The bill was read the second time.

MOTION

Senator Zimmerman moved the following amendment be adopted:

On page 2, line 20, after "government," insert "A labor or employee organization which sponsors a political action committee shall allow its members who utilize this deduction to either designate who will receive the political action committee contributions, or vote on who will receive the political action committee contributions."

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, and the amendment was not adopted by the following vote: Yeas, 16; nays, 25; absent, 01; excused, 07.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Patterson, Sellar, Woody, Zimmerman - 16.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn - 25.

Absent: Senator Granlund - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

MOTIONS

On motion of Senator Guess, Senator Benitz was excused.

Senator Zimmerman moved the following amendment be adopted:

On page 2, line 18, after "committees" strike everything up to and including "government" on page 2, line 20, and insert "properly registered with the public disclosure commission under the terms of chapter 42.17 RCW."

Debate ensued.

Senator Zimmerman demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Zimmerman failed, and the amendment was not adopted by the following vote: Yeas, 14; nays, 26; absent, 02; excused, 07.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Lee, McDonald, Patterson, Sellar, Zimmerman - 14.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senators Haley, McCaslin - 2.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

MOTION

Senator Zimmerman moved the following amendment be adopted:

On page 2, after line 35, insert the following:

"Sec. 2. This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Zimmerman.

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

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed House Bill No. 1355 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1355.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1355, and the bill passed the Senate by the following vote: Yeas, 27; nays, 14; absent, 01; excused, 07.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Owen, Patterson, Sellar, Zimmerman - 14.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

ENGROSSED HOUSE BILL NO. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1415, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Miller, Heck, Pruitt, Allen, Vander Stoep, Johnson, Patrick and Long) (by Secretary of State request)

Authorizing local voters' pamphlets.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1415 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1415.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1415, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Deccio - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 761, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Pruitt, Tanner, Charnley and Wang)

Establishing procedures for late registration and special absentee ballots.

The bill was read the second time.

MOTIONS

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

After the closing of registration for voting at the polls under RCW 29.07.160, but not later than fifteen days preceding any primary, special election, or general election, unregistered qualified electors may register in person in the office of the county auditor or with any voter registrar of the county in which they reside, and apply for an absentee ballot for that primary or election. The auditor or voter registrar shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered voter

for any primary or election that occurs in the thirty days following the execution of the registration shall be transmitted to the auditor with the completed voter registration form.

Sec. 2, Section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 3, Laws of 1980 and RCW 29.07.160 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election ~~((and primary))~~ to be held in such precincts, ~~((respectively))~~.

The county auditor shall give notice of the closing of ~~((said))~~ the precinct files for original registration and transfer and of the procedures for late registration and absentee ballots under section 1 of this act by one publication in a newspaper of general circulation in the county at least five days before such closing ~~((except as provided for special elections in accordance with section 3 of this 1980 act))~~.

No person may vote at any primary, special election, or general election in any precinct polling place unless he or she has registered to vote at least thirty days prior to that primary or election. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days preceding any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under section 1 of this act.

On motion of Senator Hayner, the following amendments by Senators Hayner and Talmadge to the Committee on Judiciary amendment were considered and adopted simultaneously:

On page 1, line 27 of the amendment, after "for" strike "any" and insert "the"

On page 1, beginning on line 28, after "that" strike "occurs in the thirty days following" and insert "follows"

MOTION

Senator Hayner moved the following amendments to the Committee on Judiciary amendment be considered and adopted simultaneously:

On page 1, beginning on line 18 of the amendment, after "auditor" strike "or with any voter registrar"

On page 1, line 22 of the amendment after "auditor" strike "or voter registrar"

Debate ensued.

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendments to the Committee on Judiciary amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hayner failed, and the amendments to the committee amendment were not adopted by the following vote:

Yeas, 18; nays, 23; absent, 01; excused, 07.

Voting yea: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurler, Lee, McCaslin, McDonald, Patterson, Rasmussen, Sellar, Zimmerman - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 23.

Absent: Senator McDermott - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Second Substitute House Bill No. 761, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 761, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 761, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 20; absent, 01; excused, 07.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 21.

Voting nay: Senators Barr, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Lee, McCaslin, McDonald, Moore, Owen, Patterson, Rasmussen, Sellar, Vognild, Zimmerman - 20.

Absent: Senator Hemstad - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 761, as amended by the Senate, having failed to receive the constitutional majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Vognild served notice that he would move to reconsider the vote by which Engrossed Second Substitute House Bill No. 761 failed to pass the Senate.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1548, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Fisch, Miller, Wang and D. Nelson) (by Secretary of State request)

Making voter registration services available in state offices.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

On page 1, line 14, strike "may" and insert "shall"

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1548, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1548, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1548, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 31; nays, 11; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Patterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 31.

Voting nay: Senators Conner, Craswell, Deccio, Guess, Haley, Hayner, McCaslin, McDonald, Peterson, Sellar, Zimmerman - 11.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 1548, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1547, by Committee on Constitution, Elections and Ethics (originally sponsored by Representatives Zellinsky, Schmidt and Wilson) (by Secretary of State request)

Establishing procedures for absentee voters unable to vote during the normal period.

The bill was read the second time.

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1547 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1547.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1547, and the bill passed the Senate by the following vote: Yeas, 36; nays, 05; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody - 36.

Voting nay: Senators Craswell, Deccio, McCaslin, McDonald, Zimmerman - 5.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 1547, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1530, by Representatives Garrett, Egger and Walk

Updating the Model Traffic Ordinance.

The bill was read the second time.

MOTION

On motion of Senator Peterson, the rules were suspended, House Bill No. 1530 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1530.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1530, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senator Hayner - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

HOUSE BILL NO. 1530, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 552, by Committee on State Government (originally sponsored by Representatives Halsan, Martinis, Vander Stoep, Padden, Heck, Fiske, Grimm, Miller, Charnley, Silver, Zellinsky, Broback, Jacobsen, Brough, McMullen, Holland, Ristuben, Chandler, Egger, Ballard, Fisher, Schmidt, Ebersole, J. Williams, Powers, Allen, Smitherman, Rust, Belcher, Locke, Galloway, Appelwick, Braddock, Crane, Todd, Walk, Armstrong, P. King, Sutherland, Brekke, Kaiser, Dellwo, McClure, Vekich, O'Brien, Hine, Moon, Niemi, Johnson and Isaacson)

Permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs.

The bill was read the second time.

MOTION

Senator Warnke moved that the following Committee on State Government amendment be adopted:

On page 1, line 6, after "patrol" strike "shall" and insert "may"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Warnke or Senator Owen yield to a question?"

"As I understand it, you took the 'shall' out and put in 'may'—but the bill itself says 'permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs.' It doesn't specify what type of public service educational programs and I really think the amendment we adopted in the State Government Committee, which would say 'may' and with the passage of this bill would indicate to the Chief that we feel certain programs, such as Trooper Bob are meritorious, but I'm not so sure we have a lot of public programs that you may not want the state patrol people out there and they're individuals, too, with different ideas. If you put a 'shall' in there, it just says, 'well, if they're going to wear their uniforms, go do it.' Now, who wants to answer that question? I think it's much better that we have 'may,' unless we specify what type of public service programs we want the patrol to participate in."

Senator Warnke: "Senator Rasmussen, the bill only specifies that it has to be some kind of educational program or in traffic safety or crime prevention. That's part of the problem with the bill in that there will be no control of the use of those uniforms off duty by the patrol."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on State Government amendment.

The motion by Senator Warnke carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 1, line 6, after "patrol" strike "shall" and insert "may"

On page 1, line 12, after "accept" strike "an honorarium" and insert "any meal served in connection with the program and reimbursement for actual expenses for travel and materials used in conjunction with the program."

On motion of Senator Warnke, the rules were suspended. Substitute House Bill No. 552, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 552, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 552, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 41.

Voting nay: Senator Wojahn - 1.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Gulgg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 552, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1106, by Committee on Judiciary (originally sponsored by Representatives Halsan, Appelwick, Tilly, P. King, Crane, Schmidt, Wang, Cantu, Locke, West, Betrozoff, Broback, Brough, Charney, Ebersole, Padden, Patrick, Sanders, Silver, Tanner, Waik, Stratton, Barrett, Ballard, Hine, Schoon, Clayton, Todd, Miller, L. Smith and Powers)

Creating the crime of computer trespass.

The bill was read the second time.

MOTIONS

On motion of Senator Talmadge, the following Committee on Judiciary amendment was adopted:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 9A.52 RCW a new section to read as follows:

- (1) A person is guilty of computer trespass in the first degree if the person, without authorization, intentionally gains access to a computer system or electronic data base of another; and
 - (a) The access is made with the intent to commit another crime; or
 - (b) The violation involves a computer or data base maintained by a government agency.
- (2) Computer trespass in the first degree is a class C felony.

NEW SECTION. Sec. 2. There is added to chapter 9A.52 RCW a new section to read as follows:

- (1) A person is guilty of computer trespass in the second degree if the person, without authorization, intentionally gains access to a computer system or electronic data base of another under circumstances not constituting the offense in the first degree.
- (2) Computer trespass in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 9A.52 RCW a new section to read as follows:

A person who, in the commission of a computer trespass, commits any other crime may be punished for that other crime as well as for the computer trespass and may be prosecuted for each crime separately.

Sec. 4. Section 2, chapter 260, Laws of 1981 and RCW 9A.48.100 are each amended to read as follows:

For the purposes of RCW 9A.48.070 through 9A.48.090 inclusive:

- (1) "Physical damage", in addition to its ordinary meaning, shall include the total or partial alteration, damage, obliteration, or erasure of records, information, data, ((or) computer programs, or their computer representations, which are ((electronically)) recorded for use in computers or the impairment, interruption, or interference with the use of such records, information, data, or computer programs, or the impairment, interruption, or interference with the use of any computer or services provided by computers. "Physical damage" also includes any diminution in the value of any property as the consequence of an act;

(2) If more than one item of property is physically damaged as a result of a common scheme or plan by a person and the physical damage to the property would, when considered separately, constitute mischief in the third degree because of value, then the value of the damages may be aggregated in one count. If the sum of the value of all the physical damages exceeds two hundred fifty dollars, the defendant may be charged with and convicted of malicious mischief in the second degree.

Sec. 5. Section 9A.52.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.010 are each amended to read as follows:

The following definitions apply in this chapter:

(1) "Premises" includes any building, dwelling, or any real property;

(2) "Enter". The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property;

(3) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner;

(4) "Data" means a representation of information, knowledge, facts, concepts, or instructions that are being prepared or have been prepared in a formalized manner and are intended for use in a computer;

(5) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data;

(6) "Access" means to approach, instruct, communicate with, store data in, retrieve data from, or otherwise make use of any resources of a computer, directly or by electronic means.

Sec. 6. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 8, chapter 38, Laws of 1975-76 2nd ex. sess. and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Deprive" in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs(~~(-provided that the aforementioned are of a private proprietary nature))~~);

(6) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;

(8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) "Stolen" means obtained by theft, robbery, or extortion;

(12) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars."

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

On page 1, line 1 of the title, after "trespass," insert "amending section 2, chapter 260, Laws of 1981 and RCW 9A.48.100; amending section 9A.52.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.52.010; amending section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as amended by section 8, chapter 38, Laws of 1975-'76 2nd ex. sess. and RCW 9A.56.010;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Substitute House Bill No. 1106, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1106, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1106, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Kiskaddon, Metcalf, Newhouse, Pullen, Quigg, von Reichbauer - 7.

SUBSTITUTE HOUSE BILL NO. 1106, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Committee on Rules was relieved of further consideration of House Bills No. 1169, 1531 and 1636.

On motion of Senator Bottiger, the rules were suspended and House Bills No. 1169, 1531 and 1636 were advanced to second reading and placed on the second reading calendar.

MOTION

At 8:00 p.m., on motion of Senator Shipoch, the Senate adjourned until 1:30 p.m., Sunday, February 26, 1984.

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

FORTY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, February 26, 1984

The Senate was called to order at 1:30 p.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Kiskaddon, Newhouse, Quigg and Thompson. On motion of Senator Zimmerman, Senators Kiskaddon, Newhouse and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Julie Ostenson and Scott Woodruff, presented the Colors. Reverend Ray Morrison, senior pastor of the First Nazarene Church of Olympia, offered the prayer.

MOTION

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

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

SECOND READING

HOUSE JOINT MEMORIAL NO. 37, by Representatives D. Nelson, Kreidler, Belcher, Allen, Niemi, Miller, Pruitt, Lux, Locke, Lewis, Dellwo, Wang, Ellis and Jacobsen)

Requesting the United States grant safe haven status to refugees from El Salvador and Guatemala.

The memorial was read the second time.

MOTIONS

On motion of Senator Rinehart, the following Committee on State Government amendments were considered and adopted simultaneously:

On page 1, line 9, after "Salvadoran" strike "and Guatemalan" and insert ", Guatemalan, Afghan, Angolan, and Cuban"

On page 1, line 16, after "El Salvador" strike "and Guatemala, including the threat of death, to those" and insert ", Guatemala, Afghanistan, Angola, and Cuba, including the threat of death to Salvadoran and Guatemalan refugees who are"

On page 1, line 23, after "WHEREAS," strike "Western, Pan American, and Mexicana Airlines" and insert "Some airlines"

On page 1, line 27, after "of" strike "civil war" and insert "violent conflict"

On motion of Senator Rinehart, the rules were suspended, House Joint Memorial No. 37, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Joint Memorial No. 37, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Joint Memorial No. 37, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 37; nays, 08; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Clarke, Haley, McCaslin, Metcalf, Patterson, Pullen, Rasmussen, Vogtild - 8.

Absent: Senator Thompson - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

HOUSE JOINT MEMORIAL NO. 37, as amended by the Senate, having received the constitutional majority, was declared passed.

There being no objection, the President Pro Tempore reverted the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

February 26, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1395,

HOUSE BILL NO. 1517,

SUBSTITUTE HOUSE BILL NO. 1539,

HOUSE JOINT MEMORIAL NO. 34, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 26, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1227,

SUBSTITUTE HOUSE BILL NO. 1266,

HOUSE BILL NO. 1295, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 26, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1162,

SUBSTITUTE HOUSE BILL NO. 1666, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1984

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3504,

SENATE BILL NO. 4352, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 3834,

SUBSTITUTE SENATE BILL NO. 4288,

SENATE BILL NO. 4358,

SENATE BILL NO. 4374,

SENATE BILL NO. 4437,

SENATE BILL NO. 4731, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1162,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1227,

SUBSTITUTE HOUSE BILL NO. 1266,

HOUSE BILL NO. 1295,

HOUSE BILL NO. 1395,

HOUSE BILL NO. 1517,

SUBSTITUTE HOUSE BILL NO. 1539,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1666,

HOUSE JOINT MEMORIAL NO. 34.

MOTION

At 1:51 p.m., on motion of Senator Shinpoch, the Senate recessed until 2:15 p.m.

SECOND AFTERNOON SESSION

President Pro Tempore Goltz called the Senate to order at 2:21 p.m.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627, by Committee on Judiciary (originally sponsored by Representatives Locke, Armstrong, Long, Barnes, Wang, Belcher, Tanner, Lux, Isaacson, Miller, Brekke and Addison)

Revising child support provisions and providing new collection mechanism.

The bill was read the second time.

MOTION

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that there is an urgent need for vigorous enforcement of child support obligations, and that stronger and more efficient statutory remedies need to be established to supplement and complement the remedies provided in chapters 26.09, 26.21, 26.26, 74.20, and 74.20A RCW.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(2) "Duty of support" means the duty to provide for the needs of a dependent child, which may include necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payments, to pay expenses, or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(3) "Obligee" means the custodian of a dependent child, or person or agency, to whom a duty of support is owed, or the person or agency to whom the right to receive or collect support has been assigned.

(4) "Obligor" means the person owing a duty of support.

(5) "Support order" means any judgment, decree, or order of support issued by the superior court or authorized agency of the state of Washington; or a judgment, decree, or other order of support issued by a court or agency of competent jurisdiction in another state or country, which has been registered or otherwise made enforceable in this state.

(6) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes earnings to the obligor.

(7) "Earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(8) "Disposable earnings" means that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

NEW SECTION. Sec. 3. (1) The remedies provided in this chapter are in addition to, and not in substitution for, any other remedies provided by law.

(2) This chapter applies to any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

(3) This chapter shall be liberally construed to assure that all dependent children are adequately supported.

NEW SECTION. Sec. 4. (1) A proceeding to enforce a duty of support is commenced:

(a) By filing a petition for an original action; or

(b) By motion in an existing action or under an existing cause number.

(2) Venue for the action is in the superior court of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any agency providing care or support to the dependent child. A filing fee shall not be assessed in cases brought on behalf of the state of Washington.

(3) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child have been satisfied.

NEW SECTION. Sec. 5. (1) A petition or motion may be filed without notice under section 4 of this act to initiate a contempt action if an obligor fails to comply with a support order. If the court finds there is reasonable cause to believe the obligor has failed to comply with a support order, the court may issue an order to show cause requiring the obligor to appear at a certain time and place for a hearing, at which time the obligor may appear to show cause why the relief requested should not be granted. A copy of the petition or motion shall be served on the obligor along with the order to show cause.

(2) Service of the order to show cause shall be by personal service, or in the manner provided in the civil rules of superior court or applicable statute.

(3) If the order to show cause served upon the obligor included a warning that an arrest warrant could be issued for failure to appear, the court may issue a bench warrant for the arrest of the obligor if the obligor fails to appear on the return date provided in the order.

(4) If the court finds, after hearing, that the obligor failed to comply with the support order previously entered and that the obligor has not established that he or she was unable to comply with the order, the court shall find the obligor in contempt of court. Contempt under this section is punishable by imprisonment in the county jail for a term of up to one hundred eighty days. The court may suspend all or a part of the sentence upon terms that are reasonably likely to result in compliance with the support order.

(5) If the obligor contends at the hearing that he or she lacked the means to comply with the support order, the obligor shall establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order.

NEW SECTION. Sec. 6. (1) Every court order or decree establishing a child support obligation or duty of support shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee may seek a mandatory wage assignment without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order.

(2) If the support order under which the obligor owes the duty of support is not in compliance with subsection (1) of this section or if the obligee cannot show that the obligor has approved or received a copy of the court order or decree that complies with subsection (1) of this section, then notice shall be provided to the obligor at least fifteen days prior to the obligee seeking a mandatory wage assignment. The notice shall state that, if a child support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee may seek a mandatory wage assignment without further notice to the obligor. Service of the notice shall be by personal service, or by any form of mail requiring a return receipt. The notice requirement under this subsection is not jurisdictional.

NEW SECTION. Sec. 7. (1) A petition or motion seeking a mandatory wage assignment in an action under section 4 of this act may be filed by an obligee if the obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month. The petition or motion shall include a sworn statement by the obligee, stating the facts authorizing the issuance of the wage assignment order, including:

(a) That the obligor, stating his or her name and residence, is more than fifteen days past due in child support payments in an amount equal to or greater than the support payable for one month;

(b) A description of the terms of the support order requiring payment of support, and the amount past due;

(c) The name and address of the obligor's employer;

(d) That notice has been provided to the obligor as required by section 6 of this act; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source and, if the obligee has received public assistance, that the department of social and health services has been notified in writing of the pending action.

(2) If the court in which a mandatory wage assignment is sought does not already have a copy of the support order in the court file, then the obligee shall attach a copy of the support order to the petition or motion seeking the wage assignment.

NEW SECTION. Sec. 8. Upon receipt of a petition or motion seeking a mandatory wage assignment that complies with section 7 of this act, the court shall issue a wage assignment order, as provided in section 10 of this act and including the information required in section 9(1) of this act, directed to the employer, and commanding the employer to answer the order on the forms served with the order that comply with section 12 of this act within twenty days after service of the order upon the employer.

NEW SECTION. Sec. 9. (1) The wage assignment order in section 8 of this act shall include:

(a) The maximum amount of current support, if any, to be withheld from the obligor's earnings each month, or from each earnings disbursement; and

(b) The total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any.

(2) The total amount to be withheld from the obligor's earnings each month, or from each earnings disbursement, shall not exceed fifty percent of the disposable earnings of the obligor. If the amounts to be paid toward the arrearage are specified in the support order, then the

maximum amount to be withheld is the sum of the current support ordered and the amount ordered to be paid toward the arrearage, or fifty percent of the disposable earnings of the obligor, whichever is less.

(3) The provisions of RCW 7.33.280 do not apply to wage assignments for child support authorized under this chapter, but fifty percent of the disposable earnings of the obligor are exempt, and may be disbursed to the obligor.

(4) If an obligor is subject to two or more attachments for child support on account of different obligees, the employer shall, if the nonexempt portion of the obligor's earnings is not sufficient to respond fully to all the attachments, apportion the obligor's nonexempt disposable earnings between or among the various obligees equally. Any obligee may seek a court order reapportioning the obligor's nonexempt disposable earnings upon notice to all interested obligees. Notice shall be by personal service, or in the manner provided by the civil rules of superior court or applicable statute.

NEW SECTION. Sec. 10. The wage assignment order shall be substantially in the following form:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

Obligee	No.
vs.	WAGE ASSIGNMENT
Obligor	ORDER
Employer	Employer
THE STATE OF WASHINGTON TO:	Obligor
AND TO:	Obligor

The above-named obligee claims that the above-named obligor is more than fifteen days past due in child support payments in an amount equal to or greater than the child support payable for one month. The amount of the accrued child support debt as of this date is dollars, the amount of arrearage payments specified in the support order (if applicable) is dollars per, and the amount of the current and continuing support obligation under the support order is dollars per

You are hereby commanded to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one copy to the obligee or obligee's attorney, and one copy to the obligor within twenty days after service of this wage assignment order upon you.

If you possess any earnings due and owing to the obligor, then you shall do as follows:

- (1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:
 - (a) The sum of the accrued support debt and the current support obligation;
 - (b) The sum of the specified arrearage payment amount and the current support obligation; or
 - (c) Fifty percent of the disposable earnings of the obligor.
- (2) The total amount withheld above is subject to the wage assignment order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. You shall promptly notify the court if and when the employee is no longer employed by you.

You shall deliver the withheld earnings to the clerk of the court that issued this wage assignment order at each regular pay interval, but the first delivery shall occur no sooner than twenty days after your receipt of this wage assignment order.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This wage assignment order has priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold or deliver under chapter 74.20A RCW.

WHETHER OR NOT YOU OWE ANYTHING TO THE
OBLIGOR, YOUR FAILURE TO ANSWER
AS REQUIRED MAY MAKE YOU LIABLE FOR OBLIGOR'S
CLAIMED SUPPORT DEBT TO THE OBLIGEE
OR SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT TO REQUEST A HEARING IN THE SUPERIOR COURT THAT ISSUED THIS WAGE ASSIGNMENT ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE WAGE ASSIGNMENT ORDER.

DATED THIS ... day of ..., 19

Obligee,
or obligee's attorney

Judge/Court Commissioner

NEW SECTION. Sec. 11. (1) An employer upon whom service of a wage assignment order has been made shall answer the order by sworn affidavit within twenty days after the date of service. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the wage assignment order, and whether there are multiple child support attachments against the obligor.

(2) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the wage assignment order shall be withheld immediately upon receipt of the wage assignment order. The withheld earnings shall be delivered to the clerk of the court that issued the wage assignment order at each regular pay interval, but the first delivery shall occur no sooner than twenty days after receipt of the wage assignment order.

(3) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the wage assignment has been modified or terminated. The employer shall promptly notify the court when the employee is no longer employed.

(4) The employer may deduct a processing fee from the remainder of the employee's earnings after withholding under the wage assignment order, even if the remainder is exempt under section 9 of this act. The processing fee may not exceed (a) ten dollars for the first disbursement made by the employer to the superior court clerk; and (b) one dollar for each subsequent disbursement to the clerk.

(5) An order for wage assignment for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment or garnishment for child support, or order to withhold and deliver under chapter 74.20A RCW.

(6) An employer who fails to withhold earnings as required by a wage assignment issued under this chapter may be held liable for the amounts disbursed to the obligor in violation of the wage assignment order, and may be found by the court to be in contempt of court and may be punished as provided by law.

(7) No employer who complies with a wage assignment issued under this chapter may be liable to the employee for wrongful withholding.

(8) No employer may discharge, discipline, or refuse to hire an employee because of the entry or service of a wage assignment issued and executed under this chapter. A person who violates this subsection may be found by the court to be in contempt of court and may be punished as provided by law.

(9) An employer may combine amounts withheld from various employees into a single payment to the superior court clerk, if the payment includes a listing of the amounts attributable to each employee and other information as required by the clerk.

(10) An employer shall deliver a copy of the wage assignment order to the obligor as soon as is reasonably possible.

NEW SECTION. Sec. 12. The answer of the employer shall be made on forms, served on the employer with the wage assignment order, substantially as follows:

IN THE SUPERIOR COURT OF THE STATE OF
WASHINGTON IN AND FOR THE COUNTY OF

.....	No.
Obligee	
vs.	ANSWER
.....	TO WAGE
Obligor	ASSIGNMENT ORDER
.....	
Employer	

1. At the time of the service of the wage assignment order on the employer, was the above-named obligor employed by or receiving earnings from the employer?

Yes No (check one).

2. Are there any other attachments for child support currently in effect against the obligor?

Yes No (check one).

3. If the answer to question one is yes and the employer cannot comply with the wage assignment order, provide an explanation:

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

.....
Signature of employer

.....
Date and place

.....
Signature of person
answering for employer

.....
Address for future notice
to employer

.....
Connection with employer

NEW SECTION. Sec. 13. (1) Service of the wage assignment order on the employer is invalid unless it is served with four answer forms in substantial conformance with section 12 of this act, together with stamped envelopes addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney or the obligee, and the obligor. The obligee shall also include an extra copy of the wage assignment order for the employer to deliver to the obligor. Service on the employer shall be in person or by any form of mail requiring a return receipt.

(2) On or before the date of service of the wage assignment order on the employer, the obligee shall mail or cause to be mailed by certified mail a copy of the wage assignment order to the obligor at the obligor's last known post office address; or, in the alternative, a copy of the wage assignment order shall be served on the obligor in the same manner as a summons in a civil action on, before, or within two days after the date of service of the order on the employer. This requirement is not jurisdictional, but if the copy is not mailed or served as this subsection provides, or if any irregularity appears with respect to the mailing or service, the superior court, in its discretion, may quash the wage assignment order, upon motion of the obligor promptly made and supported by an affidavit showing that the obligor has suffered substantial injury due to the failure to mail or serve the copy.

NEW SECTION. Sec. 14. In a hearing to quash, modify, or terminate the wage assignment order, the court may grant relief only upon a showing that the wage assignment order causes extreme hardship or substantial injustice. Satisfaction by the obligor of all past due payments subsequent to the issuance of the wage assignment order is not grounds to quash, modify, or terminate the wage assignment order. If a wage assignment order has been in operation for twelve consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor unless the obligee can show good cause as to why the wage assignment order should remain in effect.

NEW SECTION. Sec. 15. (1) In any action to enforce a support order under Title 26 RCW, the court may, in its discretion, order a parent obligated to pay support for a minor child to post a bond or other security with the court. The bond or other security shall be in the amount of support due for a two-year period. The bond or other security is subject to approval by the court. The bond shall include the name and address of the issuer. If the bond is canceled, any person issuing a bond under this section shall notify the court and the person entitled to receive payment under the order.

(2) If the parent obligated to pay support fails to make payments as required under the court order, the person entitled to receive payment may recover on the bond or other security in the existing proceeding. The court may, after notice and hearing, increase the amount of the bond or other security. Failure to comply with the court's order to obtain and maintain a bond or other security may be treated as contempt of court.

Sec. 16. Section 1, chapter 10, Laws of 1982 and RCW 6.12.100 are each amended to read as follows:

The homestead is subject to execution or forced sale in satisfaction of judgments obtained:

(1) On debts secured by mechanic's, laborer's, materialmen's or vendor's liens upon the premises;

(2) On debts secured by purchase money security agreements describing as collateral a mobile home located on the premises or mortgages on the premises, executed and acknowledged by the husband and wife or by any unmarried claimant;

(3) On one spouse's or the community's debts existing at the time of that spouse's bankruptcy filing where (a) bankruptcy is filed by both spouses within a six-month period, including as a joint case under 11 U.S.C. Sec. 302, and (b) the other spouse exempts property from property of the estate under the federal exemption provisions of 11 U.S.C. Sec. 522(b)(1);

(4) On debts arising from a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance.

Sec. 17. Section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010 are each amended to read as follows:

If it is made to appear to the satisfaction of the court that no homestead has been claimed in the manner provided by law, either prior or subsequent to the death of the person whose estate is being administered, then the court, after hearing and upon being satisfied that the funeral expenses, expenses of last sickness and of administration have been paid or provided for, and upon petition for that purpose, shall award and set off to the surviving spouse, if any, property of the estate, either community or separate, not exceeding the value of twenty-five thousand dollars at the time of death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased spouse, ~~((and))~~ exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's or materialmen's liens upon the property so set off, exclusive of debts arising out of a lawful court order or decree or administrative order establishing a child support obligation or obligation to pay spousal maintenance and exclusive of funeral expenses, expenses of last sickness and administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse; provided that the court shall have no jurisdiction to make such award unless the petition therefor is filed with the clerk within six years from the date of the death of the person whose estate is being administered.

Sec. 18. Section 11.52.012, chapter 145, Laws of 1965 as last amended by section 9, chapter 234, Laws of 1977 ex. sess. and RCW 11.52.012 are each amended to read as follows:

Such award shall be made by an order or judgment of the court and shall vest the absolute title, and thereafter there shall be no further administration upon such portion of the estate so set off, but the remainder of the estate shall be settled as other estates: PROVIDED, That no property of the estate shall be awarded or set off, as provided in RCW 11.52.010 through 11.52.024, as now or hereafter amended, to a surviving spouse who has feloniously killed the deceased spouse: PROVIDED FURTHER, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) if such surviving spouse or minor children are entitled to receive property not subject to probate, including insurance, by reason of the death of the deceased spouse in the sum of twenty-five thousand dollars, or more, then the award in lieu of homestead and exemptions shall lie in the discretion of the court, and that whether there shall be an award and the amount thereof shall be determined by the court, which shall enter such decree as shall be just and equitable but not in excess of the award provided herein.

Sec. 19. Section 11.52.020, chapter 145, Laws of 1965 as last amended by section 9, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.020 are each amended to read as follows:

In event a homestead has been, or shall be selected in the manner provided by law, whether the selection of such homestead results in vesting the complete or partial title in the survivor, it shall be the duty of the court, upon petition of any person interested, and upon being satisfied that the value thereof does not exceed twenty-five thousand dollars at the time of the death, exclusive of general taxes and special assessments which were liens at the time of the death of the deceased and exclusive of the unpaid balance of any contract to purchase, mortgage, or mechanic's, laborer's, or materialmen's liens thereon, and exclusive of funeral expenses, expenses of last sickness and of administration, which expenses may be deducted from the gross value in determining the value to be set off to the surviving spouse, to enter a decree, upon notice as provided in RCW 11.52.014 or upon longer notice if the court so orders, setting off and awarding such homestead to the survivor, thereby vesting the title thereto in fee simple in the survivor: PROVIDED, That if there be any incompetent heirs of the decedent, the court shall appoint a guardian ad litem for such incompetent heir who shall appear at the hearing and represent the interest of such incompetent heir.

Sec. 20. Section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 234, Laws of 1977 ex. sess. and RCW 11.52.022 are each amended to read as follows:

If the value of the homestead, exclusive of all such liens, be less than twenty-five thousand dollars, the court, upon being satisfied that the funeral expenses, expenses of last sickness and of administration, have been paid or provided for, shall set off and award additional property, either separate or community, in lieu of such deficiency, so that the value of the homestead, exclusive of all such liens and expenses when added to the value of the other property awarded, exclusive of all such liens and expenses shall equal twenty-five thousand dollars: PROVIDED, That if it shall appear to the court, either (1) that there are children of the deceased by a former marriage or by adoption prior to decedent's marriage to petitioner, or (2) that the petitioning surviving spouse has abandoned his or her minor children or wilfully and wrongfully failed to provide for them, or (3) that such surviving spouse is, or any minor child entitled to an award under RCW 11.52.030 is, entitled to receive property not subject to probate, including insurance by reason of the death of the deceased spouse in the sum of twenty-five thousand dollars, or more, then the award of property in addition to the homestead, where the homestead is of less than twenty-five thousand dollars in value, shall lie in the discretion of the court, and that whether there shall be an award in addition to the homestead and the amount thereof shall be determined by the court, which shall enter such decree as shall be just and equitable, but not in excess of the award provided herein.

NEW SECTION. Sec. 21. There is added to chapter 26.09 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.____ RCW (sections 1 through 15, 24, and 25 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 22. There is added to chapter 26.21 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory

wage assignment under chapter 26.____ RCW (sections 1 through 15, 24, and 25 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 23. There is added to chapter 26.26 RCW a new section to read as follows:

Every court order or decree establishing a child support obligation shall state that, if a support payment is more than fifteen days past due in an amount equal to or greater than the support payable for one month, the obligee of the support payments may seek a mandatory wage assignment under chapter 26.____ RCW (sections 1 through 15, 24, and 25 of this act) without prior notice to the obligor. Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

NEW SECTION. Sec. 24. Nothing in this chapter limits the authority of the attorney general or prosecuting attorney to use any and all civil and criminal remedies to enforce child support obligations regardless of whether or not the custodial parent receives public assistance payments.

NEW SECTION. Sec. 25. In any action to enforce a support order under this chapter, the prevailing party is entitled to a recovery of costs, including an award for reasonable attorney fees. An obligor may not be considered a prevailing party under this section unless the obligee has acted in bad faith in connection with the proceeding in question.

Sec. 26. Section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030 are each amended to read as follows:

(1) ~~(Every)~~ Any person who(:

~~(a))~~ has a child dependent upon him or her for care, education or support and deserts such child in any manner whatever with intent to abandon it(~~-or~~) is guilty of the crime of family abandonment.

~~((b) Wilfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, or medical attendance for his or her child or stepchild or children or stepchildren or ward or wards: PROVIDED: That with regard to stepchildren the obligation shall cease upon termination of the relationship of husband and wife; or~~

~~(c) Has sufficient ability to provide for support of such person's spouse or is able to earn the means for such person's spouse support and wilfully abandons and leaves such person's spouse in a destitute condition; or who refuses or neglects to provide such person's spouse with necessary food, clothing, shelter, or medical attendance, unless the abandonment is justified by misconduct of the abandoned spouse, shall be guilty of the crime of family desertion or nonsupport:~~

~~(2) When children are involved under the age of sixteen years, such act shall be a felony and punished by imprisonment in the state penitentiary for not more than twenty years or by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars or by both fine and imprisonment:~~

~~(3) When there is no child under sixteen years, such act shall be a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than one year or by fine of not more than one thousand dollars, or by both fine and imprisonment:))~~

(2) The crime of family abandonment is a class C felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 27. There is added to chapter 26.20 RCW a new section to read as follows:

(1) Any person who is able to provide support, or has the ability to earn the means to provide support, and who:

(a) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to a child dependent upon him or her; or

(b) Wilfully omits to provide necessary food, clothing, shelter, or medical attendance to his or her spouse,

is guilty of the crime of family nonsupport.

(2) The crime of family nonsupport is a gross misdemeanor under chapter 9A.20 RCW.

Sec. 28. Section 3, chapter 28, Laws of 1913 as amended by section 36, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.080 are each amended to read as follows:

Proof of the (~~abandonment or~~) nonsupport of a spouse(;) or (~~the desertion~~) of a child or children, (~~ward or wards~~) or the omission to furnish necessary food, clothing, shelter, or medical attendance for a spouse, or for a child or children, (~~ward or wards~~) is prima facie evidence that (~~such abandonment or~~) the nonsupport(;) or omission to furnish food, clothing, shelter, or medical attendance is wilful. The provisions of RCW 26.20.030 (~~as now or hereafter amended~~) and section 27 of this 1984 act are applicable (~~whether the parents of such child or children are married or divorced and regardless of any decree made in said divorce action~~

relative to alimony or to the support of the spouse or child or children) regardless of the marital status of the person who has a child dependent upon him or her, and regardless of the nonexistence of any decree requiring payment of support or maintenance.

Sec. 29, Section 5, chapter 322, Laws of 1959 as last amended by section 20, chapter 201, Laws of 1982 and RCW 74.20.040 are each amended to read as follows:

(1) Whenever the department of social and health services receives an application for public assistance on behalf of a child, the department shall take appropriate action under the provisions of this chapter, chapter 74.20A RCW, or other appropriate statutes of this state to establish or enforce support obligations against the parent or other persons owing a duty to pay support moneys.

~~((The department shall collect data from cases of support under RCW 74.20.270 where there is no court-ordered support obligation. Such data shall include: income characteristics of those obligated to pay support, obligation established, and resulting payments. The department shall report its findings to the appropriate legislative committees by January 1, 1983. The department shall reconsider its administrative standards under RCW 74.20.270 in light of relevant data and shall, to the extent feasible without substantial impact on aid to families with dependent children, bring those standards into conformity with payment standards based on actual experience.))~~

(2) The secretary may accept applications for support enforcement services on behalf of persons who are not recipients of public assistance and may take action as he deems appropriate to establish or enforce support obligations against the parent or other persons owing a duty to pay moneys. Applications accepted under this section may be conditioned upon the payment of a fee as required through regulation issued by the secretary. Action may be taken under the provisions of chapter 74.20 RCW, the abandonment or nonsupport statutes, or other appropriate statutes of this state, including but not limited to remedies established in chapter 74.20A RCW, to establish and enforce said support obligations. The secretary may establish by regulation, such reasonable standards as he deems necessary to limit applications for support enforcement services. Said standards shall take into account the income, property, or other resources already available to support said person for whom a support obligation exists.

(3) The secretary may ~~((charge))~~ collect a fee from the person obligated to pay support to compensate the department for services rendered in establishment of or enforcement of support obligations. This fee shall be ~~((agreed on in writing with the custodian or guardian of the person for whom a support obligation is owed, or that person if no custodian or guardian exists and shall be))~~ limited to not more than ten percent of any support money collected as a result of action taken by the secretary. The fee charged shall be in addition to the support obligation. In no event may the fee be collected by the department of social and health services until all current support obligations have been satisfied. The secretary shall by regulation establish reasonable fees for support enforcement services and said schedule of fees shall be made available to ~~((all applicants for support enforcement services))~~ any person obligated to pay support. The secretary may, on showing of necessity, waive or defer any such fee.

(4) ~~((The secretary may impose a fee on the individual who owes a child support or spousal support obligation with respect to all such child and spousal support obligations for which collection is made on behalf of persons who are not recipients of public assistance.))~~ Fees, due and owing, may be collected as delinquent support moneys utilizing any of the remedies in chapter 74.20 RCW, chapter 74.20A RCW, chapter 26.21 RCW, or any other remedy at law or equity available to the department or any agencies with whom it has a cooperative or contractual arrangement to establish, enforce, or collect support moneys or support obligations.

(5) The secretary may waive the fee, or any portion thereof, as a part of a compromise of disputed claims or may grant partial or total charge off of said fee if the secretary finds there are no available, practical, or lawful means by which said fee may be collected or to facilitate payment of the amount of delinquent support moneys owed.

NEW SECTION. Sec. 30. There is added to chapter 6.12 RCW a new section to read as follows:

When a homestead declaration occurs before a judgment, the judgment creditor has a lien on the value of the property in excess of the homestead exemption. This lien commences when the judgment creditor records the judgment with the auditor of the county where the property is located.

Sec. 31, Section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.090 are each amended to read as follows:

(1) The child shall be made a party to the action. If the child is a minor, the child shall be represented by the child's general guardian or a guardian ad litem appointed by the court subject to RCW 74.20.310. The child's mother or father may not represent the child as guardian or otherwise. The natural mother, each man presumed to be the father under RCW 26.26.040, and ~~((each))~~ a man or men alleged to be the natural father~~((:))~~ shall be made parties or, if not subject to the jurisdiction of the court, shall, if possible, be given actual notice of the action ((in a manner prescribed by the court)) and an opportunity to be heard in a manner as the court may prescribe. ~~((The court may align the parties.))~~

(2) Any party may cause to be joined as additional parties other men alleged to be the father of the child or any other person necessary for a full adjudication of the issues.

(3) The failure or inability to join as a party an alleged or presumed father does not deprive the court of jurisdiction to adjudicate some or all of the issues based on the evidence and parties available to it.

(4) If more than one party is alleged to be the father of the child, the default of a party shall not preclude the court from finding any other party to be the father of the child.

Sec. 32. Section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.100 are each amended to read as follows:

(1) The court may, and upon request of a party shall, require the child, mother, and ((a presumed or)) any alleged father who has been made a party to submit to blood tests. If an alleged father objects to a proposed order requiring him to submit to paternity blood tests, the court may require the party making the allegation of possible paternity to provide sworn testimony, by affidavit or otherwise, stating the facts upon which the allegation is based. The court shall order blood tests if it appears that a reasonable possibility exists that the requisite sexual contact occurred. The tests shall be performed by an expert in paternity blood testing appointed by the court. The expert's verified report identifying the blood characteristics observed is admissible in evidence in any hearing or trial in the parentage action. If (a) the alleged or presumed father has had the opportunity to gain information about the security, validity, and interpretation of the tests and the qualifications of any experts, and (b) the report is accompanied by an affidavit from the expert which describes the expert's qualifications as an expert and analyzes and interprets the results. Verified documentation of the chain of custody of the blood samples tested is admissible to establish the chain of custody. The court may consider published sources as aids to interpretation of the test results.

((2)) (3) The court, upon ((reasonable)) request by a party, shall order that additional blood tests be performed by the same or other experts qualified in paternity blood testing, if the party requesting additional tests advances the full costs of the additional testing within a reasonable time. The court may order additional testing without requiring that the requesting party advance the costs only if another party agrees to advance the costs or if the court finds, after hearing, that (a) the requesting party is indigent, and (b) the laboratory performing the initial tests recommends additional testing or there is substantial evidence to support a finding as to paternity contrary to the initial blood test results. The court may later order any other party to reimburse the party who advanced the costs of additional testing for all or a portion of the costs.

((3)) (4) In all cases, the court shall determine the number and qualifications of the experts.

Sec. 33. Section 12, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.110 are each amended to read as follows:

Evidence relating to paternity may include:

(1) Evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) An expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) An expert's opinion concerning the impossibility or the statistical probability of the alleged father's paternity based upon blood test results((- weighted in accordance with evidence, if available, of the statistical probability of the alleged father's paternity));

(4) Medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) All other evidence relevant to the issue of paternity of the child.

Sec. 34. Section 13, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.120 are each amended to read as follows:

(1) An action under this chapter is a civil action governed by the rules of civil procedures. The mother of the child and the alleged father are competent to testify and may be compelled to testify.

(2) Upon refusal of any witness, including a party, to testify under oath or produce evidence of any other kind on the ground that ((he)) the witness may be incriminated thereby, and if a prosecuting attorney requests the court to order that person to testify or provide the evidence, the court shall then hold a hearing and shall so order, unless it finds that to do so would be clearly contrary to the public interest, and that person shall comply with the order.

If, but for this section, ((he)) the witness would have been privileged to withhold the answer given or the evidence produced ((by him)), the witness may not refuse to comply with the order on the basis of ((his)) the privilege against self-incrimination; but ((he)) the witness shall not be prosecuted or subjected to criminal penalty or forfeiture for or on account of any transaction, matter, or fact concerning which ((he)) the witness has been ordered to testify pursuant to this section. ((He)) The witness may nevertheless be prosecuted for failing to comply with the order to answer, or for perjury or for offering false evidence to the court.

(3) Testimony of a physician concerning the medical circumstances of the pregnancy and the condition and characteristics of the child upon birth is not privileged.

(4) In an action against an alleged father, evidence offered by ~~((him)) the alleged father~~ with respect to a man who ~~((is not subject to the jurisdiction of the court))~~ has not been joined as a party concerning ~~((his)) the nonparty's~~ sexual intercourse with the mother at or about the probable time of conception of the child is admissible in evidence only if ~~((he)) the nonparty~~ has undergone and made available to the court blood tests, including the human leukocyte antigen (HLA) test or other tests of comparable exclusionary power, the results of which do not exclude the possibility of ((his)) the nonparty's paternity of the child. ((A man who is identified and is subject to the jurisdiction of the court shall be made a defendant in the action:))

(5) The trial shall be by the court without a jury.

Sec. 35. Section 15, chapter 42, Laws of 1975-76 2nd ex. sess. and RCW 26.26.140 are each amended to read as follows:

The court may order reasonable fees of ~~((counsel:)) experts(:)~~ and the child's guardian ad litem, and other costs of the action, including blood test(s) costs, to be paid by the parties in proportions and at times determined by the court. The court may order that all or a portion of a party's reasonable attorney's fees be paid by another party, except that an award of attorney's fees assessed against the state or any of its agencies or representatives shall be under RCW 4.84.185.

NEW SECTION. Sec. 36. A joint legislative committee on child support is hereby created. The committee shall be composed of eleven members, five to be appointed by the speaker of the house of representatives and five to be appointed by the president of the senate. Three of the members from each house shall be from the majority party and two from the minority party. The eleventh member shall be a member of the public and shall be appointed by a majority of the legislative committee members. The nonlegislative member of the joint committee shall not receive compensation but shall be reimbursed under RCW 43.03.050 and 43.03.060 for travel expenses incurred while attending official meetings of the committee. The legislative members shall be reimbursed for travel expenses under RCW 44.04.120.

NEW SECTION. Sec. 37. The joint committee on child support shall examine, investigate, and study the operation of the state's child support system. The primary purpose of the study shall be to determine the system's success in securing support and parental involvement both for children who are eligible for aid under Part A of Title IV of the Social Security Act and children who are not eligible for the aid. The joint committee shall give particular attention to the recommendations which were made at the October, 1983 legislative conference on child support and paternity.

NEW SECTION. Sec. 38. The joint committee shall submit to the social and health services committees of the house of representatives and the senate and make available to the public, no later than October 1, 1985, a report of its findings and recommendations.

NEW SECTION. Sec. 39. Sections 36 through 38 of this act shall expire on December 31, 1986.

NEW SECTION. Sec. 40. Sections 1 through 15, 24, and 25 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 41. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 42. Section 2, chapter 28, Laws of 1913, section 1, chapter 297, Laws of 1927, section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050 are each repealed."

MOTION

On motion of Senator Talmadge, the following amendment to the Committee on Judiciary amendment was adopted:

On page 24 of the amendment, after line 7, insert the following:

"Sec. 40. Section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 4, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.030 are each amended to read as follows:

The department shall be subrogated to the right of any dependent child or children or person having the care, custody, and control of said child or children, if public assistance money is paid to or for the benefit of the child, to prosecute or maintain any support action or execute any administrative remedy existing under the laws of the state of Washington to obtain reimbursement of moneys expended, based on the support obligation of the responsible parent established by a superior court order or RCW 26.16.205.

No collection shall be made from a parent or other person who is the recipient of public assistance moneys while such person or persons are in such status except as provided in RCW 74.20A.270.

No collection action shall be taken against parents of children eligible for admission to, or children who have been released from, a state school for the developmentally disabled as defined by chapter 72.33 RCW.

Sec. 41. Section 18, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.270 are each amended to read as follows:

The secretary may issue a notice of support debt to any person, firm, corporation, association or political subdivision of the state of Washington or any officer or agent thereof who is in possession of support moneys, or who has had support moneys in his or her possession at some time in the past, which support moneys were or are claimed by the department as the property of the department by assignment, subrogation, or by operation of law or legal process under chapter 74.20A RCW, if the support moneys have not been remitted to the department as required by law.

The notice shall describe the claim of the department, stating the legal basis for the claim and shall provide sufficient detail to enable the person, firm, corporation, association or political subdivision or officer or agent thereof upon whom service is made to identify the support moneys in issue. The notice may also make inquiry as to relevant facts necessary to the resolution of the issue.

The notice may be served by certified mail, return receipt requested, or in the manner of a summons in a civil action. Upon service of the notice all moneys not yet disbursed or spent or like moneys to be received in the future are deemed to be impounded and shall be held in trust pending answer to the notice and any hearing which is requested.

The notice shall be answered under oath and in writing within twenty days of the date of service, which answer shall include true answers to the matters inquired of in the notice. The notice shall also either acknowledge the department's right to the moneys or request an administrative hearing to determine the rights to ownership of the support moneys in issue. The hearing shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department and shall be a contested case as provided for in chapter 34.04 RCW. The burden of proof to establish ownership of the support moneys claimed, including but not limited to moneys not yet disbursed or spent, is on the department.

If no answer is made within the twenty days, the department's claim shall be assessed and determined and subject to collection action as a support debt pursuant to chapter 74.20A RCW. Any such debtor may, at any time within one year from the date of service of the notice of support debt, petition the secretary or the secretary's designee for a hearing upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60. A copy of the petition shall also be served on the department. The filing of the petition shall not stay any collection action being taken, but the debtor may petition the secretary or the secretary's designee for an order staying collection action pending final decision of the secretary or the secretary's designee or the courts on any appeal made pursuant to chapter 34.04 RCW. Any moneys held and/or taken by collection action prior to the date of any such stay and any support moneys claimed by the department, including moneys to be received in the future to which the department may have a claim, shall be held in trust pending final decision and appeal, if any, to be disbursed in accordance with the final decision. The secretary or the secretary's designee shall condition the stay to provide for the trust.

If the hearing is granted it shall be an administrative hearing limited to the determination of the ownership of the moneys claimed in the notice of debt. The right to the hearing is conditioned upon holding of any funds not yet disbursed or expended or to be received in the future in trust pending the final order in these proceedings or during any appeal made to the courts. The secretary or the secretary's designee shall enter an appropriate order providing for the terms of the trust.

The hearing shall be a contested case as provided for in chapter 34.04 RCW and shall be held pursuant to this section, chapter 34.04 RCW, and the rules of the department. The hearing shall be promptly scheduled within thirty days from the date of receipt of the answer by the department. The hearing shall be conducted by a duly qualified hearing examiner appointed for that purpose. Hearings may be held in the county of residence of the debtor or other place convenient to the debtor.

If the debtor fails to appear at the hearing, the hearing examiner shall, upon showing of valid service, enter an initial decision and order declaring the amount of support moneys, as claimed in the notice, to be assessed and determined and subject to collection action. Within thirty days of entry of the decision and order the debtor may petition the secretary or the secretary's designee to vacate the decision and order upon a showing of any of the grounds enumerated in RCW 4.72.010 or superior court civil rule 60.

The hearing and review process shall be as provided for in RCW 74.20A.055.

If, at any time, the superior court enters judgment for an amount of debt at variance with the amount determined by the final order in these proceedings, the judgment shall supersede the final order in these proceedings. Any debt determined by the superior court in excess of the amount determined by the final order in these proceedings shall be the property of the department as assigned under 42 U.S.C. 602(A)(26)(a), RCW 74.20.040, 74.20A.250, 74.20.320, or 74.20.330. The department may, despite any final order in these proceedings, take action pursuant to chapters 74.20 or 74.20A RCW to obtain such a judgment or to collect moneys determined by such a judgment to be due and owing.

If public assistance moneys have been paid to a parent for the benefit of that parent's minor dependent children, debt under this chapter shall not be incurred by nor at any time be

collected from that parent because of that payment of assistance. Nothing in this section prohibits or limits the department from acting pursuant to RCW 74.20.320 and this section to assess a debt against a recipient or ex-recipient for receipt of support moneys paid in satisfaction of the debt assigned under RCW 74.20.330 which have been assigned to the department but were received by a recipient or ex-recipient from another responsible parent and not remitted to the department. To collect these wrongfully retained funds from the recipient, the department may not take collection action ((during such period of time as)) in excess of ten percent of the grant payment standard during any month the public assistance recipient remains in that status unless required by federal law. Payments not credited against the department's debt pursuant to RCW 74.20.101 may not be assessed or collected under this section."

Renumber the sections consecutively.

MOTION

Senator Owen moved the following amendment to the Committee on Judiciary amendment be adopted:

On page 15, after line 35, insert the following:

"Sec. 25. Section 16, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.160 are each amended to read as follows:

(1) If a party fails to comply with a provision of a decree or temporary order of injunction, the obligation of the other party to make payments for support or maintenance or to permit visitation is not suspended(~~(-but he may move the court to grant an appropriate order))~~ except, upon motion and after hearing, the court may order the suspension of the payment of child support to a custodial parent required by a court order if visitation is not allowed by the custodial parent in compliance with the court order under the following conditions:

(a) The custodial parent is served with a motion and order to show cause setting a hearing, not less than ten days after service of the motion and order, and requiring the custodial parent to appear and show cause why an order suspending support payments should not be entered in accordance with this section;

(b) The obligor parent is current in the child support obligation;

(c) The obligor parent continues to make full child support payments to the clerk of the court, to be held in trust; and

(d) The child support obligation is not assigned to the state under RCW 74.20.330.

(2) It is a defense to a suspension of child support sought under this section that visitation by the obligor parent would endanger a child's physical, mental, or emotional health.

(3) At any time after the entry of an order suspending support payments under this section, the custodial parent may petition the court for relief from the suspension order. The court shall grant relief from the suspension order, release the support payments held in trust to the custodial parent, and reinstate the original child support order, if the custodial parent demonstrates compliance with the visitation order and gives adequate assurances of continuing compliance, or proves existence of a violation of one of the conditions set forth above.

(4) If relief is not granted from the suspension order within one year of entry, the court may, upon motion of a party, enter an appropriate order disposing of the support moneys held in trust, which may include the release of the moneys to the obligor and relief of the future obligation to pay support."

Renumber the remaining sections consecutively.

POINT OF ORDER

Senator Wojahn: "Mr. President, I challenge the amendment on scope and object. The Owen amendment expands the scope and object of Engrossed Substitute House Bill No. 1627. The original bill's scope and object was to revise the child support laws and to provide a new mechanism for collecting child support. The entire purpose of the bill is child support. The Owen amendment provides new mechanism of the court and visitation orders. It amends the visitation order section of the dissolution of marriage chapters in the RCW's. This amendment is cleverly drafted to use child support obligations as a mechanism for enforcing visitation rights and clearly expands the scope and object of the original bill."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Wojahn, the President finds that Engrossed Substitute House Bill No. 1627 is a measure which deals with the subject of child support by establishing additional remedies for the enforcement of child support orders.

"The amendment proposed by Senator Owen deals with the subject of visitation by establishing an additional remedy for the enforcement of visitation orders.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment to the committee amendment was ruled out of order.

MOTION

On motion of Senator Talmadge, the following amendments to the Committee on Judiciary amendment were considered simultaneously and adopted:

On page 18, beginning on line 10 of the amendment, strike "as he deems appropriate" and insert "in appropriate cases"

On page 18, line 19, strike "he deems" and insert "may be"

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment, as amended.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment, as amended, was adopted.

MOTION

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

On page 1, line 1 of the title, after "obligations:" strike the remainder of the title and insert "amending section 1, chapter 10, Laws of 1982 and RCW 6.12.100; amending section 11.52.010, chapter 145, Laws of 1965 as last amended by section 7, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.010; amending section 11.52.012, chapter 145, Laws of 1965 as last amended by section 9, chapter 234, Laws of 1977 ex. sess. and RCW 11.52.012; amending section 11.52.020, chapter 145, Laws of 1965 as last amended by section 9, chapter 117, Laws of 1974 ex. sess. and RCW 11.52.020; amending section 11.52.022, chapter 145, Laws of 1965 as last amended by section 10, chapter 234, Laws of 1977 ex. sess. and RCW 11.52.022; amending section 1, chapter 28, Laws of 1913 as last amended by section 34, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.030; amending section 3, chapter 28, Laws of 1913 as amended by section 36, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.080; amending section 5, chapter 322, Laws of 1959 as last amended by section 20, chapter 201, Laws of 1982 and RCW 74.20.040; amending section 10, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 6, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.090; amending section 11, chapter 42, Laws of 1975-'76 2nd ex. sess. as amended by section 7, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.26.100; amending section 12, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.110; amending section 13, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.120; amending section 15, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.26.140; adding a new section to chapter 6.12 RCW; adding a new chapter to Title 26 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.20 RCW; adding a new section to chapter 26.21 RCW; adding a new section to chapter 26.26 RCW; creating new sections; repealing section 2, chapter 28, Laws of 1913, section 1, chapter 297, Laws of 1927, section 35, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.20.050; and prescribing penalties."

On page 25, line 14 of the title amendment, after "26.26.140;" insert "amending section 3, chapter 164, Laws of 1971 ex. sess. as last amended by section 4, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.030; amending section 18, chapter 171, Laws of 1979 ex. sess. and RCW 74.20A.270;"

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 1627, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1627, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1627, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Henslad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1627, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 16, by Representatives Belcher, Hankins, Hine, Long, Ellis, Schmidt, Sommers, Allen, Niemi, Silver, Powers, Brough, Brekke, Miller, Rust, Fisher, Galloway, Stratton, Monohon, Haugen, Heck, G. Nelson, Wang, Schoon, Appelwick, Betzoff, Pruitt, Johnson, Smitherman, Mitchell, Zellinsky, Vander Stoep, Burns, Patrick, Jacobsen, Ballard, D. Nelson, McDonald, Garrett, Addison, Fisch, Taylor, McMullen, Van Dyken, Vekich, Chandler, Gallagher, Tanner, Sutherland, Ristuben, Crane, Braddock, Moon, Armstrong, Lux, J. King, Todd, Kreidler, Charnley, R. King, Halsan, Locke, Martinis, Kaiser, J. Williams, Ebersole, Isaacson, Dellwo, Holland, O'Brien and Lewis.

Requesting the adoption of the Economic Equity Act II.

The memorial was read the second time.

MOTIONS

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

On page 1, line 20, after "equality for" strike "women" and insert "all persons"

On motion of Senator Warnke, the rules were suspended, Engrossed House Joint Memorial No. 16, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Joint Memorial No. 16, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Joint Memorial No. 16, as amended by the Senate, and the memorial passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipnuch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Fleming - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED HOUSE JOINT MEMORIAL NO. 16, as amended by the Senate, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, by Committee on Judiciary (originally sponsored by Representative Grimm)

Modifying provisions concerning adoption.

The bill was read the second time.

MOTION

Senator Talmadge moved the following Committee on Judiciary amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the purpose of adoption is to provide stable homes for children. Adoptions should be handled efficiently, but the rights of all parties must be protected. The guiding principle must be determining what is in the best interest of the child. It is the intent of the legislature that this chapter be used only as a means for placing children in adoptive homes and not as a means for parents to avoid responsibility for their children unless the department, an agency, or a prospective adoptive parent is willing to assume the responsibility for the child.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alleged father" means a person whose parent-child relationship has not been terminated, who is not a presumed father under chapter 26.26 RCW, and who alleges himself or whom a party alleges to be the father of the child. It includes a person whose marriage to the mother was terminated more than three hundred days before the birth of the child or who was separated from the mother more than three hundred days before the birth of the child.

(2) "Child" means a person under eighteen years of age.

(3) "Adoptee" means a person who is to be adopted or who has been adopted.

(4) "Adoptive parent" means the person or persons who seek to adopt or have adopted an adoptee.

(5) "Court" means the superior court.

(6) "Department" means the department of social and health services.

(7) "Agency" means any public or private association, corporation, or individual licensed or certified by the department as a child placing agency under chapter 74.15 RCW or as an adoption agency.

(8) "Parent" means the natural or adoptive mother or father of a child, including a presumed father under chapter 26.26 RCW. It does not include any person whose parent-child relationship has been terminated by a court of competent jurisdiction.

(9) "Legal guardian" means the department, an agency, or a person, other than a parent or stepparent, appointed by the court to promote the child's general welfare, with the authority and duty to make decisions affecting the child's development.

(10) "Guardian ad litem" means a person, not related to a party to the action, appointed by the court to represent the best interests of a party who is under a legal disability.

(11) "Relinquish or relinquishment" means the voluntary surrender of custody of a child to the department, an agency, or prospective adoptive parents.

NEW SECTION. Sec. 3. (1) A petition under this chapter may be filed in the superior court of the county in which the petitioner is a resident or of the county in which the adoptee is domiciled.

(2) A petition under this chapter may be consolidated with any other petition under this chapter. A hearing under this chapter may be consolidated with any other hearing under this chapter.

NEW SECTION. Sec. 4. (1) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the Indian Child Welfare Act, 25 U.S.C. Sec. 1901 et seq., applies to the proceeding. Every order or decree entered in any proceeding under this chapter shall contain a finding that the Indian Child Welfare Act does or does not apply.

(2) Every petition filed in proceedings under this chapter shall contain a statement alleging whether the Soldiers and Sailors Civil Relief Act of 1940, 50 U.S.C. Sec. 501 et seq., applies to the proceeding. Every order or decree entered in any proceeding under this chapter shall contain a finding that the Soldiers and Sailors Civil Relief Act of 1940 does or does not apply.

NEW SECTION. Sec. 5. Any consent, relinquishment, or order of termination that would be valid in the jurisdiction in which it was executed or obtained, and which comports with due process of law, is valid in Washington state, but the burden of proof as to validity and compliance is on the petitioner.

NEW SECTION. Sec. 6. All hearings under this chapter shall be heard by the court without a jury. Unless the parties and the court agree otherwise, proceedings of contested hearings shall be recorded. The general public shall be excluded and only those persons shall be admitted whose presence is requested by any person entitled to notice under this chapter or whom the judge finds to have a direct interest in the case or in the work of the court. Persons so admitted shall not disclose any information obtained at the hearing which would identify the individual adoptee or parent involved. The court may require the presence of witnesses deemed necessary to the disposition of the petition, including persons making any report, study, or examination which is before the court if those persons are reasonably available. A person who has executed a valid waiver need not appear at the hearing. If the court finds that it is in the child's best interest, the child may be excluded from the hearing.

NEW SECTION. Sec. 7. (1) The court shall appoint a guardian ad litem for any parent or alleged father under eighteen years of age in any proceeding under this chapter. The court may appoint a guardian ad litem for a child adoptee or any incompetent party in any proceeding under this chapter. The guardian ad litem for a parent or alleged father, in addition to determining what is in the best interest of the party, shall make an investigation and report to the court concerning whether any written consent to adoption or petition for relinquishment signed by the parent or alleged father was signed voluntarily and with an understanding of the consequences of the action.

(2) The county in which a petition is filed shall pay the fees of a guardian ad litem or attorney appointed under this chapter.

NEW SECTION. Sec. 8. (1) A parent, the department, or an agency may file with the court a petition to relinquish a child to the department or an agency. The parent's written consent to

adoption shall accompany the petition. The written consent of the department or the agency to assume custody shall be filed with the petition.

(2) A parent or prospective adoptive parent may file with the court a petition to relinquish a child to the prospective adoptive parent. The parent's written consent to adoption shall accompany the petition. The written consent of the prospective adoptive parent to assume custody shall be filed with the petition. The identity of the prospective adoptive parent need not be disclosed to the petitioner.

(3) A petition for relinquishment, together with the written consent to adoption, may be filed before the child's birth.

NEW SECTION. Sec. 9. (1) The court shall set a time and place for a hearing on the petition for relinquishment. The hearing may not be held sooner than forty-eight hours after the child's birth. The court may enter a temporary order giving custody of the child to the prospective adoptive parent, if a preplacement report has been filed, or to the department or agency to whom the child will be relinquished pending the court's hearing on the petition.

(2) Notice of the hearing shall be served on any parent, any alleged father, and the department, agency, or prospective adoptive parent in the manner prescribed by section 31 of this act.

(3) The court may require the parent to appear personally and enter his or her consent to adoption on the record. The court shall determine that any written consent has been validly executed. If the court determines it is in the best interests of the child, the court shall approve the petition for relinquishment.

(4) If the court approves the petition, it shall award custody of the child to the department, agency, or prospective adoptive parent, who shall be appointed legal guardian. The legal guardian shall be financially responsible for support of the child until further order of the court. The court shall also enter an order pursuant to section 13 of this act terminating the parent-child relationship of the parent and the child.

(5) An order of relinquishment to an agency or the department shall include an order authorizing the agency to place the child with a prospective adoptive parent.

NEW SECTION. Sec. 10. (1) A petition for termination of the parent-child relationship of a parent or alleged father who has not executed a written consent to adoption may be filed by:

(a) The department or an agency; or

(b) The prospective adoptive parent to whom a child has been or may be relinquished if the prospective adoptive parent has filed or consented to a petition for relinquishment.

(2) The petition for termination of the parent-child relationship shall contain a statement of facts identifying the petitioner, the parents, the legal guardian, a guardian ad litem for a party, any alleged father, and the child. The petition shall state the facts forming the basis for the petition and shall be signed under penalty of perjury or be verified.

(3) The petition may be filed before the child's birth.

NEW SECTION. Sec. 11. (1) The court shall set a time and place for a hearing on the petition for termination of the parent-child relationship, which shall not be held sooner than forty-eight hours after the child's birth.

(2) Notice of the hearing shall be served on the petitioner, the parents, any alleged father, the legal guardian of a party, and the guardian ad litem of a party, in the manner prescribed by section 31 of this act.

(3) The notice of the petition shall:

(a) State the date and place of birth. If the petition is filed prior to birth, the notice shall state the approximate date and location of conception of the child and the expected date of birth, and shall identify the mother;

(b) Inform the nonconsenting parent or alleged father that: (i) He or she has a right to be represented by counsel and that counsel will be appointed for an indigent person who requests counsel; and (ii) failure to respond to the termination action within twenty days of service will result in the termination of his or her parent-child relationship with respect to the child;

(c) Inform an alleged father that failure to file a claim of paternity under chapter 26.26 RCW or to respond to the petition, within twenty days of the date of service of the petition is grounds to terminate his parent-child relationship with respect to the child.

NEW SECTION. Sec. 12. (1) The parent-child relationship of a parent may be terminated upon a showing by clear, cogent, and convincing evidence that it is in the best interest of the child to terminate the relationship and that the parent has failed to perform parental duties under circumstances showing a substantial lack of regard for his or her parental obligations and is withholding consent to adoption contrary to the best interest of the child.

(2) The parent-child relationship of an alleged father who appears and claims paternity may be terminated upon a showing by clear, cogent, and convincing evidence that it is in the best interest of the child to terminate the relationship and that:

(a) The alleged father has failed to perform parental duties under circumstances showing a substantial lack of regard for his parental obligations and is withholding consent to adoption contrary to the best interest of the child; or

(b) He is not the father.

(3) The parent-child relationship of a parent or an alleged father may be terminated if the parent or alleged father fails to appear after being notified of the hearing in the manner prescribed by section 31 of this act.

NEW SECTION. Sec. 13. (1) If the court determines, after a hearing, that the parent-child relationship should be terminated pursuant to section 9 or 12 of this act, the court shall enter an appropriate order terminating the parent-child relationship.

(2) An order terminating the parent-child relationship divests the parent and the child of all legal rights, powers, privileges, immunities, duties, and obligations with respect to each other except past-due child support obligations owed by the parent.

(3) The parent-child relationship may be terminated with respect to one parent without affecting the parent-child relationship between the child and the other parent.

(4) The parent or alleged father whose parent-child relationship with the child has been terminated is not thereafter entitled to notice of proceedings for the adoption of the child by another, nor has the parent or alleged father any right to contest the adoption or otherwise to participate in the proceedings unless an appeal from the termination order is pending or unless otherwise ordered by the court.

NEW SECTION. Sec. 14. (1) Any person may be adopted, regardless of his or her age or residence.

(2) Any person who is legally competent and who is eighteen years of age or older may be an adoptive parent.

NEW SECTION. Sec. 15. (1) An adoption proceeding is initiated by filing with the court a petition for adoption. The petition shall be filed by the prospective adoptive parent.

(2) A petition for adoption shall contain the following information:

(a) The name and address of the petitioner;

(b) The name, if any, gender, and place and date of birth, if known, of the adoptee;

(c) A statement that the child is or is not an Indian child covered by the Indian Child Welfare Act; and

(d) The name and address of the department or any agency, legal guardian, or person having custody of the child.

(3) The written consent to adoption of any person, the department, or agency which has been executed shall be filed with the petition.

(4) The petition shall be signed under penalty of perjury by the petitioner. If the petitioner is married, the petitioner's spouse shall join in the petition.

(5) If a preplacement report prepared pursuant to section 19 of this act has not been previously filed with the court, the preplacement report shall be filed with the petition for adoption.

NEW SECTION. Sec. 16. (1) Except as otherwise provided in section 17 of this act, consent to an adoption shall be required of the following if applicable:

(a) The adoptee, if fourteen years of age or older;

(b) The parents and any alleged father of an adoptee under eighteen years of age;

(c) An agency or the department to whom the adoptee has been relinquished pursuant to section 8 of this act; and

(d) The legal guardian of the adoptee.

(2) The written consent to adoption shall be signed under penalty of perjury and shall state that:

(a) It is given subject to approval of the court;

(b) It has no force or effect until approved by the court;

(c) The consent will not be presented to the court until forty-eight hours after it is signed;

(d) It is revocable by the consenting party at any time prior to its approval by the court;

(e) A consenting party who seeks to revoke the consent must notify the agency or person who obtained the consent verbally or in writing within forty-eight hours of signing the consent, and, if the initial notice is oral, the party seeking to revoke must mail written notification of revocation to the clerk of the court no less than forty-eight hours after the oral notice was given;

(f) The address of the clerk of court where the consent will be presented is included; and

(g) After it has been approved by the court, the consent is not revocable except for fraud or duress practiced by the person, department, or agency requesting the consent or for lack of mental competency at the time the consent was executed by the person signing the consent. A written consent to adoption shall not be revoked more than one year after it is approved by the court.

(3) A written consent to adoption which meets all the requirements of this chapter but which does not name or otherwise identify the adopting parent shall be valid if it contains a statement that it is voluntarily executed without disclosure of the name or other identification of the adopting parent.

NEW SECTION. Sec. 17. An agency's, the department's, or a legal guardian's consent to adoption may be dispensed with if the court determines that the proposed adoption is in the best interests of the adoptee and that the refusal to consent to adoption is arbitrary and capricious.

NEW SECTION. Sec. 18. Except as provided in section 22 of this act, a child shall not be placed with prospective adoptive parents until a preplacement report has been filed with the court.

NEW SECTION. Sec. 19. (1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent.

(3) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(4) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(5) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(6) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

NEW SECTION. Sec. 20. (1) Except as provided in section 22 of this act, at the time the petition for adoption is filed, the court shall order a post-placement report made to determine the nature and adequacy of the placement and to determine if the placement is in the best interest of the child. The report shall be prepared by an agency, the department, an individual approved by the court, or a qualified salaried court employee appointed by the court. The report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, home environment, family life, health, facilities and resources of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption. The report shall also include, if relevant, information on the child's special cultural heritage, including membership in any Indian tribe or band. The report shall be filed within sixty days of the date of appointment, unless the time is extended by the court. The preplacement report shall be made available to the person appointed to make the post-placement report.

(2) A fee may be charged for preparation of the post-placement report in the same manner as for a preplacement report under section 19(3) of this act.

NEW SECTION. Sec. 21. The department or an agency having the custody of a child may make the preplacement or post-placement report on a petitioner for the adoption of that child.

NEW SECTION. Sec. 22. Unless otherwise ordered by the court, the reports required by section 19 of this act are not required if the petitioner seeks to adopt the child of the petitioner's spouse. The reports required by sections 19 and 20 of this act are not required if the adoptee is eighteen years of age or older.

NEW SECTION. Sec. 23. (1) After the reports required by sections 19 and 20 of this act have been filed, the court shall schedule a hearing on the petition for adoption upon request of the petitioner for adoption. Notice of the date, time, and place of hearing shall be given to the petitioner and any person or agency whose consent to adoption is required under section 16 of this act, unless the person or agency has waived in writing the right to receive notice of the hearing. Notice shall be given in the manner prescribed by section 31 of this act.

(2) Notice of the adoption hearing shall also be given to any person who or agency which has prepared a preplacement report. The notice shall be given in the manner prescribed by section 24 of this act.

(3) If the court determines, after review of the petition, preplacement and post-placement reports, and other evidence introduced at the hearing, that all necessary consents to adoption are valid or have been dispensed with pursuant to section 17 of this act and that the adoption is in the best interest of the adoptee, the court shall enter a decree of adoption pursuant to section 25 of this act.

(4) If the court determines the petition should not be granted because the adoption is not in the best interest of the child, the court shall make appropriate provision for the care and custody of the child.

NEW SECTION. Sec. 24. The petitioner shall give not less than three days written notice of any proceeding at which a preplacement report will be considered to all agencies, any court approved individual, or any court employee requested by the petitioner to make a preplacement report. The notice shall state the name of the petitioner, the cause number of the proceeding, the time and place of the hearing, and the object of the hearing. Proof of service on the agency or court approved individual in form satisfactory to the court shall be furnished. The agency or court approved individual may appear at the hearing and give testimony concerning any matters relevant to the relinquishment or the adoption and its recommendation as to the fitness of petitioners as parents. The agency or court approved individual may in writing acknowledge notice and state to the court that the agency or court approved individual does not desire to participate in the hearing or the agency or court approved individual may in writing waive notice of any hearing.

NEW SECTION. Sec. 25. (1) A decree of adoption shall provide, as a minimum, the following information:

- (a) The full original name of the person to be adopted;
- (b) The full name of each petitioner for adoption;
- (c) Whether the petitioner or petitioners are husband and wife, stepparent, or a single parent;
- (d) The full new name of the person adopted, unless the name of the adoptee is not to be changed;
- (e) Information to be incorporated in any new certificate of birth to be issued by the state or territorial registrar of vital records; and
- (f) The adoptee's date of birth and place of birth as determined under subsection (3) of this section.

(2) Except for the names of the person adopted and the petitioner, information set forth in the decree that differs from that shown on the original birth certificate, alternative birth record, or other information used in lieu of such a record shall be included in the decree only upon a clear showing that the information in the original record is erroneous.

(3) In determining the date and place of birth of a person born outside the United States, the court shall:

- (a) If available, enter in the decree the exact date and place of birth as stated in the birth certificate from the country of origin or in the United States department of state's report of birth abroad or in the documents of the United States immigration and naturalization service;
- (b) If the exact place of birth is unknown, enter in the decree such information as may be known and designate a place of birth in the country of origin;
- (c) If the exact date of birth is unknown, determine a date of birth based upon medical testimony as to the probable chronological age of the adoptee and other evidence regarding the adoptee's age that the court finds appropriate to consider;
- (d) In any other case where documents of the United States immigration and naturalization service are not available, the court shall determine the date and place of birth based upon such evidence as the court in its discretion determines appropriate.

NEW SECTION. Sec. 26. The entry of a decree of adoption divests any parent or alleged father who is not married to the adoptive parent or who has not joined in the petition for adoption of all legal rights and obligations in respect to the adoptee, except past-due child support obligations. The adoptee shall be free from all legal obligations of obedience and maintenance in respect to the parent. The adoptee shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of the adoptive parent, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a natural child of the adoptive parent.

NEW SECTION. Sec. 27. An order or decree entered under this chapter shall not disentitle a child to any benefit due the child from any third person, agency, state, or the United States. Action under this chapter shall not affect any rights and benefits that a native American child derives from the child's descent from a member of an Indian tribe or band.

NEW SECTION. Sec. 28. After a decree of adoption is entered, as soon as the time for appeal has expired, or if an appeal is taken, and the adoption is affirmed on appeal, the clerk of the court shall transmit to the state registrar of vital statistics a certified copy of the decree, along with any additional information and fees required by the registrar.

NEW SECTION. Sec. 29. Upon receipt of a decree of adoption, the state registrar of vital statistics shall:

- (1) Return the decree to the court clerk if all information required by section 25 of this act is not included in the decree;
- (2) If the adoptee was born in a state other than Washington, or in a territory of the United States, forward the certificate of adoption to the appropriate health record recording agency of the state or territory of the United States in which the birth occurred;

(3) If the adoptee was born outside of the United States or its territories, issue a new certificate of birth by the office of the state registrar of vital statistics which reflects the information contained in the decree.

NEW SECTION. Sec. 30. The department shall be a depository for statistical data concerning adoption. It shall furnish to the clerk of each county a data card which shall be completed and filed with the clerk on behalf of each petitioner. The clerk shall forward the completed cards to the department which may compile the data and publish reports summarizing the data. A birth certificate shall not be issued showing the petitioner as the parent of any child adopted in the state of Washington until a data card has been completed and filed.

NEW SECTION. Sec. 31. (1) Petitions governed by this chapter shall be served in the same manner as a complaint in a civil action under the superior court civil rules. Subsequent notice, papers, and pleadings may be served in the manner provided in superior court civil rules.

(2) If personal service on the parent or any identified alleged father, either within or without this state, cannot be given, notice shall be given: (a) By registered mail, mailed at least twenty days before the hearing to the person's last known address; and (b) by publication at least once a week for three consecutive weeks with the first publication date at least twenty-five days before the hearing. Publication shall be in a legal newspaper in the city or town of the last known address within the United States and its territories of the parent or alleged father, whether within or without this state, or, if no address is known or the last known address is not within the United States and its territories, in the city or town where the proceeding has been commenced.

(3) Notice and appearance may be waived by the department, an agency, a parent, or an alleged father before the court or in a writing signed under penalty of perjury. The waiver shall contain the current address of the department, agency, parent, or alleged father. The face of the waiver for a hearing on termination of the parent-child relationship shall contain language explaining the meaning and consequences of the waiver and the meaning and consequences of termination of the parent-child relationship. A person or agency who has executed a waiver shall not be required to appear.

(4) If a person entitled to notice is known to the petitioner to be unable to read or understand English, all notices, if practicable, shall be given in that person's native language or through an interpreter.

NEW SECTION. Sec. 32. (1) In deciding whether to grant a petition for adoption of a hard to place child and in reviewing any request for the vacation or modification of a decree of adoption, the superior court shall consider any agreement made or proposed to be made between the department and any prospective adoptive parent for any payment or payments which have been provided or which are to be provided by the department in support of the adoption of such child. Before the date of the hearing on the petition to adopt, vacate, or modify an adoption decree, the department shall file as part of the adoption file with respect to the child a copy of any initial agreement, together with any changes made in the agreement, or in the related standards.

(2) If the court, in its judgment, finds the provision made in an agreement to be inadequate, it may make any recommendation as it deems warranted with respect to the agreement to the department. The court shall not, however, solely by virtue of this section, be empowered to direct the department to make payment. This section shall not be deemed to limit any other power of the superior court with respect to the adoption and any related matter.

NEW SECTION. Sec. 33. (1) All records of any proceeding under this chapter shall be sealed and shall not be thereafter open to inspection by any person except upon order of the court for good cause shown.

(2) The state registrar of vital statistics may charge a reasonable fee for the review of any of its sealed records.

NEW SECTION. Sec. 34. Department and agency files regarding an adoptee shall be confidential except the department or agency may disclose nonidentifying information necessary for medical purposes upon the receipt of a verified written request for the information from the adoptive parent, the adoptee, or the natural parent.

NEW SECTION. Sec. 35. (1) If a natural parent unsuccessfully petitions to have an adoption set aside, the court shall award costs, including reasonable attorneys' fees, to the adoptive parent.

(2) If a natural parent successfully petitions to have an adoption set aside, the natural parent shall be liable to the adoptive parent for both the actual expenditures and the value of services rendered by the adoptive parents in caring for the child.

(3) A natural parent who has executed a written consent to adoption shall not bring an action to set aside an adoption more than one year after the date the court approved the written consent.

NEW SECTION. Sec. 36. (1) Unless otherwise permitted by court order or statute, it is unlawful for any person, partnership, society, association, or corporation, except the parents, to assume the permanent care and custody of a child. Unless otherwise permitted by court order or statute, it is unlawful for any parent to relinquish or transfer to another person, partnership,

society, association, or corporation the permanent care and custody of any child for adoption or any other purpose.

(2) Any relinquishment or transfer in violation of this section shall be void.

(3) Violation of this section is a gross misdemeanor.

NEW SECTION. Sec. 37. Every person, firm, society, association, or corporation receiving, securing a home for, or otherwise caring for a minor child shall transmit to the prospective adopting parent prior to placement and shall make available to all persons with whom a child has been placed by adoption a complete medical report containing all reasonably available information concerning the mental, physical, and sensory handicaps of the child. The report shall not reveal the identity of the natural parents of the child but shall include any reasonably available mental or physical health history of the natural parents that needs to be known by the adoptive parents to facilitate proper health care for the child.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 291, Laws of 1955 and RCW 26.32.010;
 - (2) Section 1, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.015;
 - (3) Section 2, chapter 291, Laws of 1955 and RCW 26.32.020;
 - (4) Section 3, chapter 291, Laws of 1955, section 2, chapter 134, Laws of 1973, section 26, chapter 42, Laws of 1975-'76 2nd ex. sess., section 15, chapter 165, Laws of 1979 ex. sess., section 1, chapter 85, Laws of 1980 and RCW 26.32.030;
 - (5) Section 2, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.032;
 - (6) Section 3, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.034;
 - (7) Section 4, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.036;
 - (8) Section 5, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.038;
 - (9) Section 7, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.042;
 - (10) Section 8, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.044;
 - (11) Section 9, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.046;
 - (12) Section 10, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.048;
 - (13) Section 11, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.052;
 - (14) Section 12, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.054;
 - (15) Section 13, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.056;
 - (16) Section 14, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.058;
 - (17) Section 6, chapter 291, Laws of 1955, section 16, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.060;
 - (18) Section 9, chapter 291, Laws of 1955, section 1, chapter 172, Laws of 1971 ex. sess., section 75, chapter 155, Laws of 1979 and RCW 26.32.090;
 - (19) Section 10, chapter 291, Laws of 1955 and RCW 26.32.100;
 - (20) Section 11, chapter 291, Laws of 1955, section 38, chapter 292, Laws of 1971 ex. sess. and RCW 26.32.110;
 - (21) Section 12, chapter 63, Laws of 1971 ex. sess. and RCW 26.32.115;
 - (22) Section 12, chapter 291, Laws of 1955, section 1, chapter 101, Laws of 1979 ex. sess., section 19, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.120;
 - (23) Section 14, chapter 291, Laws of 1955 and RCW 26.32.140;
 - (24) Section 15, chapter 291, Laws of 1955 and RCW 26.32.150;
 - (25) Section 16, chapter 291, Laws of 1955 and RCW 26.32.160;
 - (26) Section 2, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.200;
 - (27) Section 3, chapter 172, Laws of 1971 ex. sess., section 17, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.210;
 - (28) Section 4, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.220;
 - (29) Section 5, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.230;
 - (30) Section 6, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.240;
 - (31) Section 7, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.250;
 - (32) Section 8, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.260;
 - (33) Section 9, chapter 172, Laws of 1971 ex. sess. and RCW 26.32.270;
 - (34) Section 10, chapter 172, Laws of 1971 ex. sess., section 13, chapter 75, Laws of 1977 and RCW 26.32.280;
 - (35) Section 10, chapter 134, Laws of 1973, section 32, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.300;
 - (36) Section 11, chapter 134, Laws of 1973, section 33, chapter 42, Laws of 1975-'76 2nd ex. sess. and RCW 26.32.310;
 - (37) Section 1, chapter 268, Laws of 1943 and RCW 26.32.900;
 - (38) Section 17, chapter 268, Laws of 1943 and RCW 26.32.910;
 - (39) Section 26, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.911;
 - (40) Section 25, chapter 165, Laws of 1979 ex. sess. and RCW 26.32.915; and
 - (41) Section 2, chapter 85, Laws of 1980 and RCW 26.32.916.
- NEW SECTION.** Sec. 39. The following acts or parts of acts are each repealed:
- (1) Section 1, chapter 150, Laws of 1935, section 1, chapter 162, Laws of 1939, section 1, chapter 251, Laws of 1951 and RCW 26.36.010;
 - (2) Section 2, chapter 150, Laws of 1935 and RCW 26.36.020;

(3) Section 3, chapter 150, Laws of 1935 and RCW 26.36.030;

(4) Section 4, chapter 150, Laws of 1935, section 2, chapter 162, Laws of 1939, section 2, chapter 251, Laws of 1951 and RCW 26.36.040;

(5) Section 1, chapter 82, Laws of 1970 ex. sess., section 21, chapter 80, Laws of 1977 ex. sess., section 20, chapter 165, Laws of 1979 ex. sess. and RCW 26.36.050;

(6) Section 6, chapter 150, Laws of 1935 and RCW 26.36.060;

(7) Section 1, chapter 49, Laws of 1903, section 7, chapter 134, Laws of 1973, section 34, chapter 42, Laws of 1975-'76 2nd ex. sess., section 18, chapter 165, Laws of 1979 ex. sess. and RCW 26.37.010;

(8) Section 2, chapter 49, Laws of 1903, section 44, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.37.020;

(9) Section 3, chapter 49, Laws of 1903 and RCW 26.37.030;

(10) Section 4, chapter 49, Laws of 1903 and RCW 26.37.040;

(11) Section 5, chapter 49, Laws of 1903 and RCW 26.37.050;

(12) Section 6, chapter 49, Laws of 1903 and RCW 26.37.060;

(13) Section 7, chapter 49, Laws of 1903 and RCW 26.37.070; and

(14) Section 8, chapter 49, Laws of 1903 and RCW 26.37.080.

NEW SECTION. Sec. 40. Sections 1 through 37 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 41. This act shall take effect January 1, 1985. Any proceeding initiated before the effective date of this act shall be governed by the law in effect on the date the proceeding was initiated.

NEW SECTION. Sec. 42. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF INQUIRY

Senator Hughes: "Senator Talmadge, one of the concerns that many of us had on the Judiciary Committee--and I do support this bill--I think it's an excellent bill--are the issues that were brought up to the committee by the WARM people. I'm wondering what the intentions are of the chair and the committee, in the interim, on the subject."

Senator Talmadge: "Senator Hughes, my desire was not to address that issue in this bill, because this is an updating and clarifying kind of bill. I, too, share your same concern about access to records and it would be my intention to consider that issue over the interim. The WARM people did not present their bill to the House of Representatives. The sponsors did not get a chance to look at it in detail, but I understand they'd be interested and I know I am--in looking at that issue over the interim."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Judiciary amendment.

The motion by Senator Talmadge carried and the Committee on Judiciary amendment was adopted.

MOTION

On motion of Senator Talmadge, the rules were suspended, Engrossed Substitute House Bill No. 626, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 626, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 626, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoche, Talmadge, Thompson, Vognild, von Reichbrauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Fleming - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, by Committee on Social and Health Services (originally sponsored by Representatives McClure, Lewis, Sayan, Smitherman, Braddock, Niemi, Dellwo, Ballard, Wang, Brough, Ebersole, Fisher, Jacobsen, J. King, Patrick, Tanner, Vekich, Brekke, Ellis, Barrett, Miller, Halsan and L. Smith)

Mandating a study of children's mental health services.

The bill was read the second time.

MOTION

Senator Talmadge moved adoption of the following Committee on Social and Health Services amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. (1) The house social and health services committee, senate social and health services committee, senate judiciary committee, and the legislative budget committee shall conduct a study of children's mental health services in a manner deemed efficient and appropriate.

(2) The objectives of the study shall be as follows:

(a) To perform a program, management, and fiscal review of existing publicly funded children's mental health and related services;

(b) To determine the extent to which the following chapters of RCW have been implemented, with particular emphasis on: Continuum of care; prevention; early intervention; and diversion from involuntary commitment, protective services, institutions, out-of-home placements; and reduction of family break-ups -- Title 13 RCW, chapters 71.24, 74.13, 74.14A, 71.05, 74.15, and 26.44 RCW;

(c) To determine the need for and type of children's mental health and related services focusing on categories enumerated in subsection (2)(b) of this section;

(d) To analyze current methods of delivery of children's mental health and related services;

(e) To submit to the legislature by December 15, 1984 a report including budgetary and statutory recommendations;

(f) To assess the degree to which the proposed 1985-87 state biennial budget places a priority on the service categories listed in subsection (2)(b) of this section.

NEW SECTION. Sec. 2. To assist the legislature in this study, the department of social and health services shall submit to the study committees, no later than June 1, 1984, a summary of the most current needs assessment for children's mental health services performed by counties pursuant to RCW 71.24.045 and any additional data that supports the children's portion of the department's current or proposed mental health plans. The department shall also submit any additional information that it has compiled since January 1, 1979 on the needs for children's mental health and related service.

NEW SECTION. Sec. 3. In conducting the study, the committee shall seek the participation of children's mental health service providers; related service providers; client advocates; local governments; the department of social and health services; the office of financial management; and the Washington state institute on public policy.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Talmadge moved the following amendment by Senators Talmadge and McManus to the Committee on Judiciary amendment be adopted:

On page 2, after line 14, insert the following:

NEW SECTION. Sec. 4. It is the purpose of this legislation to ensure that minors in need of mental health care and treatment receive appropriate care and treatment, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty.

NEW SECTION. Sec. 5. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.

(6) "Evaluation and treatment facility" means a public or private facility or unit that is certified by the department to provide emergency, inpatient, residential, or outpatient mental health evaluation and treatment services for minors. A physically separate and separately-operated portion of a state hospital may be designated as an evaluation and treatment facility for minors. A facility which is part of or operated by the department or federal agency does not require certification. No correctional institution or facility, juvenile court detention facility, or jail may be an evaluation and treatment facility within the meaning of this chapter.

(7) "Evaluation and treatment program" means the total system of services and facilities coordinated and approved by a county or combination of counties for the evaluation and treatment of minors under this chapter.

(8) "Gravely disabled minor" means a minor who, as a result of a mental disorder, is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety, or manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety or development.

(9) "Inpatient treatment" means twenty-four-hour-per-day mental health care provided within a general hospital, psychiatric hospital, or residential treatment facility certified by the department as an evaluation and treatment facility for minors.

(10) "Less restrictive alternative" or "less restrictive setting" means outpatient treatment provided to a minor who is not residing in a facility providing inpatient treatment as defined in this chapter.

(11) "Likelihood of serious harm" means either: (a) A substantial risk that physical harm will be inflicted by an individual upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (b) a substantial risk that physical harm will be inflicted by an individual upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (c) a substantial risk that physical harm will be inflicted by an individual upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others.

(12) "Mental disorder" means any organic, mental, or emotional impairment that has substantial adverse effects on individual's cognitive or volitional functions. The presence of alcohol abuse, drug abuse, delinquency, antisocial behavior, or mental retardation alone is insufficient to justify a finding of "mental disorder" within the meaning of this section.

(13) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary under this chapter.

(14) "Minor" means any person under the age of eighteen years.

(15) "Outpatient treatment" means any of the nonresidential services mandated under chapter 71.24 RCW and provided by licensed services providers as identified by RCW 71.24.025(3).

(16) "Parent" means:

(a) A biological or adoptive parent who has legal custody of the child, including either parent if custody is shared under a joint custody agreement; or

(b) A person or agency judicially appointed as legal guardian or custodian of the child.

(17) "Professional person in charge" means a physician or other mental health professional empowered by an evaluation and treatment facility with authority to make admission and discharge decisions on behalf of that facility.

(18) "Psychiatric nurse" means a registered nurse who has a bachelor's degree from an accredited college or university, and who has had, in addition, at least two years' experience in the direct treatment of mentally ill or emotionally disturbed persons, such experience gained

under the supervision of a mental health professional. "Psychiatric nurse" shall also mean any other registered nurse who has three years of such experience.

(19) "Psychiatrist" means a person having a license as a physician or osteopath in this state who has completed residency training in psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and is board eligible or board certified in psychiatry.

(20) "Psychologist" means a person licensed as a psychologist under chapter 18.83 RCW.

(21) "Responsible other" means the minor, the minor's parent or estate, or any other person legally responsible for support of the minor.

(22) "Secretary" means the secretary of the department or secretary's designee.

(23) "Start of initial detention" means the time of arrival of the minor at the first evaluation and treatment facility offering inpatient treatment if the minor is being involuntarily detained at the time. With regard to voluntary patients, "start of initial detention" means the time at which the minor gives notice of intent to leave under the provisions of this chapter.

NEW SECTION. Sec. 6. (1) Any minor thirteen years or older may request and receive outpatient treatment without the consent of the minor's parent. Parental authorization is required for outpatient treatment of a minor under the age of thirteen.

(2) When in the judgment of the professional person in charge of an evaluation and treatment facility there is reason to believe that a minor is in need of inpatient treatment because of a mental disorder, and the facility provides the type of evaluation and treatment needed by the minor, and it is not feasible to treat the minor in any less restrictive setting or the minor's home, the minor may be admitted to an evaluation and treatment facility in accordance with the following requirements:

(a) A minor under thirteen years of age may only be admitted on the application of the minor's parent.

(b) A minor thirteen years or older may be voluntarily admitted by application of the parent. Such application must be accompanied by the written consent, knowingly and voluntarily given, of the minor.

(c) A minor thirteen years or older may, with the concurrence of the professional person in charge of an evaluation and treatment facility, admit himself or herself without parental consent to the evaluation and treatment facility, provided that notice is given by the facility to the minor's parent in accordance with the following requirements:

(i) Notice of the minor's admission shall be in the form most likely to reach the parent within twenty-four hours of the minor's voluntary admission and shall advise the parent that the minor has been admitted to inpatient treatment; the location and telephone number of the facility providing such treatment; and the name of a professional person on the staff of the facility providing treatment who is designated to discuss the minor's need for inpatient treatment with the parent.

(ii) The minor shall be released to the parent at the parent's request for release unless the facility files a petition with the superior court of the county in which treatment is being provided setting forth the basis for the facility's belief that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety.

(iii) The petition shall be signed by the professional person in charge of the facility or that person's designee.

(iv) The parent may apply to the court for separate counsel to represent the parent if the parent cannot afford counsel.

(v) There shall be a hearing on the petition, which shall be held within three judicial days from the filing of the petition.

(vi) The hearing shall be conducted by a judge, court commissioner, or licensed attorney designated by the superior court as a hearing officer for such hearing. The hearing may be held at the treatment facility.

(vii) At such hearing, the facility must demonstrate by a preponderance of the evidence presented at the hearing that the minor is in need of inpatient treatment and that release would constitute a threat to the minor's health or safety. The hearing shall not be conducted using the rules of evidence, and the admission or exclusion of evidence sought to be presented shall be within the exercise of sound discretion by the judicial officer conducting the hearing.

(d) Written renewal of voluntary consent must be obtained from the applicant and the minor thirteen years or older no less than once every twelve months.

(e) The minor's need for continued inpatient treatments shall be reviewed and documented no less than every one hundred eighty days.

(3) A notice of intent to leave shall result in the following:

(a) Any minor under the age of thirteen must be discharged immediately upon written request of the parent.

(b) Any minor thirteen years or older voluntarily admitted may give notice of intent to leave at any time. The notice need not follow any specific form so long as it is written and the intent of the minor can be discerned.

(c) The staff member receiving the notice shall date it immediately, record its existence in the minor's clinical record, and send copies of it to the minor's attorney, if any, the county-designated mental health professional, and the parent.

(d) The professional person in charge of the evaluation and treatment facility shall discharge the minor, thirteen years or older, from the facility within twenty-four hours after receipt of the minor's notice of intent to leave, unless the county-designated mental health professional files a petition for initial detention within the time prescribed by this chapter.

NEW SECTION. Sec. 7. If a minor, thirteen years or older, is brought to an evaluation and treatment facility or hospital emergency room for immediate mental health services, the professional person in charge of the facility shall evaluate the minor's mental condition, determine whether the minor suffers from a mental disorder, and whether the minor is in need of immediate inpatient treatment. If it is determined that the minor suffers from a mental disorder, inpatient treatment is required, the minor is unwilling to consent to voluntary admission, and the professional person believes that the minor meets the criteria for initial detention set forth herein, the facility may detain or arrange for the detention of the minor for up to twelve hours in order to enable a county-designated mental health professional to evaluate the minor and commence initial detention proceedings under the provisions of this chapter.

NEW SECTION. Sec. 8. (1) When a county-designated mental health professional receives information that a minor, thirteen years or older, as a result of a mental disorder presents a likelihood of serious harm or is gravely disabled, has investigated the specific facts alleged and of the credibility of the person or persons providing the information, and has determined that voluntary admission for inpatient treatment is not possible, the mental health professional may take the minor, or cause the minor to be taken, into custody and transported to an evaluation and treatment facility providing inpatient treatment.

(2) Within twelve hours of the minor's arrival at the evaluation and treatment facility, the county-designated mental health professional shall serve on the minor a copy of the petition for initial detention, notice of initial detention, and statement of rights. The county-designated mental health professional shall file with the court on the next judicial day following the initial detention the original petition for initial detention, notice of initial detention, and statement of rights along with an affidavit of service. The county-designated mental health professional shall commence service of the petition for initial detention and notice of the initial detention on the minor's parent and the minor's attorney as soon as possible following the initial detention.

(3) At the time of initial detention, the county-designated mental health professional shall advise the minor both orally and in writing that if admitted to the evaluation and treatment facility for inpatient treatment, a commitment hearing shall be held within seventy-two hours of the minor's provisional acceptance to determine whether probable cause exists to commit the minor for further mental health treatment.

The minor shall be advised that he or she has a right to communicate immediately with an attorney and that he or she has a right to have an attorney appointed to represent him or her before and at the hearing if the minor is indigent.

(4) Whenever the county designated mental health professional petitions for detention of a minor under this chapter, an evaluation and treatment facility providing seventy-two hour evaluation and treatment must immediately accept on a provisional basis the petition and the person. Within twenty-four hours of the minor's arrival, the facility must evaluate the minor's condition and either admit or release the minor in accordance with this chapter.

(5) If a minor is not approved for admission by the inpatient evaluation and treatment facility, the facility shall make such recommendations and referrals for further care and treatment of the minor as necessary.

NEW SECTION. Sec. 9. (1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(3) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(4) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(5) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

NEW SECTION. Sec. 10. (1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall contain the following:

(i) The name and address of the petitioner;

(ii) The name of the minor alleged to meet the criteria for fourteen-day commitment;

(iii) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;

(iv) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;

(v) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;

(vi) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and

(vii) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

NEW SECTION. Sec. 11. (1) A commitment hearing shall be held within seventy-two hours of the minor's admission, excluding Saturday, Sunday, and holidays, unless a continuance is requested by the minor or the minor's attorney.

(2) The commitment hearing shall be conducted at the superior court or an appropriate place at the facility in which the minor is being detained.

(3) At the commitment hearing, the evidence in support of the petition shall be presented by the county prosecutor.

(4) The minor shall be present at the commitment hearing unless the minor, with the assistance of the minor's attorney, waives the right to be present at the hearing.

(5) At the commitment hearing, the minor shall have the following rights:

(a) To be represented by an attorney;

(b) To present evidence on his or her own behalf;

(c) To question persons testifying in support of the petition.

(6) If the minor has received medication within twenty-four hours of the hearing, the court shall be informed of that fact and of the probable effects of the medication.

(7) Rules of evidence shall not apply in fourteen-day commitment hearings.

(8) For a fourteen-day commitment, the court must find by a preponderance of the evidence that:

(a) The minor has a mental disorder and presents a "likelihood of serious harm" or is "gravely disabled";

(b) The minor is in need of evaluation and treatment of the type provided by the inpatient evaluation and treatment facility to which continued inpatient care is sought or is in need of less restrictive alternative treatment found to be in the best interests of the minor; and

(c) The minor is unwilling or unable in good faith to consent to voluntary treatment.

(9) If the court finds that the minor meets the criteria for a fourteen-day commitment, the court shall either authorize commitment of the minor for inpatient treatment or for less restrictive alternative treatment upon such conditions as are necessary. If the court determines that the minor does not meet the criteria for a fourteen-day commitment, the minor shall be released.

(10) Nothing in this section prohibits the professional person in charge of the evaluation and treatment facility from releasing the minor at any time, when, in the opinion of the professional person in charge of the facility, further inpatient treatment is no longer necessary. The release may be subject to conditions if appropriate.

Whenever a minor is released under this section, the professional person in charge shall within three days, notify the court in writing of the release.

(11) A minor who has been committed for fourteen days shall be released at the end of that period unless a petition for one hundred eighty-day commitment is pending before the court.

NEW SECTION. Sec. 12. (1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment.

(2) The petition for one hundred eighty-day commitment shall contain the following:

(a) The name and address of the petitioner or petitioners;

(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by two examining physicians, one of whom shall be a child psychiatrist, or by one examining physician and one children's mental health specialist. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear and convincing evidence that the minor:

(a) Is suffering from a mental disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed to the custody of the secretary for further inpatient treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

NEW SECTION, Sec. 13. (1) If a minor is committed for one hundred eighty-day inpatient treatment and is to be placed in a state-supported program, the secretary shall accept immediately and place the minor in a state-funded long-term evaluation and treatment facility.

(2) The secretary's placement authority shall be exercised through a designated placement committee appointed by the secretary and comprised of children's mental health specialists, including at least one child psychiatrist who represents the state-funded, long-term, evaluation and treatment facility for minors. The responsibility of the placement committee will be to:

(a) Make the long-term placement of the minor in the most appropriate, available state-funded evaluation and treatment facility, having carefully considered factors including the treatment needs of the minor, the most appropriate facility able to respond to the minor's identified treatment needs, the geographic proximity of the facility to the minor's family, the immediate availability of bed space, and the probable impact of the placement on other residents of the facility;

(b) Approve or deny requests from treatment facilities for transfer of a minor to another facility;

(c) Receive and monitor reports required under this section;

(d) Receive and monitor reports of all discharges.

(3) The secretary may authorize transfer of minors among treatment facilities if the transfer is in the best interests of the minor or due to treatment priorities.

(4) The responsible state-funded evaluation and treatment facility shall submit a report to the department's designated placement committee within ninety days of admission and no less than every one hundred eighty days thereafter, setting forth such facts as the department requires, including the minor's individual treatment plan and progress, recommendations for future treatment, and possible less restrictive treatment.

NEW SECTION, Sec. 14. (1) If the professional person in charge of an outpatient treatment program, a county-designated mental health professional, or the secretary determines that a minor is failing to adhere to the conditions of the court order for less restrictive alternative treatment or the conditions for the conditional release, or that substantial deterioration in the minor's functioning has occurred, the county-designated mental health professional, or the secretary may order that the minor be taken into custody and transported to an inpatient evaluation and treatment facility.

(2) The county-designated mental health professional or the secretary shall file the order of apprehension and detention and serve it upon the minor and notify the minor's parent and the minor's attorney, if any, of the detention within two days of return. At the time of service the minor shall be informed of the right to a hearing and to representation by an attorney. The county-designated mental health professional or the secretary may modify or rescind the order of apprehension and detention at any time prior to the hearing.

(3) A petition for revocation of less restrictive alternative treatment shall be filed by the county-designated mental health professional or the secretary with the court in the county ordering the less restrictive alternative treatment. The court shall conduct the hearing in that county. A petition for revocation of conditional release may be filed with the court in the county ordering inpatient treatment or the county where the minor on conditional release is residing. A petition shall describe the behavior of the minor indicating violation of the conditions or deterioration of routine functioning and a dispositional recommendation. Upon motion for good cause, the hearing may be transferred to the county of the minor's residence or to the county in which the alleged violations occurred. The hearing shall be held within seven days of the minor's return. The issues to be determined are whether the minor did or did not adhere to the conditions of the less restrictive alternative treatment or conditional release, or whether the minor's routine functioning has substantially deteriorated, and, if so, whether the conditions of less restrictive alternative treatment or conditional release should be modified or whether the minor should be returned to inpatient treatment. Pursuant to the determination of the court, the minor shall be returned to less restrictive alternative treatment or conditional release on the same or modified conditions or shall be returned to inpatient treatment. If the minor is returned to inpatient treatment, section 13 of this act regarding the secretary's placement responsibility shall apply. The hearing may be waived by the minor and the minor returned to inpatient treatment or to less restrictive alternative treatment or conditional release on the same or modified conditions.

NEW SECTION, Sec. 15. (1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to section 14 of this act if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician or professional person in charge concludes that the minor no longer meets commitment criteria.

NEW SECTION, Sec. 16. (1) A minor receiving treatment under the provisions of this chapter and responsible others shall be liable for the costs of treatment, care, and transportation to the extent of available resources and ability to pay.

(2) The secretary shall establish rules to implement this section and to define income, resources, and exemptions to determine the responsible person's or persons' ability to pay.

NEW SECTION, Sec. 17. (1) The county or combination of counties is responsible for development and coordination of the evaluation and treatment program for minors, for incorporating the program into the county mental health plan, and for coordination of evaluation and treatment services and resources with the community mental health program required under chapter 71.24 RCW.

(2) The county shall be responsible for maintaining its support of involuntary treatment services for minors at its 1983 level, adjusted for inflation, with the department responsible for additional costs to the county resulting from this chapter.

NEW SECTION, Sec. 18. Necessary transportation for minors committed for one hundred eighty-day treatment shall be provided by the department in the most appropriate and cost-effective means.

NEW SECTION, Sec. 19. Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
- (2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
- (3) To have individual storage space for private use;
- (4) To have visitors at reasonable times;
- (5) To have reasonable access to a telephone, both to make and receive confidential calls;
- (6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
- (7) To discuss treatment plans and decisions with mental health professionals;
- (8) To have the right to adequate care and individualized treatment.

NEW SECTION, Sec. 20. (1) If a minor is not accepted for admission or is released by an inpatient evaluation and treatment facility, the facility shall release the minor to the custody of the minor's parent or other responsible person. If not otherwise available, the facility shall furnish transportation for the minor to the minor's residence or other appropriate place.

(2) If the minor is released to someone other than the minor's parent, the facility shall make every effort to notify the minor's parent of the release as soon as possible.

(3) No indigent minor may be released to less restrictive alternative treatment or setting or discharged from inpatient treatment without suitable clothing, and the department shall furnish this clothing. As funds are available, the secretary may provide necessary funds for the immediate welfare of indigent minors upon discharge or release to less restrictive alternative treatment.

NEW SECTION, Sec. 21. The fact of admission and all information obtained through treatment under this chapter is confidential. Confidential information may be disclosed only:

(1) In communications between mental health professionals to meet the requirements of this chapter, in the provision of services to the minor, or in making appropriate referrals;

(2) In the course of guardianship or dependency proceedings;

(3) To persons with medical responsibility for the minor's care;

(4) To the minor, the minor's parent, and the minor's attorney, subject to RCW 13.50.100;

(5) When the minor or the minor's parent designate in writing the persons to whom information or records may be released;

(6) To the extent necessary to make a claim for financial aid, insurance, or medical assistance to which the minor may be entitled or for the collection of fees or costs due to providers for services rendered under this chapter;

(7) To the courts as necessary to the administration of this chapter;

(8) To law enforcement officers or public health officers as necessary to carry out the responsibilities of their office. However, only the fact and date of admission, and the date of discharge, the name and address of the treatment provider, if any, and the last known address shall be disclosed upon request;

(9) To law enforcement officers, public health officers, relatives, and other governmental law enforcement agencies, if a minor has escaped from custody, disappeared from an evaluation and treatment facility, violated conditions of a less restrictive treatment order, or failed to return from an authorized leave, and then only such information as may be necessary to provide for public safety or to assist in the apprehension of the minor. The officers are obligated to keep the information confidential in accordance with this chapter;

(10) To the secretary for assistance in data collection and program evaluation or research, provided that the secretary adopts rules for the conduct of such evaluation and research. The rules shall include, but need not be limited to, the requirement that all evaluators and researchers sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I, _____, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding minors who have received services in a manner such that the minor is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under state law.

/s/ _____

(11) To persons who are identified by the minor as being in possible danger of serious harm at the hands of that minor. The disclosure shall be limited to making the threatened person aware of the facts and circumstances that lead the professional person to assume there is a potential danger;

(12) To a minor's next of kin, attorney, guardian, or conservator, if any, the information that the minor is presently in the facility or that the minor is seriously physically ill and a statement evaluating the mental and physical condition of the minor as well as a statement of the probable duration of the minor's confinement;

(13) Upon the death of a minor, to the minor's next of kin;

(14) To a facility in which the minor resides or will reside.

This section shall not be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary. The fact of admission and all information obtained pursuant to this chapter are not admissible as evidence in any legal proceeding outside this chapter, except guardianship, dependency, or custody proceedings, without the written consent of the minor or the minor's parent.

NEW SECTION, Sec. 22. When in the judgment of the department the welfare of any person committed to or confined in any state juvenile correctional institution or facility necessitates that the person be transferred or moved for observation, diagnosis, or treatment to an evaluation and treatment facility, the secretary or the secretary's designee is authorized to order and effect such move or transfer for a period of up to thirty days, provided that the secretary notifies the original committing court of the transfer. No person committed to or confined in any state juvenile correctional institution or facility may be transferred to an evaluation and treatment facility for more than thirty days unless that person has been committed for one hundred eighty-day treatment under this chapter or under chapter 71.05 RCW if eighteen years of age or older. Underlying jurisdiction of minors transferred or committed under this section remains

with the state correctional institution. Minors committed under this section and no longer meeting the criteria for one hundred eighty-day commitment shall be returned to the state correctional institution to serve the remaining time of the underlying dispositional order or sentence. The time spent by the minor at the evaluation and treatment facility shall be credited towards the minor's juvenile court sentence.

NEW SECTION. Sec. 23. No minor received as a voluntary patient or committed under this chapter may be detained after his or her eighteenth birthday unless the person, upon reaching eighteen years of age, has applied for admission to an appropriate evaluation and treatment facility or unless involuntary commitment proceedings under chapter 71.05 RCW have been initiated: PROVIDED, That a minor may be detained after his or her eighteenth birthday for purposes of completing the fourteen-day diagnosis, evaluation, and treatment.

NEW SECTION. Sec. 24. The records and files maintained in any court proceeding under this chapter are confidential and available only to the minor, the minor's parent, and the minor's attorney. In addition, the court may order the subsequent release or use of these records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality will be maintained.

NEW SECTION. Sec. 25. When disclosure of information or records is made, the date and circumstances under which the disclosure was made, the name or names of the persons or agencies to whom such disclosure was made and their relationship if any, to the minor, and the information disclosed shall be entered promptly in the minor's clinical record.

NEW SECTION. Sec. 26. Attorneys appointed for minors under this chapter shall be compensated for their services as follows:

(1) Responsible others shall bear the costs of such legal services if financially able according to standards set by the court of the county in which the proceeding is held.

(2) If all responsible others are indigent as determined by these standards, the costs of these legal services shall be borne by the county in which the proceeding is held.

NEW SECTION. Sec. 27. Court procedures and proceedings provided for in this chapter shall be in accordance with rules adopted by the supreme court of the state of Washington.

NEW SECTION. Sec. 28. The department shall adopt such rules pursuant to chapter 34.04 RCW as may be necessary to effectuate the intent and purposes of this chapter, which shall include but not be limited to evaluation of the quality, effectiveness, efficiency, and use of services and facilities operating under this chapter, procedures and standards for commitment, and other action relevant to evaluation and treatment facilities, and establishment of criteria and procedures for placement and transfer of committed minors.

NEW SECTION. Sec. 29. (1) The superior court has jurisdiction over proceedings under this chapter.

(2) A record of all petitions and proceedings under this chapter shall be maintained by the clerk of the superior court in the county in which the petition or proceedings was initiated.

(3) Petitions for commitment shall be filed and venue for hearings under this chapter shall be in the county in which the minor is being detained. The court may, for good cause, transfer the proceeding to the county of the minor's residence, or to the county in which the alleged conduct evidencing need for commitment occurred. If the county of detention is changed, subsequent petitions may be filed in the county in which the minor is detained without the necessity of a change of venue.

Sec. 30. Section 8, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 179, chapter 3, Laws of 1983 and RCW 71.05.030 are each amended to read as follows:

Persons suffering from a mental disorder may not be involuntarily committed for treatment of such disorder except pursuant to provisions of this chapter, chapter 10.77 RCW or its successor, chapter 71.06 RCW, sections 4 through 29 of this 1984 act, transfer pursuant to RCW 72.68.031 through 72.68.037, or pursuant to court ordered evaluation and treatment not to exceed ninety days pending a criminal trial or sentencing.

Sec. 31. Section 71.06.010, chapter 25, Laws of 1959 as last amended by section 42, chapter 80, Laws of 1977 ex. sess. and RCW 71.06.010 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings:

"Psychopathic personality" means the existence in any person of such hereditary, congenital or acquired condition affecting the emotional or volitional rather than the intellectual field and manifested by anomalies of such character as to render satisfactory social adjustment of such person difficult or impossible.

"Sexual psychopath" means any person who is affected in a form of psychoneurosis or in a form of psychopathic personality, which form predisposes such person to the commission of sexual offenses in a degree constituting him a menace to the health or safety of others.

"Sex offense" means one or more of the following: Abduction, incest, rape, assault with intent to commit rape, indecent assault, contributing to the delinquency of a minor involving sexual misconduct, sodomy, indecent exposure, indecent liberties with children, carnal knowledge of children, soliciting or enticing or otherwise communicating with a child for immoral purposes, vagrancy involving immoral or sexual misconduct, or an attempt to commit any of the said offenses.

((“Psychopathic delinquent” means any minor who is psychopathic, and who is a habitual delinquent, if his delinquency is such as to constitute him a menace to the health, person, or property of himself or others, and the minor is not a proper subject for commitment to a state correctional school, a penal institution, to a state school for the developmentally disabled, or to a state hospital as a mentally ill person.))

“Minor” means any person under eighteen years of age.

“Department” means department of social and health services.

“Court” means the superior court of the state of Washington.

“Superintendent” means the superintendent of a state institution designated for the custody, care and treatment of sexual psychopaths or psychopathic delinquents.

Sec. 32. Section 71.06.260, chapter 25, Laws of 1959 as amended by section 132, chapter 141, Laws of 1979 and RCW 71.06.260 are each amended to read as follows:

At any time any person is committed as a sexual psychopath ((or psychopathic delinquent)) the court shall, after reasonable notice of the time, place and purpose of the hearing has been given to persons subject to liability under this section, inquire into and determine the financial ability of said person, or his parents if he is a minor, or other relatives to pay the cost of care, meals and lodging during his period of hospitalization. Such cost shall be determined by the department of social and health services. Findings of fact shall be made relative to the ability to pay such cost and a judgment entered against the person or persons found to be financially responsible and directing the payment of said cost or such part thereof as the court may direct. The person committed, or his parents or relatives, may apply for modification of said judgment, or the order last entered by the court, if a proper showing of equitable grounds is made therefor.

NEW SECTION, Sec. 33. The following acts or parts of acts are each repealed:

- (1) Section 71.06.150, chapter 25, Laws of 1959 and RCW 71.06.150;
- (2) Section 71.06.160, chapter 25, Laws of 1959 and RCW 71.06.160;
- (3) Section 71.06.170, chapter 25, Laws of 1959 and RCW 71.06.170;
- (4) Section 71.06.180, chapter 25, Laws of 1959 and RCW 71.06.180;
- (5) Section 71.06.190, chapter 25, Laws of 1959 and RCW 71.06.190;
- (6) Section 71.06.200, chapter 25, Laws of 1959 and RCW 71.06.200;
- (7) Section 71.06.210, chapter 25, Laws of 1959 and RCW 71.06.210;
- (8) Section 71.06.220, chapter 25, Laws of 1959 and RCW 71.06.220;
- (9) Section 71.06.230, chapter 25, Laws of 1959 and RCW 71.06.230;
- (10) Section 71.06.240, chapter 25, Laws of 1959 and RCW 71.06.240;
- (11) Section 71.06.250, chapter 25, Laws of 1959 and RCW 71.06.250; and
- (12) Section 72.23.070, chapter 28, Laws of 1959, section 50, chapter 292, Laws of 1971 ex. sess., section 4, chapter 142, Laws of 1973 1st ex. sess., section 11, chapter 24, Laws of 1973 2nd ex. sess., section 3, chapter 145, Laws of 1974 ex. sess., section 11, chapter 199, Laws of 1975 1st ex. sess., section 48, chapter 80, Laws of 1977 ex. sess. and RCW 72.23.070.

NEW SECTION, Sec. 34. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 35. Sections 4 through 29 of this act shall constitute a new chapter in Title 71 RCW.

NEW SECTION, Sec. 36. The department shall prepare a report on standards and regulations proposed to implement chapter 71.... RCW (sections 4 through 29 of this act), on facilities and services available for minors committed under this chapter, and on additional resources required to address the needs of children committed under this chapter. This report shall be presented to the legislature in January 1985.

NEW SECTION, Sec. 37. Sections 4 through 34 of this act shall take effect July 1, 1985.”

POINT OF ORDER

Senator Deccio: “Thank you, Mr. President. I would like to challenge scope and object on this amendment. This amendment lost in committee. It’s a very clear question, because the bill deals with mandating the study of children’s mental health services and Senator Talmadge’s amendment has the full scope of addressing those services to children. I think that it expands the bill and clearly is outside the scope and object.”

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute House Bill No. 1125 was deferred.

SECOND READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1137, by Committee on Ways and Means (originally sponsored by Representatives Kreidler, Fiske, Dellwo, Stratton, Wang, McClure, Braddock, Ballard, Niemi, Belcher, Broback, Johnson, R. King, Lewis, Mitchell, Silver, Van Dyken, West, Wilson, Long, Brekke, Barrett, Lux, Miller and Addison)

Authorizing demonstration projects on respite care services.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes that:

(1) Most care provided for functionally disabled adults is delivered by family members or friends who are not compensated for their services. Family involvement is a crucial element for avoiding or postponing institutionalization of the disabled adult.

(2) Family or other caregivers who provide continuous care in the home are frequently under substantial stress, physical, psychological, and financial. The stress, if unrelieved by family or community support to the caregiver, may lead to premature or unnecessary nursing home placement.

(3) Respite care and other community-based supportive services for the caregiver and for the disabled adult could relieve some of the stresses, maintain and strengthen the family structure, and postpone or prevent institutionalization.

(4) With family and friends providing the primary care for the disabled adult, supplemented by community health and social services, long-term care may be less costly than if the individual were institutionalized.

NEW SECTION, Sec. 2. It is the intent of the legislature to provide for a demonstration of the possible cost-effectiveness of both in-home and out-of-home respite care services which are provided by a range of service providers. The respite care services shall:

(1) Provide relief and support to family or other unpaid caregivers of disabled adults;

(2) Encourage individuals to provide care for disabled adults at home, and thus offer a viable alternative to institutionalization;

(3) Ensure that respite care is made generally available on a sliding-fee basis to eligible participants and caregivers in the program; and

(4) Be provided in the least restrictive setting available consistent with the individually assessed needs of the functionally disabled adult.

NEW SECTION, Sec. 3. Unless the context clearly indicates otherwise, the definitions in this section apply throughout sections 1 through 7 of this act.

(1) "Respite care services" means relief care for families or other caregivers of disabled adults, not exceeding five hundred seventy-six hours in not more than twenty-four days in any twelve-month period for each household. The services provide temporary care or supervision of disabled adults in substitution for the caregiver. The term includes social day care.

(2) "Eligible participant" means an adult (a) who needs substantially continuous care or supervision by reason of his or her functional disability, and (b) who is assessed as requiring institutionalization in the absence of a caregiver assisted by home and community support services, including respite care.

(3) "Caregiver" means a spouse, relative, or friend who has primary responsibility for the care of a functionally disabled adult, who does not receive financial compensation for the care, and who is assessed as being at risk of placing the eligible participant in a long-term care facility if respite care is not available.

(4) "Institutionalization" means placement in a long-term care facility.

(5) "Social day care" means nonmedical services to persons who live with their families, cannot be left unsupervised, and are at risk of being placed in a twenty-four-hour care facility if their families do not receive some relief from constant care.

(6) "Department" means the department of social and health services.

NEW SECTION, Sec. 4. The department shall administer sections 1 through 8 of this act and shall establish such rules and standards as the department deems necessary in carrying out sections 1 through 8 of this act. The department shall not require the development of plans of care or discharge plans by nursing homes providing respite care service.

The department shall develop program standards for the demonstration projects in conjunction with the selected area agencies on aging. The program standards shall serve as the basis for soliciting bids, entering into subcontracts, and developing sliding fee scales to be used in determining the ability of eligible participants and caregivers to participate in paying for respite care.

NEW SECTION. Sec. 5. The department shall select at least two but not more than three area agencies on aging to conduct one-year respite care demonstration projects ending June 30, 1985. One of the selected area agencies on aging shall be east of the crest of the Cascade range and one shall be west of the crest of the Cascade range. The area agencies on aging will be responsible for negotiating rates of payment and developing sliding-fee scales to enable eligible participants and caregivers to participate in paying for respite care. Rates of payment to respite care service providers shall not exceed, and may be less than, rates paid by the department to the same providers for other than respite care.

NEW SECTION. Sec. 6. The department shall insure that the respite care program is designed to meet the following criteria:

- (1) Make maximum use of services which provide care to the greatest number of eligible participants with the fewest number of staff consistent with adequate care;
- (2) Provide for use of one-on-one care when necessary;
- (3) Provide for both day care and overnight care;
- (4) Provide personal care to continue at the same level which the caregiver ordinarily provides to the eligible participant; and
- (5) Provide for the utilization of family home settings.

NEW SECTION. Sec. 7. (1) The area agencies administering respite care demonstration projects shall:

(a) Maintain data which indicates demand for respite care, and which includes information on in-home and out-of-home day care and in-home and out-of-home overnight care demand; and

(b) Make a comparison of the relative cost-effectiveness of the several types of respite care with all other programs and services which are intended to forestall institutionalization.

(2) The department shall conduct a survey of all public assistance patients accepted by long-term care facilities in each participating planning and service area to determine the extent to which each of them availed themselves of services designed to defer institutionalization.

(3) The department shall provide a progress report to the legislature on the respite care demonstration projects authorized in this act, not later than January 1, 1985. The department shall report the results of the data collection, cost comparison, and survey as required in this section to the legislature not later than thirty days prior to the 1986 legislative session.

NEW SECTION. Sec. 8. Nothing in this act shall impair the practice of any licensed health care practitioner or licensed health care facility.

NEW SECTION. Sec. 9. There is appropriated to the department of social and health services from the general fund for the biennium ending June 30, 1985, the sum of five hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.*

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Second Substitute House Bill No. 1137, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDonald: "Senator McDermott, I'm sorry I didn't get to you quick enough. I did want to ask a question about page 5, lines 4 and 5. This was discussed in committee. This has to do with eligible participants and caregivers in developing a sliding scale for fees charged for this thing in this pilot program. It seems to me that we ought to tack this down as was the discussion in the Ways and Means Committee. It is the intent, is it not, for both the eligible participant's and caregiver's income to be considered, in total, in putting together this sliding scale fee? Is that correct?"

Senator McDermott: "Yes, Senator McDonald, we had a long discussion about the question of whether or not the caregiver's income should be considered. The problem here, I think, is one this pilot project, hopefully, will help us answer. Everyone agrees that if the patient--their income should be considered, but the question is who is the caregiver. You may have a situation in which one out of six children has taken the parent under their care and they may be, in fact, the least able economically to do it, so we wanted to discover, by this pilot project, if there is an equitable way to include the caregiver's income as a basis for determining how much they have to pay in this situation."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 1137, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill No. 1137, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 01; absent, 04; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senator Haley - 1.

Absent: Senators Bender, Fleming, Hughes, Patterson - 4.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1137, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1526, by Representatives Scott, Lewis, Kreidler, Wang and Isaacson (by Department of Social and Health Services request)

Modifying child placement and review hearing.

The bill was read the second time.

MOTION

Senator McManus moved adoption of the following amendment:

On page 8, after line 8, insert the following:

NEW SECTION, Sec. 5. The legislature finds, based on input from the public, that there is a demonstrated need for an objective evaluation of the activities of child protective services. The legislature further finds that a joint select committee on child protective services could accomplish such an evaluation in an objective and thorough manner.

NEW SECTION, Sec. 6. There is created a joint select legislative committee on child protective services. The committee shall be composed of sixteen legislative members, four each from the majority and minority party in the house of representatives, to be appointed by the speaker of the house of representatives, and four each from the majority and minority party in the senate, to be appointed by the president of the senate. The members shall be reimbursed for travel expenses under RCW 44.04.120.

NEW SECTION, Sec. 7. The joint select legislative committee on child protective services shall examine the operation of the child protective services system. The primary purpose of the study shall be to determine whether child protective services are delivered in accordance with chapters 26.44 and 13.34 RCW and that the services are delivered in a fair and uniform manner, while preserving the health and safety of children.

NEW SECTION, Sec. 8. The joint select legislative committee on child protective services shall have the power to subpoena witnesses in accordance with chapter 44.16 RCW as necessary to obtain information relevant to its responsibilities under section 7 of this act.

NEW SECTION, Sec. 9. Staff support for the joint select legislative committee shall be provided by the house and senate committees on social and health services with additional and specialized staff to be employed with moneys from the appropriation provided in section 11 of this act.

NEW SECTION, Sec. 10. The joint select legislative committee on child protective services shall issue a written report of its findings by December 30, 1984, to the committees on social and health services of the senate and house of representatives.

NEW SECTION, Sec. 11. There is appropriated for the biennium ending June 30, 1985, from the general fund to the joint select legislative committee on child protective services, the sum of forty-five thousand dollars, or so much thereof as may be necessary, for the purposes of conducting the study described in section 7 of this act.

NEW SECTION, Sec. 12. Sections 5 through 11 of this act shall expire on June 30, 1985.

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Senator Granlund: "Thank you, Mr. President. I raise the point of order that the McManus amendment expands the scope and object of House Bill 1526. The amendment creates a new study of child protective services. The bill is strictly limited to court determination necessary prior to granting petitions to place the child out of the home of the parent. I believe that the McManus amendment to House Bill 1526 clearly expands the scope and object of the original bill."

Debate ensued.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Granlund, the President finds that House Bill No. 1526 is a measure which requires a juvenile court to determine that reasonable efforts have been made to keep the child and the family together prior to granting a petition to place the child out of the home.

"The amendment proposed by Senator McManus establishes a joint select committee on child protective services.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment was ruled out of order.

MOTION

Senator McManus moved the following amendment be adopted:

On page 8, after line 8, insert the following:

"Sec. 5, Section 3, chapter 172, Laws of 1967 as last amended by section 6, chapter 118, Laws of 1982 and RCW 74.15.030 are each amended to read as follows:

The secretary shall have the power and it shall be ~~(his)~~ the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed hereunder, or because of any other factor relevant thereto;

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) ~~The character, suitability and competence of an agency and other persons associated with an agency directly responsible for the care and treatment of children, expectant mothers or developmentally disabled persons. ((in investigating the character of an agency and the persons employed by or under contract to an agency, the secretary may have access to conviction records or pending charges of the agencies and its staff.))~~ In consultation with law enforcement personnel, the secretary shall investigate the conviction record or pending charges of each agency and its staff seeking licensure or relicensure. Such investigation shall include an examination of the child abuse and neglect register established under chapter 26.44 RCW on all agencies seeking a license under this chapter. The secretary shall use the information solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children, expectant mothers, and developmentally disabled persons, and shall safeguard the information in the same manner as the child abuse registry established in RCW 26.44.070. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose;

(c) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(d) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(e) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(f) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(g) The maintenance of records pertaining to the admission, progress, health and discharge of persons served.

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons.

(4) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served:

((4)) (5) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

((5)) (6) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

((6)) (7) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with the children's services advisory committee; and

((7)) (8) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons."

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McManus.

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

MOTIONS

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

On page 1, line 7 of the title, after "13.34.060;" strike "and"

On page 1, line 10 of the title, after "13.34.130" insert "; and amending section 3, chapter 172, Laws of 1967 as last amended by section 6, chapter 118, Laws of 1982 and RCW 74.15.030"

On motion of Senator Granlund, the rules were suspended, House Bill No. 1526, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 1526, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1526, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

HOUSE BILL NO. 1526, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1125 and the pending amendment by Senators Talmadge and McManus to the Committee on Social and Health Services amendment, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Deccio, the President finds that Engrossed Substitute House Bill No. 1125 is a measure which directs the House Social and Health Services Committee, the Senate Judiciary Committee and the Legislative Budget Committee to conduct a study of children's mental health and related services and report to the Legislature by December 15, 1984.

"The amendment proposed by Senators Talmadge and McManus enacts a juvenile involuntary treatment act.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendment to the Committee on Social and Health Services amendment was ruled out of order.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Social and Health Services amendment.

The motion by Senator Talmadge carried and the Committee on Social and Health Services amendment was adopted.

MOTIONS

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

On page 1, line 1 of the title, after "services;" strike "and"

On page 1, line 2 of the title, after "sections" and before the period insert "; and declaring an emergency"

On motion of Senator McManus, the rules were suspended, Engrossed Substitute House Bill No. 1125, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1125, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Metcalf - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, by Committee on State Government (originally sponsored by Representatives Belcher, Kreidler, Lewis, Allen, Miller, Wang, Galloway, Halsan and Jacobsen)

Establishing a child care demonstration project for state employees.

The bill was read the second time.

MOTION

On motion of Senator Warnke, the following Committee on State Government amendment was adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature recognizes that on-site child day care for employees of public and private organizations is a worthwhile pursuit. To further the goals of affordable, accessible, and quality child care for working parents, the legislature intends to establish a self-supporting child care demonstration project for employees of state government. The legislature recognizes that appropriate child day care services may enhance productivity and lower absenteeism among state employees.

***NEW SECTION.** Sec. 2. The department of general administration shall identify an amount of suitable space in state-owned or state-leased buildings in the Olympia area for use as child day care centers for the children of state employees.

The department of general administration shall establish a fair rental rate for the organization to pay for the space used.

NEW SECTION. Sec. 3. (1) The department of personnel shall conduct a needs assessment to determine the need for and interest in child day care facilities for the children of state employees;

(2) The department of personnel shall determine the number of children which may participate in the demonstration project required under sections 1 through 3 of this act; and

(3) If the suitable space is determined to be available, the department of personnel shall contract with one or more organizations to operate child day care facilities for the children identified under this section. Such facilities may be located in one or more buildings as identified under section 2 of this act.

NEW SECTION. Sec. 4. The department of general administration and the department of personnel shall report on the project to the state government committees of the senate and house of representatives at the following times:

(1) Upon completion of the needs care assessment;

(2) After space has been identified in buildings and child day care programs are established; and

(3) After six months of operation of the child day care programs.

NEW SECTION. Sec. 5. There is appropriated from the general fund to the department of personnel for the biennium ending June 30, 1985, the sum of forty-five thousand dollars, or so much thereof as may be necessary, to conduct a needs assessment to determine the need for and interest in child day care services for state employees and for start-up costs to implement this act.

NEW SECTION. Sec. 6. Sections 1 through 3 of this act are each added to chapter 41.04 RCW."

MOTION

On motion of Senator Warnke, the rules were suspended, Engrossed Substitute House Bill No. 1655, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Bottiger, Peterson and Conner demanded the previous question.

The President Pro Tempore declared the question before the Senate to be shall the main question be now put.

The demand for the previous question was not sustained.

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, all around the state--particularly in my area--and I am sure it is true in other parts of the state, businesses and particularly hospitals are providing their own day care centers at their own expense. My question is, why should the taxpayers of the state of Washington have to pay out their dollars, so that we can set up a demonstration project for state employees for day care facilities?"

Senator Talmadge: "For a very simple reason, Senator, and that's as hospitals stand in relationship with their employees, we stand in relationship to state employees. We're their employer."

POINT OF INQUIRY

Senator Patterson: "Senator Talmadge, would you yield just briefly? My point is a matter of public policy in this area. You speak only to state employees. Now coming from where I do, I'm wondering whether or not, if we established this as public policy, whether this would also include students--for example, at the U of W or WSU who have the same problem in trying to go to school at the same time? I'm just wondering whether or not it is the intent of the legislation to, also, expand it to include that segment of our society that has similar problems?"

Senator Talmadge: "Senator Patterson, that's a question, perhaps, we'd better direct to Senator Warnke, as chairman of the committee. My understanding now is that at the University of Washington, for example, the students through the student activity fees--and it may be true at Washington State, also, I don't know--but the University of Washington through student activity fees--pay for and provide for themselves a child care service. I guess the question, with respect to University employees as with other state employees, is whether or not, as an employer--and that was the point I was trying to make with Senator Deccio--should as are other private employers provide child care assistance to those of our employees who have that need--and that's the question of the study."

Senator Patterson: "So, actually the intent--as far as you see it--is that you must be an employee of the state in order to develop such a program, and this being a pilot project, it would seem to me that if it's feasible here in Olympia it would certainly be feasible in other parts of the state. I just want to have that part of the record--for Universities, it is the University employees only?"

Senator Talmadge: "That's my understanding, Senator."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1655, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1655, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 18; absent, 02; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Granlund, Haley, Hemstad, Hughes, Lee, McDermott, Moore, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Goltz, Guess, Hansen, Hayner, Hurley, McCaslin, McDonald, Metcalf, Owen, Pullen, Rasmussen, Sellar, Zimmerman - 18.

Absent: Senators Bluechel, McManus - 2.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Shinpoch moved that Engrossed Substitute House Bill No. 1652 be made a special order of business at 4:55 p.m.

Debate ensued.

MOTION

Senator Rasmussen moved that the Shinpoch motion be amended to read 'at 4:00 p.m.'

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the Rasmussen motion to amend the Shinpoch motion.

The motion by Senator Rasmussen carried and the Shinpoch motion was amended to read 'at 4:00 p.m.'

Senator Talmadge demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the motion by Senator Shinpoch, as amended by Senator Rasmussen.

ROLL CALL

The Secretary called the roll on adoption of the motion by Senator Shinpoch, as amended by Senator Rasmussen, and the motion failed by the following vote: Yeas, 20; nays, 25; absent, 01; excused, 03.

Voting yea: Senators Bender, Bluechel, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Hurley, McCaslin, McDermott, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Woody - 20.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Guess, Hansen, Hayner, Lee, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Sellar, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 25.

Absent: Senator Wojahn - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1514, by Committee on Social and Health Services (originally sponsored by Representatives Kreidler, Niemi, J. Williams, Lewis, Long, Miller, Dellwo, Clayton and Powers)

Removing juveniles from adult jails.

The bill was read the second time.

MOTION

Senator Granlund moved that the following Committee on Institutions amendments be considered simultaneously and not be adopted:

On page 3, line 5, after "of" strike "local" and insert "county"

On page 3, line 7, after "staff" strike ".a" and insert ".A"

The President Pro Tempore declared the question before the Senate to be to not adopt the Committee on Institutions amendments.

The motion by Senator Granlund carried and the Committee on Institutions amendments were not adopted.

MOTION

On motion of Senator Granlund, the following amendment by Senators Granlund and McCaslin was adopted:

On page 2, beginning on line 24, strike all material down to and including line 20 on page

3

POINT OF INQUIRY

Senator Rasmussen: "This is a serious question, Senator Granlund. With your great knowledge of the subject of which I have not had a chance to really study, this indicates that we cannot put juveniles--even though we have a modern jail, let's say like in Pierce County and several others are building them--that we may not incarcerate juveniles in an adult facility. Is that correct?"

Senator Granlund: "Absolutely. That's what the juvenile justice bill has been all about--to keep juveniles out of the adult status jails."

Senator Rasmussen: "Excuse me, but I would like to ask one more question and then you can answer it all at once. Is this for minor offenses or felonies?"

Senator Granlund: "The bill addresses those traffic offenses, hunting and fishing offenses, boating offenses--this is what this bill is all about."

Senator Rasmussen: "It does not go on up and include the higher--"

Senator Granlund: "No, no."

MOTIONS

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

On page 1, line 1 of the title, after "jails;" insert "and"

On page 1, line 3 of the title, after "13.04.030" strike all material down to and including "13.04.115"

On motion of Senator Granlund, the rules were suspended, Substitute House Bill No. 1514, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1514, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1514, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Paterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Metcalf - 1.

Absent: Senators Shinpoch, von Reichbauer - 2.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1514, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED HOUSE BILL NO. 1636, by Representatives J. King, Ellis, Hine, Halsan, Tanner, B. Williams, Powers and Silver

Establishing a strategic economic development commission.

The bill was read the second time.

MOTION

On motion of Senator Vognild, the rules were suspended, Engrossed House Bill No. 1636, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1636.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1636, and the bill passed the Senate by the following vote: Yeas, 30; nays, 13; absent, 03; excused, 03.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Guess, Haley, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Hayner, Hemstad, McCaslin, McDonald, Metcalf, Patterson, Pullen, Zimmerman - 13.

Absent: Senators Deccio, Granlund, Owen - 3.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED HOUSE BILL NO. 1636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Senator Bottiger moved that the rules be suspended and the Senate reconsider the vote by which Engrossed House Bill No. 1636 passed the Senate and that the bill be returned to second reading.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Bottiger to suspend the rules and reconsider the vote by which Engrossed House Bill No. 1636 passed the Senate and that the bill be returned to second reading.

The motion by Senator Bottiger carried and Engrossed House Bill No. 1636 was returned to second reading and read the second time.

MOTIONS

On motion of Senator McDermott, the following amendment was adopted:
On page 4, line 33, strike "three hundred twenty-five" and insert "one hundred"

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1636, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1636, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1636, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Haley, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, McCaslin, McDonald, Metcalf, Patterson, Pullen, Rinehart, Zimmerman - 17.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED HOUSE BILL NO. 1636, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator McDermott: "Mr. President, a point of personal privilege. That little oral amendment saved two hundred twenty-five thousand dollars and I want to assure the members that it has already been spoken for by at least nine people."

MOTION

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 1584 was placed at the bottom of the second reading calendar.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 689, by Committee on Commerce and Economic Development (originally sponsored by Representatives Silver, J. King, B. Williams, Tanner, Schmidt, Schoon, Brough, Padden, Johnson, Tilly, Long and Sanders)

Establishing the small business assistance coordinating council.

The bill was read the second time.

MOTIONS

Senator Vognild moved that the following Committee on Commerce and Labor amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the small businesses in the state of Washington are essential to the well-being of the state's economy and that these businesses have unique needs and problems that must be dealt with to insure a healthy economy for all of the citizens of the state. The legislature further recognizes that small businesses represent a majority of the businesses in this state and that it is vital that the ability of small businesses be enhanced to provide more jobs for Washington workers, insure essential economic competition, and broaden the industrial base of Washington industries. To stimulate the expansion of small business growth and resultant new jobs, the legislature finds that:

(1) There is a need for an overall coordination within the state that can integrate, coordinate, and provide services to small businesses and more efficiently use the individual operating entities as they now exist; and

(2) There is a need for additional services for the small business community in the areas of financing, dealing with regulatory problems, and encouraging more small businesses to export their products and services overseas.

(3) There is a need for an advisory council to establish long-range policy recommendations for state delivered small business programs.

NEW SECTION, Sec. 2. As used in this chapter, a "small business assistance program" is any service offered by a unit of state government where the majority of the services attempt to aid or assist in the establishment, expansion, or management of a small business as defined in RCW 43.31.920.

NEW SECTION, Sec. 3. (1) There is established the small business assistance coordinating council, referred to in this chapter as "the council."

(2) The council shall consist of nine persons, three of whom shall be appointed by the governor. The council shall include the director of commerce and economic development or its successor, the director of planning and community affairs or its successor, two members of the house of representatives, one from each of the two political parties with the largest number of members, appointed by the speaker of the house of representatives from the house committee on commerce and economic development or its successor, and two members of the senate, one from each of the two political parties with the largest number of members, appointed by the president of the senate from the senate committee on commerce and labor or its successor. The members appointed by the governor shall include representatives of small businesses from the various geographic areas of the state one or two of whom shall also represent minority-owned business and women-owned business. A representative of the federal small business administration shall be a nonvoting member. The council shall elect a chairman from among the voting members. The planning and community affairs agency or its successor is responsible for providing administrative support to the council and shall keep a record of the proceedings of each council meeting.

(3) All voting members of the council shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy in an appointive position on the council occurs by death, resignation, or otherwise, the governor shall fill the position for the unexpired term. Any members of the council, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor.

NEW SECTION. Sec. 4. The council shall be responsible for:

(1) Reviewing the small business assistance programs now being offered by all units of state government except the federally funded service centers administered by the department of transportation and approved by the federal highway administration;

(2) Reviewing the contract between the small business development center and the federal small business administration, and the contract between the small business development center and the federal economic development administration; and

(3) Reviewing the coordination of all small business assistance programs and making recommendations to reduce duplication of services and to increase the efficiency of available programs.

NEW SECTION. Sec. 5. To enable the council to carry out its responsibilities, every unit of state government which provides a small business assistance program shall report to the small business assistance coordinating council in writing by September 1, 1984. The report shall include:

(1) A description of the small business assistance program offered by the unit of state government;

(2) The amount of state funds expended to operate the small business assistance program;

(3) The sources and amount of any other funds available to the unit of government to operate a small business assistance program and the extent to which the funds are being used by the unit of state government;

(4) The method by which the activity is being delivered by the unit of state government to the small business community;

(5) Information on the benefits derived from the program; and

(6) Any other information as may be requested by the council.

NEW SECTION. Sec. 6. The small business assistance coordinating council shall report to the legislature and governor by December 31, 1984, on recommendations to improve the dissemination of small business assistance in the state. The report shall include:

(1) A description of the types, quantity, and benefits of small business assistance available in the state including federal, state, and local programs;

(2) A description of the available services and the unmet need for small business assistance in the following areas:

(a) General small business management and technical assistance;

(b) Community development assistance, including loan packaging, proposal writing, development planning, and commercial development;

(c) Entrepreneurial development, innovative assessment, and technology transfer; and

(d) Export assistance and financing;

(3) A set of recommendations to improve the delivery and efficiency of small business assistance and to reduce duplication of effort where possible.

NEW SECTION. Sec. 7. There is appropriated from the general fund for the year ending December 31, 1984, to the planning and community affairs agency or its successor the sum of forty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of the small business assistance coordinating council.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. This act shall expire on December 31, 1984.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On motion of Senator Vognild, the following amendment by Senators Vognild and Quigg to the Committee on Commerce and Labor amendment was adopted:

On page 3, beginning on line 18 after "business," strike all material through "member" on line 21.

MOTION

Senator McManus moved the following amendments to the Committee on Commerce and Labor amendment be considered and adopted simultaneously:

On page 6, after line 16 of the amendment, insert the following:

***NEW SECTION.** Sec. 7. (1) There is established the small business improvement council to consist of at least fifteen but not more than thirty members to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses. At least fifteen percent of the members of the council shall be women or members of minority groups, and at least one member of the

council shall represent agribusiness concerns. Members of the small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the small business improvement council shall not be compensated or be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The department of commerce and economic development or its successor agency shall provide staff support and administrative assistance to the council.

NEW SECTION, Sec. 8. The small business improvement council shall seek to identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses. In consultation with the department of commerce and economic development and the appropriate standing committees of the senate and house of representatives, the small business improvement council shall submit its proposals to the governor and the legislature prior to the convening of each regular session of the legislature. The proposals shall include the recommendations of the council's subcommittees established under section 9 of this act.

NEW SECTION, Sec. 9. (1) The small business improvement council may establish such subcommittees and task forces as the council deems necessary. Membership of subcommittees and task forces need not be limited to members of the council.

(2) Subcommittees of the council shall include:

(a) A subcommittee on small business taxation;

(b) A subcommittee on small business venture and management education;

(c) A subcommittee on private sector contract services; and

(d) Other subcommittees as deemed necessary on appropriate subjects, i.e., capital formation and retention, marketing, unemployment compensation, and rules and regulations.

(3) The department of commerce and economic development shall assist in the formation of local advisory councils in each legislative district throughout the state. The persons serving on the local advisory councils shall not be compensated or reimbursed for travel expenses.

NEW SECTION, Sec. 10. The subcommittee on small business taxation shall study the present business tax structure and investigate related proposals to attract and encourage small businesses in the state. In fulfilling this function, the subcommittee shall establish local small business advisory councils throughout the state. Members of the local advisory councils shall not be compensated or reimbursed for travel expenses.

The subcommittee on small business taxation may conduct studies, hold public hearings, and employ consultants as necessary to carry out the purposes of the subcommittee.

NEW SECTION, Sec. 11. The subcommittee on small business venture and management education shall encourage the implementation of small business venture and management education programs in the state's community colleges and vocational-technical institutes. Such education programs shall provide instruction in the formation, operation, and management of a small business. The subcommittee shall assist in curriculum development, promotion, and marketing of these education programs. Emphasis shall be given to part-time, evening, and weekend class offerings.

NEW SECTION, Sec. 12. The subcommittee on private sector contract services shall have as its mission the identification of program and service areas within state and local government which can and should be contracted out on a competitive bid basis to private sector organizations. In particular, the subcommittee shall identify those governmental services that the private sector can perform more efficiently than the public sector, with equal or better quality of service. The goal of this program is to reduce the cost of government while improving the delivery of services.

The subcommittee on private sector contract services shall include representatives of government, business, and industry.

NEW SECTION, Sec. 13. This chapter shall expire June 30, 1988.

NEW SECTION, Sec. 14. Sections 7 through 13 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION, Sec. 15. There is appropriated to the small business improvement council for the biennium ending June 30, 1985, from the general fund the sum of thirty-seven thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 7 through 12 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 6, line 35 of the amendment, strike "This" and insert "Sections 1 through 6 of this"

POINT OF ORDER

Senator Bluechel: "Mr. President, a point of order. The Senator McManus amendment establishes a fifteen to thirty-man committee appointed by the Governor. I have not had a chance to read it completely--I just got it on my desk--but it funds thirty-seven thousand five hundred dollars as a budgetary item. The existing bill sets up a small business assistance program for the state and I believe this

entire subject is limited to that program, whereas the other one sets up the commission and funding."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Second Substitute House Bill No. 689 was deferred.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511, by Committee on Commerce and Economic Development (originally sponsored by Representatives Smitherman, J. King, Barrett, Halsan, Dellwo and Powers)

Providing for tourism development.

The bill was read the second time.

MOTION

Senator Vognild moved that the following Committee on Commerce and Labor amendment not be adopted:

On page 4, beginning on line 9, strike all of New Section. Sec. 10.

Renumber the remaining section consecutively.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to not adopt the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the Committee on Commerce and Labor amendment was not adopted.

MOTION

On motion of Senator Vognild, the rules were suspended. Engrossed Substitute House Bill No. 1511 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1511.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1511, and the bill passed the Senate by the following vote: Yeas, 27; nays, 18; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Metcalf, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, McDonald, Moore, Patterson, Pullen, von Reichbauer, Zimmerman - 18.

Absent: Senator Fleming - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Senator Rasmussen moved that Engrossed Substitute House Bill No. 1652 be made a special order of business at 4:30 p.m.

Senator Bottiger moved that the motion be laid on the table.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the motion by Senator Bottiger to lay the motion by Senator Rasmussen on the table.

ROLL CALL

The Secretary called the roll, and the motion by Senator Bottiger to lay the motion by Senator Rasmussen on the table carried by the following vote: Yeas, 28; nays, 18; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Lee, McManus, Metcalf, Owen, Patterson, Peterson, Sellar, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Voting nay: Senators Bluechel, Clarke, Fuller, Guss, Haley, Hayner, Hemstad, Hurley, McCaslin, McDermott, McDonald, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson - 18.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

MOTION

On motion of Senator Bottiger, Engrossed House Bill No. 1408 was placed immediately after Substitute House Bill No. 1582 on the second reading calendar.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1262, by Committee on Commerce and Economic Development (originally sponsored by Representatives Niemi, Silver, Ellis, Sanders, Johnson, O'Brien, P. King, Lewis and Tanner) (by Governor Spellman request)

Facilitating economic development.

The bill was read the second time.

MOTION

Senator Vognild moved that the following Committee on Commerce and Labor amendment not be adopted:

On page 8, line 6, after "made." strike down to and including "39.84.020." on line 9 and insert:

"The board shall only fund those projects whose specific private development and expansions are primarily involved in manufacturing, processing, production, assembly, warehousing, and distribution. The board may consider other projects which substantially trade goods and services outside of the state's borders."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Vognild to not adopt the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the Committee on Commerce and Labor amendment was not adopted.

MOTION

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 8, line 11, after "completed" insert ", or where existing permanent or seasonal employment will be significantly damaged if the project does not occur"

MOTIONS

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

On page 8, line 6, after "made." strike all of the material down to and including "39.84.020." on line 9 and insert "The board shall only fund (1) those projects whose specific private development and expansions are primarily involved in manufacturing, processing, production, assembly, warehousing and distribution; and (2) those projects which substantially support the trading of goods and services outside of the state's borders."

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

On page 5, line 19, after "FINANCING." strike the remainder of the section and insert the following:

"In order to assure payment of the bonds, the board shall consider and may require users to provide appropriate security. Such security may include but is not limited to letters of credit, deeds of trust, guarantees, mortgage insurance or cash reserves. If federal funds are used to provide additional security for the protection of bond purchasers, the board shall require a credit analysis by a financial institution of each user of an umbrella board in order to ensure the marketability of the bonds."

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

On page 8, after line 34, insert the following:

"NEW SECTION, Sec. 17. All funds remaining or hereafter deposited in or repaid to any accounts created under RCW 43.31A.320 shall be automatically transferred to the public works revolving fund established in chapter --- (SSB 4404), Laws of 1984."

Renumber the remaining sections consecutively.

MOTION

On motion of Senator Vognild, the rules were suspended, Substitute House Bill No. 1262, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Moore: "Senator Vognild, I notice under the definition of 'financial institutions' on page 2 and 'sponsor' on page 3, there is a long list of financial institutions which may be considered eligible by CERB to provide financing for industrial development facilities. This list, however, does not include the National Association of Securities Dealers. Does this mean they are excluded from acting as financial institutions or sponsors?"

Senator Vognild: "No, Senator Moore, it is not the intention to exclude members of the National Association of Securities Dealers. In reviewing this issue with committee staff and individuals involved with the bill, members of the National Association of Securities Dealers would fall under the definition of 'any other financial institution' on page 3, line 14."

Senator Moore: "I am glad to hear N.A.S.D. security underwriters are allowed to be involved in the financing of these industrial development bonds, because we've had a long history in this state of cooperation between the financial institutions and members of the National Association of Securities Dealers."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1262, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1262, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 33; nays, 12; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Pullen - 12.

Absent: Senator Craswell - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1262, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1531, by Committee on Local Government (originally sponsored by Representative Grimm)

Modifying provisions on flooding.

The bill was read the second time.

MOTION

On motion of Senator Shinpoch, the following amendments by Senators Shinpoch and Bottiger were considered simultaneously and adopted:

Beginning on page 1, line 18, after "follows:" strike all material down to and including "disbursements." on page 2, line 2, and insert:

"The flood control assistance account is hereby established in the general fund. At the beginning of each biennium after June 30, 1985, the state treasurer shall transfer from the general fund to the flood control assistance account an amount of money which, when combined

with money remaining in the account from the previous biennium, will equal four million dollars. Moneys in the flood control assistance account may be spent only after appropriation for a specified list of projects under this chapter."

On page 3, line 15, after "assistance" strike "fund" and insert "account"

On page 4, line 4, after "assistance" strike "fund" and insert "account"

On page 4, line 23, after "assistance" strike "fund" and insert "account"

MOTION

Senator Talmadge moved adoption of the following amendment:

On page 5, beginning on line 21, strike all of new section 10 and 11.

Re-number the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Clarke, as I read this bill, this is transferring the responsibilities to the Department of Natural Resources and that they, also, have the responsibility for the selling of the gravel and so forth that they are taking out of the rivers. Why would you oppose the responsibility if they let the gravel build up in the rivers--and they do nothing about it? They're going to have floods along the meander ways and the flood plain. You have millions of dollars worth of property there that could very well be destroyed."

Senator Clarke: "Senator, we're talking about two different kinds of equity. That in a way could be true. We all know that we're going to have floods and we endeavor to do what we can, governmentally, to prevent those kinds of damages, but as you aptly point out the amount of damages that can result from a flood can be catastrophic and there can always be the allegation that the governmental agency was in some way negligent in not having taken some action in order to prevent that. I just think it's an extremely dangerous situation, and I would be in opposition to the suggested striking of that immunity."

Further debate ensued.

Senators Fleming, Bottiger and Peterson demanded the previous question and the demand was sustained.

Senator Clarke demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Talmadge.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the amendment was adopted by the following vote: Yeas, 26; nays, 19; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Sellar, von Reichbauer, Zimmerman - 19.

Absent: Senator Hughes - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

MOTION

On motion of Senator Thompson, the rules were suspended, Substitute House Bill No. 1531, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1531, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1531, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 16; absent, 01; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hurley, Lee, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rasmussen,

Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, McDonald, Metcalf, Patterson, Sellar - 16.

Absent: Senator Hughes - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1531, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1582, by Committee on Ways and Means (originally sponsored by Representatives Hine, Armstrong, O'Brien, Holland, P. King, Tilly, Van Dyken, Scott, Haugen, Wang, Garrett, Dellwo, D. Nelson, Appelwick, Schoon, R. King, Tanner, Isaacson, Johnson, Miller, Todd, Addison, Powers and Long)

Extending funding for enforcement of DWI laws.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1582 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, it is my understanding that section 8 of the bill implies that OFM can use a reasonable, but small proportion of the appropriated three million dollars for the orderly administration of this act. Is that interpretation correct?"

Senator McDermott: "Yes, they asked us for around twenty thousand dollars and we thought they could find that in the three million dollars."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1582.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1582, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senator Hughes - 1.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

SUBSTITUTE HOUSE BILL NO. 1582, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 1652 was made a special order of business for 4:59 p.m.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311, by Committee on Education (originally sponsored by Representatives Galloway, Sayan, Charnley, Holland, Tilly, Miller, D. Nelson and Halsan)

Requiring preschool education for handicapped children.

The bill was read the second time.

MOTION

Senator Gaspard moved the following Committee on Education amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010 are each amended to read as follows:

There is established in the office of the superintendent of public instruction a division of special education for handicapped children, to be known as the division for handicapped children.

Handicapped children are those children in school or out of school who are temporarily or permanently retarded in normal educational processes by reason of physical or mental handicap, or by reason of emotional maladjustment, or by reason of other handicap, and those children who have specific learning and language disabilities resulting from perceptual-motor handicaps, including problems in visual and auditory perception and integration.

The superintendent of public instruction shall require each school district in the state to insure an appropriate educational opportunity for all handicapped children ~~((of common school-age))~~ between the ages of five and twenty-one, but when the twenty-first birthday occurs during the school year, the educational program may be continued until the end of that school year. Special education and training programs provided by the state and school districts for handicapped children shall be extended to include preschool age children four years of age and older commencing with the 1984-85 school year and shall be extended to include preschool age children three years of age and older commencing with the 1985-86 school year. The superintendent of public instruction, by rule and regulation, shall establish for the purpose of excess cost funding, as provided in this chapter, RCW 28A.24.100 and 28A.41.053, functional definitions of the various types of handicapping conditions and eligibility criteria for handicapped programs. For the purposes of this chapter, an appropriate education is defined as an education directed to the unique needs, abilities, and limitations of the handicapped children. School districts are strongly encouraged to provide parental training in the care and education of the children and to involve parents in the classroom.

Nothing in this section shall prohibit the establishment or continuation of existing cooperative programs between school districts or contracts with other agencies approved by the superintendent of public instruction, which can meet the obligations of school districts to provide education for handicapped children, or prohibit the continuation of needed related services to school districts by the department of social and health services.

This section shall not be construed as in any way limiting the powers of local school districts set forth in RCW 28A.13.050.

No child shall be removed from the jurisdiction of juvenile court for training or education under this chapter without the approval of the superior court of the county.

Prior to the start of the 1984-85 school year, the superintendent of public instruction shall adopt rules setting standards on the selection and use of a limited number of assessment instruments to establish program eligibility.

Sec. 2. Section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.772 are each amended to read as follows:

Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.58.075 and 28A.58.245 or pursuant to chapter 39.34 RCW, each as now or hereafter amended, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.58.776, as now or hereafter amended, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are five and less than twenty-one years of age until the 1984-85 school year and, commencing with the 1984-85 school year, for residents who are four years of age and less than twenty-one years of age and, commencing with the 1985-86 school year, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days each school year;

(b) Special education pursuant to chapter 28A.13 RCW, as now or hereafter amended, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for handicapped residential school students;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

Sec. 3. Section 72.40.040, chapter 28, Laws of 1959 as last amended by section 68, chapter 80, Laws of 1977 ex. sess. and RCW 72.40.040 are each amended to read as follows:

The schools shall be free to residents of the state between the ages of ~~(six)~~ five and twenty-one years until the 1984-85 school year, between the ages of four and twenty-one years commencing with the 1984-85 school year, and between the ages of three and twenty-one years commencing with the 1985-86 school year, and who are blind or deaf, or otherwise sensory handicapped, and who are free from loathsome or contagious diseases: PROVIDED, ~~((That children under the age of six, who are otherwise qualified may be admitted to the school, if in the discretion of the superintendent they are proper persons to receive the training given in the school and the facilities are adequate for proper care, education, and training: PROVIDED FURTHER,))~~ That students over the age of twenty-one years, who are otherwise qualified may be retained at the school, if in the discretion of the superintendent in consultation with the faculty they are proper persons to receive further training given at the school and the facilities are adequate for proper care, education, and training.

NEW SECTION. Sec. 4. There is appropriated to the superintendent of public instruction from the general fund for the biennium ending June 30, 1985, the sum of three hundred seventy thousand dollars or so much thereof as may be necessary to carry out the purposes of this act."

MOTION

Senator Woody moved that the following amendments by Senators Woody and Bluechel to the Committee on Education amendment be considered and adopted simultaneously:

On page 2 of the committee amendment, line 8, after "year," strike all material through "year," on line 19.

On page 3 of the committee amendment, after line 28, insert a new section as follows:

"NEW SECTION. Sec. 2. (1) The legislature intends to provide additional educational opportunities for three and four-year old preschool age handicapped children for enrichment purposes only. It is the intent of the legislature that such additional educational opportunities are not to be a part of the basic program of education mandated by Article IX, Sections 1 and 2 of the Washington State Constitution.

(2) School districts shall enrich the educational opportunities for handicapped children by providing special education and training programs for preschool age children four years of age and older, commencing with the 1984-85 school year and for preschool age children three years of age and older commencing with the 1985-86 school year.

(3) In no event shall state expenditures for the preschool handicapped program exceed the amounts specified for such purposes in the biennial appropriations act or other substantive legislation. School districts may enrich the program authorized under this act: PROVIDED, That such enrichment shall not constitute a responsibility of the state."

Renumber the remaining sections accordingly.

Debate ensued.

Senator Bluechel demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Woody and Bluechel.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody failed and the amendments were not adopted by the following vote: Yeas, 21; nays, 23; absent, 02; excused, 03.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hansen, Hayner, Hurley, Lee, McCaslin, Metcalf, Owen, Patterson, Pullen, Sellar, Shinoch, Woody, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, McDermott, McDonald, McManus, Moore, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vogmlid, von Reichbauer, Warnke, Williams, Wojahn - 23.

Absent: Senators Deccio, Hughes - 2.
 Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

MOTION

Senator Shinpoch moved the following amendments by Senators Shinpoch and Gaspard to the Committee on Education amendment be considered and adopted simultaneously:

On page 3 of the committee amendment, after line 21, strike all the material down to and including "eligibility," on line 28.

On page 3 of the committee amendment, after line 28, insert the following:

"NEW SECTION. Sec. 2. Prior to the start of the 1984-85 school year, the superintendent of public instruction shall adopt rules setting standards on the selection and use of a limited number of assessment instruments to establish eligibility for preschool handicapped programs. Prior to the start of the 1984-85 school year, the superintendent of public instruction shall adopt rules revising the eligibility criteria for preschool handicapped programs. The legislature intends that the new rules shall address the following legislative concerns:

(1) The rules setting assessment standards shall result in use of a limited number of appropriate assessment instruments to produce consistent, equitable, and reliable eligibility decisions.

(2) Delays of twenty-five percent or less from chronological age in any two of the developmental areas under WAC 392-171-381 do not constitute an actual handicapping condition requiring early intervention by special education programs. Greater attention shall be directed to defining the scope of the developmental areas and to establishing the extent of a significant delay.

(3) Articulation problems and mild language delays unaccompanied by significant delays in other developmental areas shall be treated as communication disorders under WAC 392-171-391 and not as developmental handicaps under WAC 392-171-381.

(4) Subjective exceptional provisions of WAC 392-171-381 shall be modified or eliminated, including the provision for placement in preschool handicapped programs of children who do not manifest significant developmental delays but who are judged by the assessment team to have a high predictability of future developmental delays.

The superintendent of public instruction shall report in writing to the legislature by December 14, 1984, on the implementation of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

SPECIAL ORDER OF BUSINESS

Senator Fleming: "Mr. President, I think we have a special order of business at 4:59."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, with the consent of the body, that we will finish this bill and then take up that bill. It looks like we are very close to coming to the end of this bill, unless the body would like to interrupt this bill and take up the other bill at this time."

REMARKS BY SENATOR PULLEN

Senator Pullen: "Mr. President, it doesn't matter to me and I am not speaking as either a friend or opponent of either of these bills. However, I believe prior rulings by the President have been that if you have started a bill then you can finish it after the five o'clock cut off, but I don't believe there has ever been a ruling that says that if you set a special order of business at 4:59 and then you go past the deadline without taking up that order of business that you can then take it up afterwards. In other words, I believe the prior rulings have been that if you go past the deadline that you set without taking it up, then you lose the right to take that issue up."

There being no objection, the President Pro Tempore deferred further consideration of Engrossed Substitute House Bill No. 1311 and the Senate commenced the special order of business, the consideration of Engrossed Substitute House Bill No. 1652.

POINT OF ORDER

Senator Woody: "Thank you, Mr. President. I wanted to ask a point of order. My understanding that since the body had begun deliberation--and seriously

intended to complete deliberation of the preschool handicap bill--that we really will be able to address the bill--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "That is correct. We will come back to the bill that was before us at the time of the special order of business.

POINT OF ORDER

Senator Owen: "Thank you, Mr. President. I don't know if Senator Pullen had asked for a ruling, but I would, on the fact that we did not start on the fireworks bill at 4:59 as it was supposed to be done in the special order of business, and that it was, in fact, after five o'clock when we started on it."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President, I am speaking to the point of order. Since we do have a special order of business, I did raise the question of the special order of business before five o'clock and then subsequent conversation continued."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The chair would rule that the bill before us is properly before us."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, by Committee on Commerce and Economic Development (originally sponsored by Representatives Jacobsen, Locke, Brough, Belcher, Betzoff, Lux, Ballard, D. Nelson, Armstrong, Pruitt, Allen, Fisher, Miller, McClure, Cantu, Rust, Vander Stoep, Sayan, Charnley, Patrick, Niemi, Wang, Kreidler, Hine, Grimm, Broback, Johnson, Crane, Todd, Brekke, Powers, Long and Haugen)

Modifying the regulation of fireworks.

The bill was read the second time.

MOTIONS

On motion of Senator Vognild, the following Committee on Commerce and Labor amendment was adopted:

On page 3, beginning on line 20, after "include" strike ":(a) Fireworks" and insert "fireworks"

Senator Vognild moved the following Committee on Commerce and Labor amendment be adopted:

On page 3, beginning on line 22, after "rockets" strike all material down to and including "section" on line 25

POINT OF INQUIRY

Senator Pullen: "Senator Vognild, would the fact of adopting the amendment then be to prohibit combination items?"

Senator Vognild: "No, adopting the amendment would remove the combination language from the bill. We were unable to identify combination fireworks that contained any firecrackers or loud noises."

POINT OF INQUIRY

Senator Hurley: "Senator Vognild, if we adopt the committee amendment, will that place the fireworks bill in the same condition that it was when it was here before us as a Senate Bill?"

Senator Vognild: "No, Senator Hurley, the fireworks bill will still contain the language banning firecrackers, mines and ground audible devices."

Senator Hurley: "Will it have local control?"

Senator Vognild: "This amendment does not affect the local control portion of the bill."

POINT OF ORDER

Senator Sellar: "A point of order. Mr. President, not really pertaining to this bill, but just so we will know in the future--so we know the rules of operating the Senate. When you ruled this bill was properly before us, was that based on the fact that even though the bill was not started before the hour, but after the hour--it was a special order of business--so that if there were ten or fifteen bills in that time frame, they could all be taken up? I just want a clarification, so for the future we will know what rules we are operating under."

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Sellar, that your point of order is not timely. We are currently discussing an amendment to the bill and I would ask if there is any further discussion on the amendment. We can rule on that point of order at a later time."

Senator Sellar: "Excuse me, then you said you will give us a ruling on that at some appropriate time."

President Pro Tempore Goltz: "Yes."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the Committee on Commerce and Labor amendment was adopted.

MOTION

Senator Vognild moved the following Committee on Commerce and Labor amendment be adopted:

On page 16, after line 17, insert the following:

"NEW SECTION. Sec. 38. It is unlawful for any person, firm, partnership or corporation to print or broadcast any advertisement for the sale of fireworks in violation of this chapter."

Renumber the following sections consecutively.

POINT OF INQUIRY

Senator Rasmussen: "Senator Zimmerman, as the protector of the first amendment in the Federal Constitution, does this--"

Senator Zimmerman: "It bothers me slightly--it bothers me somewhat. If something is illegal to be sold, I have a concern about whether we should promote it--I have a concern about that. At the same time, I recognize the obvious conflict of concern as to whether we are prior censorship of what people are allowed to know and see, but things that are illegal, I personally feel strongly that we should do everything possible to not have them sold, and for those reasons, I would certainly support this."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment.

The motion by Senator Vognild carried and the Committee on Commerce and Labor amendment was adopted.

MOTION

Senator Bauer moved the following amendment by Senators Bauer, Thompson and Zimmerman be adopted:

On page 16 of the engrossed bill, beginning on line 24, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 40. Sections 2, 3, and 38 of this act shall take effect on January 1, 1985. All other sections of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senators Bauer, Thompson and Zimmerman.

ROLL CALL

The Secretary called the roll and the motion by Senator Bauer carried and the amendment was adopted by the following vote: Yeas, 26; nays, 17; absent, 03; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Guess, Haley, Hansen, Hayner, McCaslin, Metcalf, Owen, Patterson, Peterson, Pullen, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 26.

Voting nay: Senators Bender, Bluechel, Fleming, Goltz, Granlund, Hemstad, Hurley, McDermott, McDonald, McManus, Moore, Rasmussen, Rinehart, Shinpoch, Talmadge, Wojahn, Woody - 17.

Absent: Senators Hughes, Lee, Sellar - 3.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

MOTION

Senator Bottiger moved the following amendment be adopted:

On page 16 of the engrossed bill, a new section is added to read as follows:

***NEW SECTION.** Sec. 39. In an action based on fault seeking to recover damages for injury or death to person or harm to property resulting from the sale of fireworks in violation of this chapter, no contributory fault is chargeable to the claimant to diminish an award of compensatory damages for any such injury, death or harm.*

Debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator Bottiger.

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

MOTION

Senator Haley moved the following amendment be adopted:

Beginning on page 2, strike everything after the enacting clause and insert:

***NEW SECTION.** Sec. 1. Any person who manufactures, imports, or sells any fireworks at wholesale or retail for any use contrary to the provisions of this chapter is guilty of a gross misdemeanor.

Sec. 2. Section 56, chapter 228, Laws of 1981 as amended by section 31, chapter 230, Laws of 1982 and RCW 70.77.395 are each amended to read as follows:

No common fireworks ~~((shall))~~ may be sold or discharged within this state except from twelve o'clock noon on the twenty-eighth of June to twelve o'clock noon on the sixth of July of each year. No common fireworks may be sold or discharged between the hours of eleven o'clock p.m. and nine o'clock a.m.

***NEW SECTION.** Sec. 3. It is unlawful to possess any class or kind of fireworks in violation of this chapter.

It is unlawful to possess any class or kind of fireworks in violation of this chapter.

***NEW SECTION.** Sec. 4. It shall be unlawful to transport any class or kind of fireworks in violation of this chapter. The attorney general is authorized to bring suit to enforce this section.

Sec. 5. Section 74, chapter 228, Laws of 1961 and RCW 70.77.485 are each amended to read as follows:

The unlawful possession of any class or kind of fireworks in violation of the provisions of this chapter ~~((shall be a misdemeanor))~~ is:

(1) A misdemeanor if involving up to one pound of fireworks, exclusive of external packaging; or

(2) A gross misdemeanor if involving an amount greater than one pound of fireworks, exclusive of external packaging.

For the purposes of this section, "external packaging" means any materials that are not an integral part of the operative unit of fireworks.

***NEW SECTION.** Sec. 6. It is a gross misdemeanor for a wholesaler or retailer to knowingly sell or give fireworks to a person under sixteen years of age.

***NEW SECTION.** Sec. 7. Except with the supervision of an adult, it is a misdemeanor for a person under the age of sixteen years to possess or discharge any fireworks.

***NEW SECTION.** Sec. 8. It is a gross misdemeanor for a person to discharge fireworks with a willful or reckless disregard for persons or property.

Sec. 9. Section 85, chapter 228, Laws of 1961 and RCW 70.77.540 are each amended to read as follows:

Except as provided in RCW 70.77.485 and sections 1, 6, and 8 of this act, any person violating any of the provisions of this chapter or any rules or regulations issued thereunder is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment.

NEW SECTION. Sec. 10. Nothing in this chapter limits the power of state and local law enforcement officers to enforce the provisions of this chapter or of any provision of Title 9 or 9A RCW or limits the power of any local government from adopting more restrictive regulations.

NEW SECTION. Sec. 11. In an action based on fault seeking to recover damages for injury or death to person or harm to property resulting from the sale of fireworks in violation of this chapter, no contributory fault is chargeable to the claimant to diminish an award of compensatory damages for any such injury, death or harm.

NEW SECTION. Sec. 12. Sections 1, 3, 4, 6, 7, 8, 10 and 11 of this act are each added to chapter 70.77 RCW.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its public institutions, and shall take effect June 1, 1984."

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Haley.

ROLL CALL

The Secretary called the roll and the motion by Senator Haley failed and the amendment was not adopted by the following vote: Yeas, 20; nays, 22; absent, 04; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Conner, Deccio, Fuller, Gaspard, Guess, Haley, Hansen, Hayner, McDonald, Metcalf, Patterson, Peterson, Vognild, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bender, Bluechel, Craswell, Fleming, Goltz, Granlund, Hemstad, Hurley, McCaslin, McDermott, McManus, Moore, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 22.

Absent: Senators Hughes, Lee, Owen, Sellar - 4.

Excused: Senators Kiskaddon, Newhouse, Quigg - 3.

MOTIONS

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

On page 2, line 19 of the title, after "penalties;" insert "providing effective dates;"

On motion of Senator Zimmerman, Senator Metcalf was excused.

On motion of Senator Vognild, the rules were suspended, Engrossed Substitute House Bill No. 1652, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1652, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent, 02; excused, 04.

Voting yea: Senators Bender, Bluechel, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Hurley, McCaslin, McDermott, McDonald, McManus, Moore, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Barr, Bauer, Benitz, Bottiger, Conner, Craswell, Haley, Hansen, Owen, Patterson, Peterson, Thompson, von Reichbauer, Zimmerman - 14.

Absent: Senators Hughes, Lee - 2.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Quigg - 4.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 689 and the pending amendment by Senator McManus on page 6, line 16 to the Committee on Commerce and Labor amendment, proposed earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Bluechel, the President finds that Second Substitute House Bill No. 689 is a measure which deals with the issue of the enhancement of small business in Washington State.

"The amendment proposed by Senator McManus also deals with the issue of the enhancement of small business in Washington State.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment to the Committee on Commerce and Labor amendment was ruled in order.

The President Pro Tempore declared the question before the Senate to be adoption of the amendment by Senator McManus to the Committee on Commerce and Labor amendment.

The motion by Senator McManus carried and the amendment to the Committee on Labor amendment was adopted.

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Commerce and Labor amendment, as amended.

The motion by Senator Vognild carried and the Committee on Commerce and Labor amendment, as amended, was adopted.

MOTIONS

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

On page 7, line 14 of the title amendment, before "creating" insert "adding a new chapter to Title 43 RCW;"

On page 7, line 15 of the title amendment, strike "an appropriation" and insert "appropriations"

On page 7, line 16 of the title amendment, strike "an expiration date" and insert "expiration dates"

On page 1, line 1 of the title, after "business;" strike the remainder of the title and insert "creating new sections; making an appropriation; providing an expiration date; and declaring an emergency."

On motion of Senator Vognild, the rules were suspended, Second Substitute House Bill No. 689, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 689, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 689, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 03; absent, 04; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Bluechel, Craswell, McDonald - 3.

Absent: Senators Deccio, Hughes, Lee, Rasmussen - 4.

Excused: Senators Kiskaddon, Metcalf, Newhouse, Quigg - 4.

SECOND SUBSTITUTE HOUSE BILL NO. 689, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1311 and the pending amendments by Senators Shinpoch and Gaspard on page 3, lines 21 and 28 to the Committee on Education amendment, under consideration before the Senate advanced to the Special Order of Business.

The President Pro Tempore declared the question before the Senate to be adoption of the amendments by Senators Shinpoch and Gaspard to the Committee on Education amendment.

The motion by Senator Shinpoch carried and the amendments to the Committee on Education amendment were adopted.

MOTIONS

On motion of Senator Bluechel, Senators Craswell, Lee and Pullen were excused.

On motion of Senator Vognild, Senator Hughes was excused.

On motion of Senator Gaspard, the following amendment to the Committee on Education amendment was adopted:

On page 7 of the committee amendment, after line 25, insert:

"NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstances is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

The President Pro Tempore declared the question before the Senate to be adoption of the Committee on Education amendment, as amended.

The motion by Senator Gaspard carried and the Committee on Education amendment, as amended, was adopted.

MOTIONS

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

On page 1, line 2 of the title, after "children;" strike the remainder of the title and insert "amending section 28A.13.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 66, Laws of 1971 ex. sess. and RCW 28A.13.010; amending section 2, chapter 217, Laws of 1979 ex. sess. and RCW 28A.58.772; amending section 72.40.040, chapter 28, Laws of 1959 as last amended by section 68, chapter 80, Laws of 1977 ex. sess. and RCW 72.40.040; and making an appropriation."

On page 8, line 13 of the title, after "72.40.040;" insert "creating a new section;"

On motion of Senator Gaspard, the rules were suspended, Engrossed Substitute House Bill No. 1311, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Barr: "Senator Gaspard, it's a known fact, in these small school districts way out in the mountains, that the handicapped programs have been very unfair to them in a financial way. How's this going to affect them? How's the relationship now with those small schools that are miles and miles away, with only one or two in the community that this might apply to? Will there be an additional financial burden on them in relation to others?"

Senator Gaspard: "Senator Barr, in the language that we have adopted, we speak to allowing school districts to, jointly or in combination, have a program with other school districts, so it becomes economically feasible or if there are not enough children in the school district that you service, you can work with another school district to bring the population up higher. I hope that answers your question."

Senator Barr: "If I might--that program in the past--it worked a terrible hardship on several of the thirty-seven small school districts that I've got in my legislative district and I was in hopes that there would be something more positive in an answer that this will not be a continuing of that financial hardship on those kinds of schools. If there is not, I will have to vote against this bill. I may be the only one in here, but I'm the only one in here with twelve percent of the school districts in the state, too."

Senator Gaspard: "Senator Barr, if you will notice from the language that we adopted, I think there's an appropriation--if I remember correctly without having to look it up--of about three hundred and seventy thousand dollars, and that is for the school districts, basically, who have not provided this type of preschool handicap."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1311, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1311, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 02; absent, 03; excused, 08.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, McCaslin, McDermott, McDonald, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Haley - 2.

Absent: Senators Deccio, Owen, von Reichbauer - 3.

Excused: Senators Craswell, Hughes, Kiskaddon, Lee, Metcalf, Newhouse, Pullen, Quigg - 8.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INQUIRY ON POINT OF ORDER

Senator Sellar: "Mr. President, I wonder if you would rule on my point of order."

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Sellar as to what bills can be considered after the 5:00 o'clock cut off time, the President finds that any bill which the body was either in the process of considering, was being held pending a scope and object ruling or was made a special order of business prior to 5:00 o'clock, may be considered.

"The President is aware that only three bills may currently be considered under this ruling: Engrossed Substitute House Bill 1311, which the body was in the process of considering; Second Substitute House Bill No. 689, which was being held subject to a scope and object ruling; and Engrossed Substitute House Bill No. 1652, which was made a special order of business at 4:59."

REMARKS BY SENATOR CLARKE

Senator Clarke: "I respectfully suggest that the ruling of the President is entirely in order, with respect to matters that were presently before us this evening, but I would ask that perhaps you should clarify this as to whether you are purporting, in effect, to give us what amounts to a previous declaratory judgment which would allow a circumstance to exist whereby making special order of businesses of five or six bills a few minutes prior to the expiration of the deadline. I just don't like to see the record stand in that position and I would request a clarification that your remarks related only to the matters that were presently before you."

REPLY BY THE PRESIDENT

President Pro Tempore Goltz: "That is correct. These were relating to situations of today."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, along that line, I would also suggest that the chairman--if I may, Mr. President--warned me not to try to get away with it by hanging a whole bunch out there."

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4110 with the following amendments:

On page 5, after line 6 insert:

"NEW SECTION. Sec. 7. There is added to chapter 68.08 RCW a new section to read as follows:

The human remains of an individual may be buried on the property of the individual or the individual's immediate family or estate if such property is an island in the sole ownership of the individual, or the individual's immediate family or estate, without obtaining a permit or a variance from any zoning ordinance if in compliance with other applicable state laws."

Remember the remaining section consecutively.

On page 5, after line 36 insert:

"NEW SECTION. Sec. 9. Section 7 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 10 of the title after "68.46.210;" insert "adding a new section to chapter 68.08 RCW;"

On page 1, line 10 after "RCW;" insert "declaring an emergency;"

and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4110.

POINT OF INQUIRY

Senator Rasmussen: "Senator Vognild, the giving the right to people that now own the island to bury kinfolk, would that prevent some future owner of the island--some purchaser--to exhume the bodies of--and well--dump them in the sea or put them any place? That's what I'm wondering, if we're giving rights in perpetuity?"

Senator Vognild: "No, Senator, they would not be able to exhume the bodies. What it does is, it allows a section of that island--if it meets the state cemetery code, to be declared as a cemetery."

Senator Rasmussen: "It does have to meet the cemetery code?"

Senator Vognild: "That is correct."

The President Pro Tempore declared the question before the body to be adoption of the House amendments to Substitute Senate Bill No. 4110.

The motion by Senator Vognild carried and the House amendments to Substitute Senate Bill No. 4110 were adopted.

The President Pro Tempore declared the question before the body to be the roll call on final passage of Substitute Senate Bill No. 4110, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4110, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 03; excused, 08.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hurley, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn, Woody, Zimmerman - 38.

Absent: Senators Guess, von Reichbauer, Warnke - 3.

Excused: Senators Craswell, Hughes, Kiskaddon, Lee, Metcalf, Newhouse, Pullen, Quigg - 8.

SUBSTITUTE SENATE BILL NO. 4110, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 6:07 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Monday, February 27, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, February 27, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Clarke, Fleming, Haley, Hemstad, Hughes, Newhouse, Pullen, Quigg, von Reichbauer and Woody. On motion of Senator Guess, Senators Clarke, Haley, Newhouse and Pullen were excused. On motion of Senator Vognild, Senators Fleming and Hughes were excused. On motion of Senator Zimmerman, Senators Hemstad and Quigg were excused. On motion of Senator Hayner, Senator von Reichbauer was excused.

The Sergeant at Arms Color Guard, consisting of Pages Kristi Hicks and Kevin Martin, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed:

SENATE BILL NO. 4491,

SENATE BILL NO. 4527,

ENGROSSED SENATE BILL NO. 4592, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, a personal privilege. I've asked the clerk to put out this summary by Joe Taller. He originally put out, according to law, the one that brought the appropriations up and the per capita to 1983—actual expenditures. I asked him to put another column on which will be the 1983-85 appropriations.

"Now that we're going into consideration with appropriations, I thought it might be of interest to have that extra column. I would hope that Joe Taller would put that on regularly, because it helps a whole lot when you're comparing with what we did in previous bienniums. Thank you."

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Talmadge, the appointment of Harold D. Clarke as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF HAROLD D. CLARKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 03; excused, 07.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bender, McCaslin, Woody - 3.

Excused: Senators Clarke, Fleming, Haley, Hughes, Newhouse, Pullen, von Reichbauer - 7.

MOTION

On motion of Senator Talmadge, the appointment of Charles V. Johnson as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF CHARLES V. JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 02; excused, 07.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Bender, Woody - 2.

Excused: Senators Clarke, Fleming, Haley, Hughes, Newhouse, Pullen, von Reichbauer - 7.

MOTION

On motion of Senator Owen, the appointment of Robert D. Alverson as a member of the Pacific Marine Fisheries Commission was confirmed.

APPOINTMENT OF ROBERT D. ALVERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 03; excused, 07.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Bender, Benitz, McDermott - 3.

Excused: Senators Clarke, Fleming, Haley, Hughes, Newhouse, Pullen, von Reichbauer - 7.

MOTION

On motion of Senator Talmadge, the appointment of Manuel E. Costa as a member of the Sentencing Guidelines Commission was confirmed.

APPOINTMENT OF MANUEL E. COSTA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 02; excused, 06.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bender, Vognild - 2.

Excused: Senators Clarke, Haley, Hughes, Newhouse, Pullen, von Reichbauer - 6.

MOTION

At 10:27 a.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Tuesday, February 28, 1984.

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

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 28, 1984

The Senate was called to order at 10:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Craswell, Haley, Hemstad, Hurley, Newhouse, Pullen and Wojahn. On motion of Senator Vognild, Senators Bender, Hurley and Wojahn were excused. On motion of Senator Bluechel, Senators Haley, Pullen and Newhouse were excused.

The Sergeant at Arms Color Guard, consisting of Pages James McGavick and Launa Clark, presented the Colors. Reverend Marion Kline, minister of visitation of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

February 26, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1355,

SUBSTITUTE HOUSE BILL NO. 1415,

HOUSE BILL NO. 1419,

HOUSE BILL NO. 1530,

SUBSTITUTE HOUSE BILL NO. 1547, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1511,

SUBSTITUTE HOUSE BILL NO. 1582, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 25, 1984

Mr. President:

The House has failed to pass:

SUBSTITUTE SENATE BILL NO. 3223, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

February 27, 1984

Mr. President:

The House has concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1348 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1205 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 915 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1083 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1439 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

February 27, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 857 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3504,

SENATE BILL NO. 3834,

SUBSTITUTE SENATE BILL NO. 4110,

SUBSTITUTE SENATE BILL NO. 4288,

SENATE BILL NO. 4352,

SENATE BILL NO. 4358,

SENATE BILL NO. 4374,

SENATE BILL NO. 4437,

SENATE BILL NO. 4731.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4491,

SENATE BILL NO. 4527,

SENATE BILL NO. 4592.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED HOUSE BILL NO. 1355,

SUBSTITUTE HOUSE BILL NO. 1415,

HOUSE BILL NO. 1419,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1511,

HOUSE BILL NO. 1530,

SUBSTITUTE HOUSE BILL NO. 1547,

SUBSTITUTE HOUSE BILL NO. 1582.

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Talmadge, the appointment of Hugh R. McGough as a member of the Public Disclosure Commission was confirmed.

APPOINTMENT OF HUGH R. MCGOUGH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 03; excused, 06.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 40.

Absent: Senators Craswell, Hemstad, Owen - 3.

Excused: Senators Bender, Haley, Hurley, Newhouse, Pullen, Wojahn - 6.

MOTION

At 10:15 a.m., on motion of Senator Shimpoch, the Senate was declared to be at ease.

The President Pro Tempore called the Senate to order at 11:14 a.m.

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

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 61, chapter 238, Laws of 1967 as amended by section 1, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.430 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or any ordinance, resolution, rule or regulation in force pursuant thereto (~~(-other than RCW 70.94.205;)~~) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ~~((two hundred fifty))~~ one thousand dollars, or by imprisonment for not more than ninety days, or by both fine and imprisonment for each separate violation. ~~((Each day upon which such violation occurs shall constitute a separate violation;))~~

Any person who willfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. ~~((Each day upon which such willful violation occurs shall constitute a separate offense;))~~ Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense(~~:~~

~~Any person who willfully violates RCW 70.94.205 or any other provision of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars;))~~ or by imprisonment for a term of not more than one year or by both fine and imprisonment.

In case of a continuing violation, whether or not willfully committed, each day's continuance shall be a separate and distinct violation.

Sec. 2. Section 53, chapter 168, Laws of 1969 ex. sess. as amended by section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the department or the board shall incur a penalty in the form of a fine in an amount not to exceed ~~((two hundred fifty))~~ one thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.

(2) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. Except as provided in subsection (4) of this section, the penalty shall become due and payable when the person incurring the same receives a notice in writing from the director or his designee or the control officer of the authority or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the hearings board as provided for in chapter 43.21B RCW. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid to the department or the board within thirty days after it becomes due and payable, and a request for a hearing has not been made, the attorney general, upon the request of the director or his designee, or the attorney for the local authority, upon request of the board or control officer, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds.

(4) If a penalty is levied under subsection (2) of this section, the director or the director's authorized delegate may, upon written application therefor received within fifteen days after the notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided in this section upon such terms as the director in the director's discretion deems proper, and may ascertain the facts upon all such applications in such manner and under such regulations as the director deems proper. The mitigation shall not affect or reduce the penalty imposed by the local board. Any person incurring any penalty under this section may appeal the same to the hearings board as provided in chapter 43.21B RCW. Appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, appeals shall be filed within thirty days of receipt of notice from the director or the director's authorized delegate setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from the disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which the violator may do business, to recover the penalty. In all such actions the procedure and rules of evidence shall be the same as for an ordinary civil action except as otherwise provided in this chapter.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

In all actions brought in the superior court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate refused to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 3193 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 14, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3194 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46.08.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 22, Laws of 1971 ex. sess. and RCW 46.01.260 are each amended to read as follows:

The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration, or other documents, records, or supporting papers on file in his office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

Sec. 2. Section 1, chapter 215, Laws of 1982 and RCW 46.12.370 are each amended to read as follows:

((in addition to any other authority which it may have)) Except as provided in this section or in other law specifically authorizing their release, the identities of registered and legal owners of motor vehicles as shown in the records of the department or a county auditor or other public agency are not subject to public inspection or copying.

(1) The department or a county auditor or other public agency may disclose the identities of registered and legal owners of motor vehicles to law enforcement agencies for law enforcement work.

(2) The department or a county auditor or other public agency may confirm or deny the correctness of the alleged identity of a registered or legal owner of a motor vehicle to any person who requests such confirmation or denial and who provides in writing his or her own

name and address and the vehicle license number and name of an alleged registered or legal owner of the vehicle.

(3) The department may provide by rule for the disclosure of the identities of registered or legal owners of motor vehicles to certain persons. Persons to whom disclosure may be allowed under this subsection are those who use such ownership information in the course of their businesses and have established an account with the department for billing the cost of disclosure.

(4) In accordance with RCW 42.17.260(5), the department of licensing ((may)) is authorized to furnish lists of registered and legal owners of motor vehicles, but only for the purposes specified in this ((section)) subsection to:

(((+))) (a) The manufacturers of motor vehicles, or their authorized agents, to be used to enable those manufacturers to carry out the provisions of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto, respecting safety-related defects in motor vehicles;

(((2))) (b) Any governmental agency of the United States or Canada, or political subdivisions thereof, to be used by it or by its authorized commercial agents or contractors only in connection with the enforcement of motor vehicle or traffic laws by, or programs related to traffic safety of, that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor; or

(((3))) (c) Any business regularly making loans to other persons to finance the purchase of motor vehicles, to be used to assist the person requesting the list to determine ownership of specific vehicles for the purpose of determining whether or not to provide such financing.

(5) In the event a list of registered and legal owners of motor vehicles is used for any purpose other than that authorized in subsection((s-(1)-(2) and (3))) (4) of this section, the manufacturer, governmental agency, financial institution or their authorized agents or contractors responsible for the unauthorized disclosure or use will be denied further access to such information by the department of licensing."

In line 2 of the title, after "amending" strike the remainder of the title, and insert "section 46.08.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 22, Laws of 1971 ex. sess. and RCW 46.01.260; and amending section 1, chapter 215, Laws of 1982 and RCW 46.12.370".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3194 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3415 with the following amendments:

On page 1, beginning on line 5, strike all material through "system," on page 3, line 12

On page 1, after the enacting clause, insert the following:

"Sec. 1. Section 35.63.090, chapter 7, Laws of 1965 as amended by section 5, chapter 170, Laws of 1979 ex. sess. and RCW 35.63.090 are each amended to read as follows:

All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuild areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements, including protection of the quality and quantity of ground water used for public water supplies.

Sec. 2. Section 35A.63.061, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.061 are each amended to read as follows:

The comprehensive plan shall be in such form and of such scope as the code city's ordinance or charter may require. It may consist of a map or maps, diagrams, charts, reports and descriptive and explanatory text or other devices and materials to express, explain, or depict

the elements of the plan; and it shall include a recommended plan, scheme, or design for each of the following elements:

(1) A land-use element that designates the proposed general distribution, general location, and extent of the uses of land. These uses may include, but are not limited to, agricultural, residential, commercial, industrial, recreational, educational, public, and other categories of public and private uses of land. The land-use element shall also include estimates of future population growth in, and statements of recommended standards of population density and building intensity for, the area covered by the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies.

(2) A circulation element consisting of the general location, alignment, and extent of existing and proposed major thoroughfares, major transportation routes, and major terminal facilities, all of which shall be correlated with the land-use element of the comprehensive plan.

Sec. 3. Section 36.70.330, chapter 4, Laws of 1963 and RCW 36.70.330 are each amended to read as follows:

The comprehensive plan shall consist of a map or maps, and descriptive text covering objectives, principles and standards used to develop it, and shall include each of the following elements:

(1) A land use element which designates the proposed general distribution and general location and extent of the uses of land for agriculture, housing, commerce, industry, recreation, education, public buildings and lands, and other categories of public and private use of land, including a statement of the standards of population density and building intensity recommended for the various areas in the jurisdiction and estimates of future population growth in the area covered by the comprehensive plan, all correlated with the land use element of the comprehensive plan. The land use element shall also provide for protection of the quality and quantity of ground water used for public water supplies;

(2) A circulation element consisting of the general location, alignment and extent of major thoroughfares, major transportation routes, trunk utility lines, and major terminal facilities, all of which shall be correlated with the land use element of the comprehensive plan;

(3) Any supporting maps, diagrams, charts, descriptive material and reports necessary to explain and supplement the above elements.

NEW SECTION. Sec. 4. There is added to chapter 90.54 RCW a new section to read as follows:

The department of ecology may recommend land use management policy modifications it finds appropriate for the further protection of ground and surface water resources in this state. Such advisory recommendations may be made to other state regulatory agencies, local governments, water systems, and other appropriate bodies."

Renumber the remaining sections consecutively and correct internal references.

On page 3, line 15, after "of" insert "the quality of"

On page 1, line 1 of the title, after "water resources;" strike all material through "90.54.020;" on line 2

On page 1, line 2 of the title, after "90.54.020;" strike the remainder of the title and insert "amending section 35.63.090, chapter 7, Laws of 1965 as amended by section 5, chapter 170, Laws of 1979 ex. sess. and RCW 35.63.090; amending section 35A.63.061, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.061; amending section 36.70.330, chapter 4, Laws of 1963 and RCW 36.70.330; and adding new sections to chapter 90.54 RCW."

On page 3, after line 26, insert the following:

"NEW SECTION. Sec. 6. The legislature finds that growth of the state's population and economy places increasingly greater demands on available water resources, including this state's ground water supplies. The legislature also finds that chapter 90.44 RCW, popularly known as the Ground Water Code of 1945, protects the public welfare by providing an orderly system of rights to the beneficial use of water based upon the "first in time is first in right" principle of the prior appropriation doctrine. The purpose of sections 7 and 8 of this act is to provide remedies to protect the right of a holder of a senior right to ground water to a safe sustaining yield of water.

NEW SECTION. Sec. 7. There is added to chapter 90.44 RCW a new section to read as follows:

(1) The remedies to protect the right of the holder of a senior water right to a safe sustaining yield of water include protection of the availability of water in the well or wells used to exercise that senior water right, without the wells or withdrawal works being significantly modified, against interruption or other interference caused by the water works of, or the water withdrawal activities of, a person or persons exercising junior rights to ground water. Junior rights to ground water are those established subsequently to a senior right under the prior appropriation doctrine upon which this chapter is based.

(2) The holder of a senior water right is entitled to adequate compensation whenever the water works or water withdrawal activities of a person or persons exercising junior rights to ground water cause such an interruption or interference in that availability of water. Adequate

compensation for the loss of that availability will be made if the holder of the senior right is provided with:

(a) An amount equivalent to the increased costs reasonably incurred by or reasonably to be incurred by the holder of the senior water right in securing and using water, to the full extent of the senior right, as a result of losing the availability protected by subsection (1) of this section. The full extent of the senior right includes any conditions that applied to the right such as the quantity and quality of the water, the location of use, and time of use;

(b) The delivery of water to the holder of the senior right. To qualify as compensation, the water delivered must be of a quantity equal to and a quality equivalent to that of the senior right. The delivery must also be under such conditions, including but not limited to timing and location, as applied to the senior right without increased costs being incurred by the senior rightholder; or

(c) The payment of just compensation pursuant to the exercise of eminent domain if the holder of the junior rights has been granted the power of eminent domain.

(3) In lieu of the forms of compensation provided by this section, the holder of the senior right to ground water may freely enter contractual agreements establishing other compensation.

(4) In any civil action brought under this section, if the court believes the legal remedies are inadequate or excessively harsh, it may provide such equitable relief as it believes appropriate. The court shall also provide such emergency relief as is appropriate for the protection of ground water rights.

(5) The department of ecology does not have any power to consider subsection (1) of this section when it decides whether to grant or deny a permit for the appropriation of ground water. However, all permits issued and to be issued under this chapter are subject to subsections (1) through (4) of this section. The department of ecology does not have any power to determine the amount of compensation required under this section. The department shall issue an order to stop the exercise of a junior right whenever it finds that sufficient information exists to show that exercising the right has resulted in or would result in such an interruption or interference in the availability of water that a holder of a senior right has the right to the remedy of adequate compensation under this section.

Sec. 8. Section 7, chapter 263, Laws of 1945 and RCW 90.44.070 are each amended to read as follows:

No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. ~~(The supervisor of water resources)~~ Except as provided otherwise in section 7 of this 1984 act, the director of ecology shall have the power to determine whether the granting of any ((such)) permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of his office, require further evidence, proof, and testimony before granting or denying any such permits.

The granting of a permit by the director does not relieve the recipient of the permit of any liability for injuring or damaging vested or existing rights to water.

In multi-aquifer systems, the director may require, as permit conditions, the casing and sealing of wells or other construction techniques to: (1) Protect the use of the uppermost aquifer or aquifers of the system by persons with senior rights to ground water, or (2) protect the use of waters from the uppermost aquifer or aquifers for future domestic or similar uses, traditionally involving shallower wells, that the director finds to be vital for the support of future development of the overlying land.

NEW SECTION. Sec. 9. There is added to chapter 90.44 RCW a new section to read as follows:

(1) This section contains remedies designed to protect the holder of a ground water right against activities that cause damage or injury by adversely affecting the quality of the water for the use or uses to which the ground water right pertains. Any holder of a ground water right who sustains any damage or injury, whether to property or person, which is caused by activities that decrease the quality of the water for the use or uses to which the ground water right pertains, shall be entitled to recover full compensation for such damage or injury from the person or persons responsible for or conducting the activities. This subsection shall not affect or impair any other rights or remedies, whether prescribed by statute or case law, to recover compensation or obtain other relief for damage or injury caused by the impairment of water quality.

(2) In the case of saltwater intrusion caused by the overuse of a freshwater aquifer, the department shall preserve the rights of senior appropriators to fresh water by reducing the withdrawals authorized for the holders of junior water rights in a manner consistent with the prior appropriation system of rights.

NEW SECTION. Sec. 10. There is added to chapter 90.44 RCW a new section to read as follows:

In any civil action brought under section 7 or 9 of this act, the court may award attorney's fees to the prevailing party. The amount of fees awarded shall be reasonable and shall be fixed by the court.

NEW SECTION. Sec. 11. There is added to chapter 90.44 RCW a new section to read as follows:

Any person who provides compensation under section 7 or 9 of this act shall provide notice thereof to the department of ecology. The notice shall be on a form prescribed by the department and shall be sufficient to show the amount and nature of the compensation and any change in the water rights involved.

Sec. 12. Section 14, chapter 233, Laws of 1967 and RCW 90.14.140 are each amended to read as follows:

(1) For the purposes of this chapter "sufficient cause" shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

((1)) (a) Drought, or other unavailability of water;

((2)) (b) Active service in the armed forces of the United States during military crisis;

((3)) (c) Nonvoluntary service in the armed forces of the United States;

((4)) (d) The operation of legal proceedings;

((5)) (e) Federal laws imposing land or water use restrictions, or acreage limitations, or production quotas;

(f) The use of water delivered as compensation under section 7(2) of this 1984 act so long as the nonused water right is not transferred separately from the land to which it is attached.

(2) Notwithstanding any other provisions of this chapter, there shall be no relinquishment of any water right:

((1)) (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

((2)) (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

((3)) (c) If such right is claimed for a determined future development to take place either within fifteen years of the effective date of this act, or the most recent beneficial use of the water right, whichever date is later, or

((4)) (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

((5)) (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

Sec. 13. Section 6, chapter 263, Laws of 1945 and RCW 90.44.060 are each amended to read as follows:

Applications for permits for appropriation of underground water shall be made in the same form and manner provided in RCW 90.03.250 through 90.03.340, as amended, the provisions of which sections, except as provided to the contrary in section 7 of this 1984 act, are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by RCW 90.03.250 through 90.03.340, inclusive: PROVIDED, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post office address of the applicant; (2) the name and post office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the supervisor of water resources has designated such area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works: AND PROVIDED FURTHER, That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "90.54.020;" insert "amending section 7, chapter 263, Laws of 1945 and RCW 90.44.070; amending section 14, chapter 233, Laws of 1967 and RCW 90.14.140; amending section 6, chapter 263, Laws of 1945 and RCW 90.44.060; creating a new section: adding new sections to chapter 90.44 RCW";

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

POINT OF ORDER

Senator Hansen: "Mr. President, a point of order. I raise scope and object on the House amendments to Senate Bill 3415. What they've done is taken another bill--1193--and added it to 3415, which is clearly out of the scope and object of 3415. This enters into the restitution of anyone interfering with water rights."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 3415 was deferred.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3827 with the following amendments:

On page 1, line 19, strike "No later than June 30, 1984," and insert: "For the first available appointment"

On page 1, line 21, after "and" strike the remainder of subsection (4) and insert "one member shall reside west of the crest of the Cascade Mountains.",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Williams, the Senate refused to concur in the House amendments to Substitute Senate Bill No. 3827 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3815 with the following amendments:

Beginning on page 3, after line 32, strike all of NEW SECTION, Sec. 10, and renumber the remaining sections consecutively

On page 1, line 3 of the title, strike "making an appropriation,"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate refused to concur in the House amendments to Second Substitute Senate Bill No. 3815 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4275 with the following amendments:

On page 1, line 23 after "compensation" strike "and" and insert "on the basis of the latest valuation prepared by the state actuary, and shall include a percentage contribution of the total earnable compensation, to be known as the 'normal contribution' and an additional percentage contribution of such earnable compensation, to be known as the 'untunded liability contribution.' The director"

On page 1, line 27 after "1964," insert "The legislature shall appropriate to the superintendent of public instruction the full amount recommended by the state actuary for the employer contribution rates for state funded certificated staff".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate concurred in the House amendment on page 1, line 23, but refused to concur in the House amendment on page 1, line 27 to Engrossed Senate Bill No. 4275 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4306 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 43.20 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(2) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(3) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

Sec. 2. Section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030 are each amended to read as follows:

The state board of health shall be composed of ~~((str))~~ ten members. These shall be the secretary or ~~((his))~~ the secretary's designee and ~~((five))~~ nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, an elected city official who is a member of a local health board, an elected county official who is a member of a local health board, a local health officer, and ((one)) two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the ~~((five))~~ nine appointed members ~~((appointed by him))~~. The department of social and health services shall assign, subject to the continuing approval of the board, an executive director who shall be exempt from chapter 41.06 RCW, and provide such additional staff assistance as necessary for the performance of its function.

NEW SECTION. Sec. 3. (1) There is created the joint select committee on public health. The committee shall consist of the following members:

(a) Two majority members and two minority members of the senate, to be appointed by the president of the senate;

(b) Two majority members and two minority members of the house of representatives, to be appointed by the speaker of the house of representatives;

(c) The chair of the state board of health or the chair's designee;

(d) The chair of the state health coordinating council or the chair's designee;

(e) The director of the department of veterans affairs or the director's designee;

(f) The secretary of social and health services or the secretary's designee;

(g) A local public health official to be appointed by the president of the senate and the speaker of the house of representatives acting jointly;

(h) A physician licensed under chapter 18.71 RCW to be appointed by the president of the senate and the speaker of the house of representatives acting jointly; and

(i) Two persons who have demonstrated an interest in public health. One of these persons shall be appointed by the president of the senate and the other shall be appointed by the speaker of the house of representatives.

(2) Legislative members of the committee shall be reimbursed for travel expenses by their respective houses as provided under RCW 44.04.120. Nonlegislative members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The cost of travel expenses for members appointed under subsection (1) (h) and (i) of this section shall be paid by the senate and the house of representatives, the costs to be divided equally between the two houses.

(3) The committee shall study issues pertaining to public health and report its conclusions and recommendations to the legislature by January 1, 1986, on which date the committee shall cease to exist'.

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Warnke, the Senate refused to concur in the House amendment to Substitute Senate Bill No. 4306 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4309 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the definitions in this section apply throughout the chapter.

(1) To "photograph" means to make a print, negative, slide, motion picture, or videotape. A "photograph" means any tangible item produced by photographing.

(2) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

(3) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation, for the purpose of sexual stimulation of the viewer;

(d) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer;

(e) Exhibition of the genitals or unclothed pubic or rectal areas of any minor for the purpose of sexual stimulation of the viewer;

(f) Defecation or urination for the purpose of sexual stimulation of the viewer; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

NEW SECTION. Sec. 3. (1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;

(b) Aids or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

(2) Sexual exploitation of a minor is:

(a) A class B felony punishable under chapter 9A.20 RCW if the minor exploited is less than sixteen years old at the time of the offense; and

(b) A class C felony punishable under chapter 9A.20 RCW if the minor exploited is at least sixteen years old but less than eighteen years old at the time of the offense.

NEW SECTION. Sec. 4. A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct

is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 5. (1) A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION, Sec. 6. (1) A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION, Sec. 7. (1) A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the proper law enforcement agency. Persons failing to do so are guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION, Sec. 8. (1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under eighteen years of age.

NEW SECTION, Sec. 9. (1) A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under eighteen years of age.

NEW SECTION, Sec. 10. (1) In a prosecution under section 3 of this act, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of section 8 or 9 of this act. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under section 4, 5, 6, or 7 of this act, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under section 3, 8, or 9 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) In a prosecution under section 4 or 5 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.

(5) In a prosecution under section 4, 5, or 6 of this act, the state is not required to establish the identity of the alleged victim.

NEW SECTION, Sec. 11. The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of section 4 or 5 of this act, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission established by the owner of the property to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.

(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.

(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.

(9) When property is forfeited under this chapter the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of these expenses shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent shall be deposited in the general fund of the state, county, or city of the seizing law enforcement agency; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

NEW SECTION. Sec. 12. A minor prevailing in a civil action arising from violation of this chapter is entitled to recover the costs of the suit, including an award of reasonable attorneys' fees.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 53, Laws of 1980 and RCW 9.68A.010;

(2) Section 2, chapter 53, Laws of 1980 and RCW 9.68A.020;

(3) Section 3, chapter 53, Laws of 1980 and RCW 9.68A.030;

(4) Section 5, chapter 53, Laws of 1980 and RCW 9.68A.900; and

(5) Section 9A.88.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.110.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act are each added to chapter 9.68A RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected*.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 4309 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4381 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of sections 2 through 8 of this act is to provide an orderly and predictable election procedure for filling vacancies in the offices of United States representative and United States senator from this state or any congressional district of this state.

Sec. 2. Section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year ~~((as provided for in))~~ under RCW 29.13.010, the state of Washington shall assume ~~((its))~~ a prorated share of ~~((such election))~~ the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held under chapter 29.68 RCW to fill a vacancy in the position of United States senator or United States representative, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) The county auditor shall apportion the state's share of ~~((such))~~ these expenses when prorating election costs ~~((as provided))~~ under RCW ~~((29.04.020 and))~~ 29.13.045 and shall file such expense claims with the secretary of state.

(4) The secretary of state shall include in his or her biennial budget requests ~~((a provision for))~~ sufficient funds to carry out ~~((the provisions of))~~ this section. ~~((Payments hereunder))~~ Reimbursements for election costs shall be from appropriations specifically provided for such purpose by law.

Sec. 3. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

When a vacancy ~~((happens))~~ occurs in the representation of this state in the senate of the United States, the governor shall make a temporary appointment to that office until the people fill the vacancy by election ~~((at the next ensuing general state election))~~ as provided in this chapter. The person appointed to fill the vacancy must be from the same political party as the person whose office has been vacated and shall be one of three persons nominated for the appointment by the state committee, as defined in RCW 29.42.020, of that party. The state committee shall submit its list of three nominees to the governor within thirty days of the date the vacancy occurs. If the state committee fails to submit its list of nominees to the governor within the prescribed period, the governor may appoint any person from the same political party as the person whose office has been vacated.

Sec. 4. Section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080 are each amended to read as follows:

(1) Whenever ~~((there is))~~ a vacancy ~~((existing by death, resignation, disability or failure to qualify or impending vacancy))~~ occurs in the office of United States representative ~~((in the congress of the United States))~~ or United States senator from this state or any congressional district ~~((in))~~ of this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall ~~((fix as the))~~ issue a writ of election fixing a date for the special vacancy election ~~((a day))~~ not less than ninety days after the issuance of the writ ~~((He shall fix as the))~~, fixing a date for the primary for nominating candidates for the special vacancy election ~~((a day))~~ not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs ~~((between or on a date))~~ less than six months ~~((prior to))~~ before a state general ~~((state))~~ election and before the second Friday following the close of the filing period for that general election, the special primary and special ~~((general))~~ vacancy elections

shall be held in concert with the ~~((regular))~~ state primary and ~~((regular))~~ state general election~~(s)~~ in that year.

(4) If the vacancy occurs on or after the first day for filing ~~((specified in))~~ under RCW 29.18-.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the ~~((secretary of state))~~ governor and notice thereof given ~~((by notifying))~~ to all media, including press, radio, and television within the ~~((congressional district concerned))~~ area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period~~((PROVIDED, HOWEVER, THAT))~~. The last day of ~~((such))~~ the filing period shall not be ~~((no))~~ later than the third Tuesday ~~((prior to))~~ before the primary ~~((election concerned-Such))~~ at which candidates are to be nominated. The names of candidates who have filed valid declarations of candidacy ~~((validity filed within said))~~ during this three-day period shall appear on the approaching primary ballot ~~((as if made during the earlier filing period))~~.

(5) If the vacancy ~~((should))~~ occurs later than the second Friday following the close of the filing period, a special primary and special ~~((general))~~ vacancy election to fill ~~((such vacancy))~~ the position shall be held after the ~~((regular annual))~~ next state general election but, in any event, no later than the ninetieth day following the ~~((said))~~ November election.

(6) As used in this chapter, "county" means, in the case of a vacancy in the office of United States senator, any or all of the counties in the state and, in the case of a vacancy in the office of United States representative, only those counties wholly or partly within the congressional district in which the vacancy has occurred.

Sec. 5. Section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100 are each amended to read as follows:

~~((Upon))~~ After calling a special primary and special vacancy election to fill a vacancy ~~((or impending vacancy))~~ in the office of United States representative ~~((in the congress of the United States))~~ or United States senator from this state, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify ~~((each))~~ the county auditor of each county wholly or partly within ~~((the district in))~~ which the vacancy exists ~~((or is about to exist))~~.

Each county auditor ~~((in the district))~~ shall publish notices of the special primary and ~~((of))~~ the special vacancy election at least once in any legal newspaper published in the county, as provided by RCW 29.27.030 and 29.27.080 respectively.

Sec. 6. Section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120 are each amended to read as follows:

(1) The canvass of the votes cast at a special primary ~~((held in relation to a special election))~~ for a United States ~~((congressman))~~ representative or senator shall be ~~((made))~~ completed in each county ~~((within the district))~~ within ten days after the primary ~~((and))~~. The returns ~~((sent))~~ shall be transmitted immediately to the secretary of state, who shall certify ~~((said))~~ the returns in the ~~((same))~~ manner ~~((as))~~ provided by RCW 29.62.100 ~~((and))~~. As soon as possible ~~((thereafter))~~ after the canvass, the secretary of state shall certify the names of the ~~((successful))~~ nominees to the county auditors ~~((of the counties within the district))~~.

(2) The canvass of the votes cast at a special vacancy election for a United States representative or senator shall be completed in each county within fifteen days after the vacancy election. The returns shall be transmitted immediately to the secretary of state, who shall certify the returns in the manner provided in RCW 29.62.120.

Sec. 7. Section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130 are each amended to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in RCW 29.68.080 through 29.68.120 ~~((in so far as))~~ to the extent that they are not inconsistent ~~((therewith, and shall be construed with and as a part thereof for the purpose of carrying out the spirit and intent thereof))~~ with the provisions of these sections. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29.04.080.

Sec. 8. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, as soon as possible ~~((prior to))~~ before each even-year state general election at which federal or state officials are to be elected or any special vacancy election held under chapter 29.68 RCW, the secretary of state shall publish and mail to each individual place of residence ~~((of))~~ in the state a candidates' pamphlet containing photographs and campaign statements of ~~((eligible))~~ nominees for federal or state office who desire to participate ~~((therein and))~~ in this publication. In even-numbered years ~~((containing))~~, a description of the office of precinct committeeman and its duties ~~((in order))~~ shall be included so that voters will understand ~~((that such office is a state))~~ the importance of this office and will be ~~((found))~~ aware that it will appear on the ballot ~~((of))~~ at the forthcoming general election~~((PROVIDED, THAT))~~. In odd-numbered years ~~((no))~~, a candidates' pamphlet shall be published~~((unless))~~ only if an election is to be held to fill a vacancy

in ~~((one or more of the following)) a federal or state-wide elective office(s): United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, and justice of the supreme court).~~

(2) If a candidates' pamphlet is published solely for a special vacancy election for filling the office of United States representative, the secretary of state shall mail the pamphlet to each individual place of residence in the congressional district in which the special vacancy election is to be conducted.

Sec. 9. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 10. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, ~~((HOWEVER:))~~ That, except as permitted under subsection (5) of this section, no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters: PROVIDED, That there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 11. Section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any election, general or special, or at any primary, the election authority may combine, unite, or divide precincts and may combine or unite boards of election officials for the purpose of holding such election ~~((PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply)).~~

Sec. 12. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the ~~((fast))~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010 ~~((as now or hereafter amended:))~~ shall file their declarations of candidacy with the county auditor of the county not earlier than the ~~((fast))~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 13. Section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 29.21.150 are each amended to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation thereof (~~PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, and for state superintendent of public instruction, if any candidate in the primary receives a majority of all the votes cast for the position, only the name of the person receiving the highest vote shall be printed on the general election ballot under the designation for that position, followed by a space for the writing in of any other name by a voter~~).

Sec. 14. Section 2, chapter 10, Laws of 1970 ex. sess. as last amended by section 8, chapter 183, Laws of 1979 ex. sess. and RCW 29.21.180 are each amended to read as follows:

No primary shall be held (~~relating to the office of state superintendent of public instruction or, except for any school district of the first class having within its boundaries a city with a population of four hundred thousand people or more in class AA counties, officers of other first class school districts~~) for any nonpartisan position except under RCW 28A.57.425 or except for county offices in counties where a charter adopted under Article XI, section 4 of the state Constitution provides otherwise if, after the last day allowed for candidates to withdraw, there are no more than two candidates filed for each position to be filled. In such event all candidates concerned shall be notified. Names of candidates that would have been printed upon the primary ballot, but for the provisions of this section, shall be printed upon the general election ballot alphabetically in groups under the designation of the respective titles of the offices for which they are candidates.

Sec. 15. Section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding twenty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding (~~twenty words or~~) seventy-five words (~~in the case of a school district tax proposition~~) containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

Such concise statement shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Sec. 16. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge, and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 17. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 18. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ~~((town clerk))~~ county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 19. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter, and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 20. Section 29, chapter 34, Laws of 1939 and RCW 52.12.070 are each amended to read as follows:

Each fire commissioner before beginning the duties of his office shall take and subscribe an official oath for the faithful discharge of the duties of his office, which oath shall be filed in the office of the ~~((clerk of the superior court in))~~ auditor of the county where the district is situated.

Sec. 21. Section 8, chapter 17, Laws of 1959 as last amended by section 1, chapter 11, Laws of 1983 and RCW 53.12.150 are each amended to read as follows:

A vacancy in the office of port commissioner created by death, resignation, or otherwise, shall be filled as follows:

(1) If there are simultaneously such number of vacancies that less than a majority of the full number of commissioners fixed by law remain in office, the legislative authority of the county shall within fifteen days of such vacancies appoint the number of commissioners necessary to provide a majority. The commissioners thus appointed, together with any remaining commissioners, shall then, within ~~((fifteen))~~ sixty days of their appointment, meet and appoint the number of commissioners needed to complete the board of commissioners. However, if they fail to fill the remaining vacancies within this ~~((fifteen))~~ sixty-day period, the legislative authority of the county shall make the necessary appointments.

(2) If a majority of the full number of commissioners fixed by law remains on the board, the remaining commissioners shall fill any vacancies. However, if they fail to fill any vacancy within ~~((fifteen))~~ sixty days of its occurrence, ~~((or within fifteen days after March 10, 1983))~~ the legislative authority of the county shall make the necessary appointment.

(3) ~~((Appointments made pursuant to this section shall be ad interim to the next general election.))~~ A person appointed to fill a vacancy in the office of port commissioner shall continue to serve until a successor is elected and qualified.

Sec. 22. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 23. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county ((clerk)) auditor.

NEW SECTION, Sec. 24. The following acts or parts of acts are each repealed:

- (1) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180;
- (2) Section 29.68.090, chapter 9, Laws of 1965, section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and
- (3) Section 29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110.

NEW SECTION, Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; amending section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080; amending section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100; amending section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120; amending section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 106, chapter 361, Laws of 1977 ex. sess. and RCW 29.80.010; amending section 28A-57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322; amending section 3, chapter 107, Laws of 1980 and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060; amending section 1, chapter 10, Laws of 1970 ex. sess. as amended by section 5, chapter 120, Laws of 1975-76 2nd ex. sess. and RCW 29.21.150; amending section 2, chapter 10, Laws of 1970 ex. sess. as last amended by section 8, chapter 183, Laws of 1979 ex. sess. and RCW 29.21.180; amending section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060; amending section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190; amending section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080; amending section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120; amending section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080; amending section 29, chapter 34, Laws of 1939 and RCW 52.12.070; amending section 8, chapter 17, Laws of 1959 as last amended by section 1, chapter 11, Laws of 1983 and RCW 53.12.150; amending section 10, chapter 265, Laws of 1959 and RCW 54.12.100; amending section 18, chapter 6, Laws of 1947 and RCW 68.16.180; creating a new section; repealing section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180; repealing section 29.68.090, chapter 9, Laws of 1965, section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and repealing section 29.68.110".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

POINT OF ORDER

Senator Metcalf: "I raise the question of scope and object. This bill was a small bill that passed unanimously here with no 'nay' votes. This amendment includes provisions for vacancies in the U. S. Congress, ballot measures, port vacancies--it's an entirely new concept and totally foreign to the bill and I raise the question of scope and object."

POINT OF INFORMATION

Senator Shinpoch: "What I want to know is, normally, would a motion to not concur and ask the House to recede therefrom take precedence over a motion relative to scope and object?"

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, my recollection of this is that the rule provides, regardless of what the ruling is on scope and object, that the other motions are still, more or less, in order. This is--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Yes, a motion not to concur and to ask the House to recede therefrom would still be in order."

MOTION

Senator Talmadge moved that the Senate do not concur in the House amendments to Substitute Senate Bill No. 4381 and asks the House to recede therefrom.

REMARKS BY SENATOR CLARKE

Senator Clarke: "Mr. President, again, I haven't got the rule before me, but it's my recollection that that motion should be acted upon after we have the ruling, because whether or not it's within or without the scope--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I think, Senator Clarke, your point is well taken. We will defer further action, with the permission of the body, to permit the President to consider the point of order raised by Senator Metcalf, and before the gavel falls on that point of order, the motion to refer back to the House without concurring in the amendments would still be in order."

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, in ruling on that particular scope and object, would my motion to not concur still be pending?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "Yes."

PARLIAMENTARY INQUIRY

Senator Metcalf: A further point of parliamentary information. If the ruling is that it is outside the scope and object, then I'm asking how could we then refuse to send it back? It would seem to me that it would take some other action."

Further debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4381 was deferred.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4403 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010 are each amended to read as follows:

The primary purpose of this chapter is to promote the economic delivery of high quality, necessary, and effective ~~((hospital))~~ health care services to the people by establishing a hospital commission with authority over financial disclosure ~~((and))~~, budget ~~((and))~~, prospective rate ~~((review))~~ approval, and other related matters, including authority to develop a hospital reimbursement control system, which will assure all purchasers of ~~((hospital))~~ health care services that total hospital costs are reasonably related to total services, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that hospital rates are reasonably related to aggregate costs, and that such rates are set equitably among all purchasers of these services without undue discrimination.

The legislature finds and declares that rising hospital costs are a vital concern to the people of this state because of the danger which is posed that hospital and health care services are fast becoming out of the economic reach of the majority of our population. It is further declared that health care is a right of the people and one of the primary purposes for which governments are established, and it is, therefore, essential that an effective cost control program be established ~~((which will both enable and motivate hospitals to control their spiraling costs))~~. It is the legislative intent, in pursuance of this declared public policy, to provide for uniform measures on a state-wide basis to control hospital ~~((costs))~~ rates without the sacrifice of quality of service or reasonable access to necessary health care.

The legislature further finds and declares that: (1) There is an increased need for comprehensive public oversight of the costs of and expenditures for health care services; (2) no one should be denied access to necessary health care because of poverty or unemployment; (3) access to necessary health care in rural areas must be assured; (4) the hospital commission and the public need additional information to make better-informed decisions about health

care costs and charges; (5) there is a need to encourage market penetration of alternative health care delivery systems that have internal incentives to control costs and stimulate market competition, and that some regulatory policies have impeded health care cost containment by unduly restricting competition; (6) there is a need for more effective assessment of the impact of technology on the cost and delivery of health care services so that appropriate public policies may be adopted; and (7) the hospital commission should be more representative of a diversity of public interests so that it can more effectively carry out its mission.

It is the intent of the 1984 amendments to this chapter to strengthen certain regulatory policies which have had limited success in containing hospital costs since this chapter was enacted, and to promote constructive competition among health care delivery systems.

Sec. 2. Section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020 are each amended to read as follows:

As used in this chapter:

(1) "Commission" means the hospital rate commission of the state of Washington as created by this chapter;

(2) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(4) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria, an example of which has been adopted as the basis for prospective payment under the federal medicare program by the social security amendments of 1983, Public Law 98-21.

(5) "Medical technology" means the drugs, devices, and medical or surgical procedures used in the delivery of health care, and the organizational or supportive systems within which such care is provided.

(6) "Technology assessment" means a comprehensive form of policy research that examines the technical, economic, and social consequences of technological applications, including the indirect, unintended, or delayed social or economic impacts. In health care, such analysis must evaluate efficacy and safety as well as efficiency.

(7) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the commission.

(8) "Rate" means the maximum revenue which a hospital may receive for each unit of service, as determined by the commission.

(9) "Comprehensive cancer center" means an institution and its research programs as recognized by the National Cancer Institute prior to April 20, 1983.

Sec. 3. Section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030 are each amended to read as follows:

(1) There is hereby created a hospital rate commission, which shall be a separate and independent commission of the state. The commission shall be composed of (~~five~~) nine members appointed by the governor (~~and generally representative of the public as consumers, labor, business, and hospitals, and shall be individuals concerned with the delivery of quality health care; but in no event shall more than two members have any fiduciary obligation to a health facility or other health agency, nor any direct financial interest in the rendering of health services; in cases when proposed rate increases for osteopathic hospitals are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace a hospital representative on the commission~~) as follows:

(a) Three members representing consumers of health care services, at least one of whom represents the interests of low-income persons;

(b) One member representing private employers;

(c) One member representing labor;

(d) One member representing hospitals, but in cases in which rates for an osteopathic hospital are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace the hospital representative on the commission;

(e) One member representing health care professionals licensed under Title 18 RCW;

(f) One member representing commercial health insurers or health care service contractors; and

(g) The secretary of social and health services, or the secretary's designee, representing the interests of the state as a major purchaser of health care services.

(2) Except for the members designated in subsection (1) (d) and (e) of this section, members shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

Sec. 4. Section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040 are each amended to read as follows:

Except for the secretary of social and health services or the secretary's designee, members of the commission shall serve for four-year terms (PROVIDED, That upon the expiration of the initial four-year terms, two persons shall be appointed for three-year terms and three persons for four-year terms and thereafter all members of the commission shall serve for four-year terms). Appointments shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes. Of the three additional members, other than the secretary, appointed after the effective date of this 1984 act, two shall initially be appointed for two-year terms and one for a three-year term.

Sec. 5. Section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050 are each amended to read as follows:

~~(The)~~ A member representing consumers of health care services and designated by the governor shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

~~(Three)~~ Five members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless ~~((three))~~ five members concur therein.

The members of the commission shall receive no compensation for their service as members but, with the exception of the secretary of social and health services or the secretary's designee, the members shall be reimbursed for their expenses while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44.04.120.

Sec. 6. Section 7, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 35, Laws of 1977 and RCW 70.39.060 are each amended to read as follows:

The commission ~~((shall appoint))~~ may employ a full time executive director ~~((and)), a deputy director, an associate director for budget and rate review, an associate director for program planning and research, and a confidential secretary who shall be exempt from the civil service law, chapter 41.06 RCW and who shall perform the duties delegated by the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction.~~

The commission shall employ such other staff as are necessary to fulfill the responsibilities and duties of the commission, such staff to be subject to the civil service law, chapter 41.06 RCW, and under the supervision of the executive director. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commission.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health care costs.

Sec. 7. Section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070 are each amended to read as follows:

In order to assist the commission in carrying out its duties, the governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of ~~((eleven))~~ seventeen members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable in the financial affairs of hospitals.

(2) ~~((One))~~ Two members who shall be ~~((a))~~ health care practitioners, one of whom shall be a physician, licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) ~~((Five))~~ Six members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, ~~((and))~~ university, and rural hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of the department of social and health services, or ~~((his))~~ the secretary's designee, to provide continuing liaison, data and support from those functions of the department which may affect the responsibilities of the commission and to represent the department as a purchaser of health care services.

(6) One member who shall be ~~((the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council))~~ the executive director of the state health coordinating council established under RCW 70.38.055.

(7) One member of the commission, elected by the commission.

(8) One member who shall be representative of private employers.

(9) One member who shall be representative of commercial health insurers registered and doing business in the state under Title 48 RCW.

(10) One member who shall be representative of health care service contractors, as defined in RCW 48.44.010.

(11) One member who shall be representative of health maintenance organizations, as defined in RCW 48.46.030.

Except for the members designated in subsections (2), (3), (10), and (11) of this section, members of the committee shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

With the exception of members designated in subsections (5) and (6) of this section, the members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without compensation for their service as members but, except for those designated in subsections (5) and (6) of this section, shall be reimbursed for their expenses in the same manner as members of the commission.

Sec. 8. Section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080 are each amended to read as follows:

The committee shall have the duty upon the request of the commission to consult with and make recommendations to the commission:

(1) On matters of public policy related to the delivery of health care services;

(2) On rules and regulations proposed by the commission to implement this chapter;

(3) On analyses and studies of hospital health care costs and related matters which may be undertaken by the commission including the impact of professional liability upon the cost of health care and the effect prospective payment systems may have on such liability; ~~((and))~~

(4) On any issue related to medical technology or technology assessment in the area of health care; and

(5) On such other matters as the commission may refer.

Sec. 9. Section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090 are each amended to read as follows:

To further the purposes of this chapter, the commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, the delivery of health care services, economic issues concerning health care, technology assessment, and such other subjects as it deems necessary, to supplement the resources provided by the technical advisory committee.

Sec. 10. Section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100 are each amended to read as follows:

(1) The commission, after study and in consultation with advisory committees, if any, shall establish by the promulgation of rules and regulations pursuant to the Administrative Procedure Act, chapter 34.04 RCW, a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals shall record and report to the commission their revenues, expenses, other income, other outlays, assets and liabilities, and units of service. All hospitals shall adopt the system for their fiscal year period to be effective at such time and date as the commission shall direct. In determining the effective date for reporting requirements, the commission shall be mindful both of the immediate need for uniform hospital reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals may encounter in conversion, but in no event shall such effective date be later than two and one-half years from the date of the formation of the commission.

(2) In establishing such accounting systems and uniform reporting procedures, the commission shall take into consideration:

(a) Existing systems of accounting and reporting presently utilized by hospitals;

(b) Differences among hospitals according to size; financial structure; methods of payment for services; and scope, type, and method of providing services; and

(c) Other pertinent distinguishing factors.

(3) The commission shall, where appropriate, provide for modification, consistent with the purposes of this chapter, of reporting requirements to correctly reflect these differences among

hospitals, and to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of accounting and financial reporting.

(4) The accounting system, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred with reference to educational research and other nonpatient-related activities including but not limited to charitable activities of such hospitals.

(5) The commission shall collect and maintain patient discharge data, including data necessary for identification of discharges by diagnosis-related groups. So far as possible, the data collection procedures shall be coordinated with any similar procedures or requirements of the federal department of health and human services for the medicare program and the needs of the department of social and health services in gathering public health statistics, in order to minimize any unduly burdensome reporting requirements imposed on hospitals.

Sec. 11, Section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110 are each amended to read as follows:

(1) Each hospital shall file annually, at such time as the commission may prescribe, its proposed budget for the next fiscal year, showing projected revenues and expenses and including such further information as the commission may require to implement the purposes of this chapter.

(2) Each hospital shall file annually with the commission after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A statement of income and expenses; and

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

~~((2))~~ (3) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

~~((3))~~ (4) The commission shall require certification of specified financial reports by the hospital's certified public accountant, and may require attestation as to such statements from responsible officials of the hospital that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

~~((4))~~ (5) All reports, except privileged medical information, filed under this chapter shall be ~~((open to))~~ available for public inspection and copying under RCW 42.17.250 through 42.17.340.

~~((5))~~ (6) The commission shall ~~((have the right of inspection of))~~ inspect hospital books, audits, and records as reasonably necessary to ~~((verify hospital reports))~~ implement the policies and purposes of this chapter.

Sec. 12, Section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120 are each amended to read as follows:

(1) The commission shall from time to time undertake analyses and studies relating to ~~((hospital))~~ the need for and delivery of health care services, the availability of such services, hospital rates, health care costs, and ~~((to))~~ the financial status of any hospital or hospitals subject to the provisions of this chapter, and may publish and disseminate such information as it deems desirable in the public interest. It shall further ~~((require the filing of))~~ publish information concerning the ~~((total financial needs of each hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide and state comprehensive health planning agencies))~~ need for health care services identified by area-wide and state comprehensive health planning agencies under chapter 70.38 RCW and the extent to which such needs are being met.

(2) The commission shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the commission hereunder as will advance the purposes of this chapter.

(3) The commission shall furnish a copy of any report regarding any hospital to the chief executive officer of the hospital and the presiding officer of the hospital's governing body.

Sec. 13, Section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130 are each amended to read as follows:

The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include such findings and recommendations as the commission ~~((deems necessary))~~ believes will further the legislative goal of cost containment in the delivery of good quality health care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital. The commission's report for 1986, to be submitted in January 1987, shall include an analysis of the impacts of section 15 of this 1984 act on (1) the use by indigent persons of health care settings other than hospitals and (2) the caseloads and costs associated with the limited casualty program for medical indigents under RCW 74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of section 15 of this 1984 act.

Sec. 14, Section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140 are each amended to read as follows:

From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of ~~((hospital))~~ health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, ~~that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that the hospital's ((aggregate revenues as expressed by))~~ rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates ~~((other than))~~ exceeding those established in accordance with the procedures established hereunder. After June 30, 1985, rates for inpatient care shall be expressed using an appropriate measure of hospital efficiency, such as that based on diagnosis-related groups, and, hospitals may be required by the commission to charge for such care at rates prospectively established and expressed in terms of a comparable unit of total payment, such as diagnosis-related groups. In the event any hospital reimbursement control system is implemented, children's hospitals shall be exempted until such time as a pediatric based classification system which reflects the unique resource consumption by patients of a children's hospital is perfected. For the purposes of this exemption, children's hospitals are defined as hospitals whose patients are predominantly under eighteen years of age.

In the interest of promoting the most efficient and effective use of ~~((hospital))~~ health care service, and providing greater promise of hospital cost containment, the commission may ((promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter)) develop a hospital reimbursement control system in which all payers or purchasers participate, that includes procedures for establishing prospective rates, that deals equitably with the costs of providing charity care, and that may include the participation of the federal medicare program under the social security amendments of 1983, Public Law 98-21. The commission shall have the authority to require utilization reviews of patient care to ensure that hospital admissions and services provided are medically justified. The commission may seek approval, concurrence, or participation in such a system from any federal agency, such as the department of health and human services, prior to securing legislative approval pursuant to concurrent resolution for implementation of any hospital reimbursement control system developed pursuant to this section. The commission shall involve the legislature in the development of any plan for a hospital reimbursement control system.

The commission shall assure that any hospital reimbursement control system will not result in any change in hospital admission practices which result in:

(1) A significant reduction in the proportion of patients (receiving hospital services covered under the system) who have no third-party coverage and who are unable to pay for hospital services;

(2) A significant reduction in the proportion of individuals admitted to hospitals for inpatient hospital services for which payment is (or is likely to be) less than the anticipated charges for or costs of such services;

(3) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness or the care available at the hospital; or

(4) The refusal to provide emergency services to any person who is in need of emergency services if the hospital provides such services.

The commission shall serve as the state agency responsible for coordinating state actions and otherwise responding and relating to the efforts of the ~~((cost-of-living council, or its successor,))~~ federal department of health and human services in planning and implementing federal cost containment programs with respect to hospitals and related health care institutions as authorized by the ~~((Federal Economic Stabilization Act of 1970))~~ social security amendments of 1983, as now or hereafter amended, or other federal law, and any rules or regulations promulgated thereto. In carrying out this responsibility, the commission may ((serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the cost of living council, or its successor; may apply to the cost of living council for authorization to administer a control program in Washington state in lieu of the federal controls established and otherwise administered by the cost of living council; may)) assume ~~((another))~~ any function or role authorized by appropriate federal regulations implementing the ~~((Federal Economic Stabilization Act of 1970))~~ social security amendments of 1983; or assume any combination of such roles or functions as it may determine will most effectively

contain the rising costs of the varying kinds of hospitals and related health care institutions in Washington state. In determining its functions or roles in relation to ~~((the))~~ federal efforts ~~((to the cost-of-living council, or its successor)),~~ the commission shall seek to ensure coordination, and the reduction of duplicatory cost containment efforts, by the state and federal governments, as well as the diligent fulfillment of the purposes of this chapter and declared public policy and legislative intent herein ~~((PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to review pursuant to the provisions of the Federal Economic Stabilization Act of 1970 or any rules or regulations promulgated thereto, the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such review only)).~~

Nothing in this chapter limits the ability of the department of social and health services to establish hospital payment rates pursuant to RCW 74.09.120 or in accord with a federally approvable state plan under Title XIX of the federal social security act.

NEW SECTION. Sec. 15. There is added to chapter 70.39 RCW a new section to read as follows:

Within six months of the effective date of this act, the commission shall establish by rule, consistent with the definition of charity care under RCW 70.39.020, the following:

(1) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care;

(2) A definition of residual bad debt as a component of hospital rate-setting and budget review, including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

NEW SECTION. Sec. 16. By January 1, 1985, a select committee of the legislature shall develop legislative recommendations for programs that will promote the state-wide development of comprehensive cost-effective managed health care systems and shall recommend programs that will promote use of such managed health care systems. The select committee shall be composed of twelve members of the legislature, six appointed by the speaker of the house of representatives and six appointed by the president of the senate, three from each of the two largest political caucuses in each house, upon recommendation of the majority and minority caucuses of their respective bodies.

The committee shall elect a chairperson from among its membership.

The committee is authorized to appoint a technical advisory committee to prepare proposals under which cost-effective managed health care systems could be used to control health care costs, to more equitably distribute charity care among hospitals and licensed health care practitioners, and more effectively provide publicly and privately financed patient care.

For the purposes of this study "managed health care system" means any health care organization, including health providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract comprehensive health care services to one or more defined patient populations by enrollment or other prior agreement or arrangement.

NEW SECTION. Sec. 17. By January 1, 1985, the governor shall submit a six-year state health care purchasing plan to the legislature. The plan shall identify the number and type of health care services purchased by the state through the department of social and health services, the department of labor and industries, the state employees' insurance board, the office of superintendent of public instruction, and other agencies of government where state funds are used to purchase health care. The plan shall contain objectives for realizing specific dollar savings in the purchase of these health care services by obtaining discounts from providers, contracting with managed health care systems, altering copayment and deductible requirements, instituting improved utilization controls, using prospective payment arrangements, or by other means.

The governor or the governor's designee shall report the governor's progress in completing this plan to the legislative budget committee and the social and health services and ways and means committees of the house of representatives and the senate by September 30, 1984.

Sec. 18. Section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150 are each amended to read as follows:

To properly carry out its authority the commission shall:

(1) Compile and maintain all relevant financial ~~((and)),~~ accounting, and patient discharge data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for charity care and for rendering services to patients who ~~((cannot or))~~ do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39.160 and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments

or modifications of that schedule as it may require. So far as possible, the commission shall compile and maintain the same patient discharge data with respect to all patients as that required under the federal medicare program and the uniform billing procedures applicable to third-party payers.

(2) Permit any ((nonprofit)) hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render necessary, effective, and efficient service in the public interest ((and on a solvent basis)).

(3) ~~((Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment on the effective date of this section: PROVIDED, That once the election is made it may not be changed without the approval of the commission.~~

((4)) Take into account, in the determination of reasonable rates under this section, that it is its obligation to assure access to necessary, effective, economically viable, and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital subject to this chapter except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

~~((5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter:))~~

(5) Permit any hospital, whether proprietary, district, public, or not-for-profit, to retain the excess of its revenues, if any, that exceed the actual cost of providing services, generated as a result of cost-effective practices, if the hospital charges do not exceed rates permitted by the commission.

(6) On or before October 1 of each year, after notice and public hearing, and in full consideration of the intent and purpose of this chapter as expressed in RCW 70.39.010, adopt a target dollar amount of total state-wide hospital revenue for the ensuing calendar year. To set the target amount, the commission shall develop a standard methodology that considers such factors as changes in the economy, affordability of hospital care, cost of hospital-purchased goods, numbers and age of the population, technology, and severity of illness of hospital patients. The commission shall endeavor, in establishing rates, to assure that total hospital revenues do not exceed the target amount for the applicable year.

Sec. 19. Section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160 are each amended to read as follows:

From and after the date determined by the commission pursuant to RCW 70.39.140, no hospital subject to the provisions of this chapter shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for in subsection (4) of this section, no hospital shall establish such changes except after publication and notice to the commission of at least thirty days from the time the rate is intended to go into effect. All proposed changes shall be plainly indicated on the schedule effective at that time and shall be open to public inspection. Upon receipt of notice, the commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the commission shall promptly, but in any event within thirty days, institute proceedings as to the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the change would otherwise go into effect: PROVIDED, That should it be necessary, the commission may extend the suspension for an additional thirty days. After the expiration of ninety days from the date the rate is intended to go into effect the new rate will go into effect, if the commission does not approve, disapprove, or modify the request by that time.

(3) Such proposed changes shall be considered at a public hearing, the time and place of which shall be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out in this section shall be conducted by the commission as soon thereafter as is practicable.

(5) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature.

Sec. 20. Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

(a) The relationship of the health services being reviewed to the applicable health plans;

(b) The need that the population served or to be served by such services has for such services;

(c) The availability of less costly or more effective alternative methods of providing such services;

(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible.

(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(g) The special needs and circumstances of osteopathic hospitals ((and)), nonallopathic services and children's hospitals;

(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed: ~~((and))~~

(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

(k) In the case of hospital certificate of need applications subject to concurrent review, preference may be given to hospitals which meet or exceed the regional average for the provision of charity care as determined by the state hospital commission.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be

acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

(11) The department may establish procedures and criteria for reconsideration of decisions.

(12) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service;
- (b) An expansion of a service beyond that originally approved;
- (c) An increase in bed capacity;

(d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

(13) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

NEW SECTION. Sec. 21. There is added to chapter 70.39 RCW a new section to read as follows:

Each hospital under this chapter shall print and make available for public inspection as prescribed by the commission by rule a schedule of its rates as approved by the commission.

NEW SECTION. Sec. 22. There is added to chapter 70.39 RCW a new section to read as follows:

Every commercial health insurer registered and doing business in the state under Title 48 RCW, every health care service contractor as defined in RCW 48.44.010, and the department of social and health services shall, upon request by the commission but not more frequently than annually, furnish to the commission such information as is readily available which may assist the commission in developing cost containment proposals with respect to the fees of licensed health care practitioners. The commission may request such information from the entities identified in this section, and from the federal department of health and human services, if and when the commission deems appropriate to accord with any requirements of federal law which may be imposed.

Sec. 23. Section 9, chapter 223, Laws of 1982 and RCW 43.131.253 are each amended to read as follows:

The hospital commission and its powers and duties shall be terminated on June 30, ~~((1984))~~ 1989, as provided in RCW 43.131.254.

Sec. 24. Section 10, chapter 223, Laws of 1982 and RCW 43.131.254 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1985))~~ 1990:

(1) Section 2, chapter 5, Laws of 1973 1st ex. sess., section 1 of this 1984 act and RCW 70.39.010;

(2) Section 3, chapter 5, Laws of 1973 1st ex. sess., section 2 of this 1984 act and RCW 70.39.020;

(3) Section 4, chapter 5, Laws of 1973 1st ex. sess., section 3 of this 1984 act and RCW 70.39.030;

(4) Section 5, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 36, Laws of 1977, section 4 of this 1984 act and RCW 70.39.040;

(5) Section 6, chapter 5, Laws of 1973 1st ex. sess., section 5 of this 1984 act and RCW 70.39.050;

(6) Section 7, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 35, Laws of 1977, section 6 of this 1984 act and RCW 70.39.060;

(7) Section 8, chapter 5, Laws of 1973 1st ex. sess., section 7 of this 1984 act and RCW 70.39.070;

(8) Section 9, chapter 5, Laws of 1973 1st ex. sess., section 8 of this 1984 act and RCW 70.39.080;

(9) Section 10, chapter 5, Laws of 1973 1st ex. sess., section 9 of this 1984 act and RCW 70.39.090;

(10) Section 11, chapter 5, Laws of 1973 1st ex. sess., section 10 of this 1984 act and RCW 70.39.100;

(11) Section 12, chapter 5, Laws of 1973 1st ex. sess., section 11 of this 1984 act and RCW 70.39.110;

(12) Section 13, chapter 5, Laws of 1973 1st ex. sess., section 12 of this 1984 act and RCW 70.39.120;

(13) Section 14, chapter 5, Laws of 1973 1st ex. sess., section 82, chapter 75, Laws of 1977, section 13 of this 1984 act and RCW 70.39.130;

(14) Section 15, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 163, Laws of 1974 ex. sess., section 14 of this 1984 act and RCW 70.39.140;

(15) Section 16, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 154, Laws of 1977 ex. sess., section 18 of this 1984 act and RCW 70.39.150;

(16) Section 17, chapter 5, Laws of 1973 1st ex. sess., section 19 of this 1984 act and RCW 70.39.160;

(17) Section 18, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.170;

(18) Section 19, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.180;

(19) Section 20, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.190;

(20) Section 21, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.200;

(21) Section 22, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.900; ~~((and))~~

(22) Section 23, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.910;

(23) Section 15 of this 1984 act and RCW 70.39.---

(24) Section 21 of this 1984 act and RCW 70.39.---; and

(25) Section 22 of this 1984 act.

NEW SECTION. Sec. 25. It is the intent of the legislature to ensure that the citizens of this state receive quality health care services in the most efficient and cost-effective manner. The legislature reaffirms its commitment to the state policy of containing the spiraling costs of health care, which continue to rise at rates about three times the consumer price index. In furtherance of this intent, it is declared to be in the public interest that price competition and economic incentives in the health care delivery system should be encouraged in order to promote and strengthen a more efficient and economic delivery of quality health care.

The legislature finds that such competition may be fostered by recognizing the potentials and authorizing the establishment of "preferred provider organizations," to enter into preferred provider arrangements between insurers, health care service contractors, health maintenance organizations, or other purchasers, and health care providers, which contractual arrangements provide for health benefits at alternative rates or under alternative methods of payment that enure to the benefit of the persons who select such providers. The prospects for avoiding costs without sacrifice to quality care may be achieved internally with appropriate utilization review procedures and sound management controls consistent with requirements for solvency. The promise of more far-reaching cost avoidance in the health sector can yet be realized with the inculcation of economic incentives in the market place between competing preferred provider arrangements and other methods of providing or paying for health care costs.

NEW SECTION, Sec. 26. For the purposes of this chapter:

(1) "Provider" means any person or entity lawfully licensed or authorized to render any health care service in this state.

(2) "Preferred provider" means any provider who or which has contracted in writing with an authorized insurer or registered health care service contractor to provide health care services at alternative rates or under alternative methods of payment.

(3) "Preferred provider arrangement" means a contractual agreement between an authorized insurer or registered health care service contractor, registered health maintenance organization, or other entity purchasing coverage, and preferred providers in order to provide health care services at alternative rates or under alternative methods of payment to such preferred providers for insureds or subscribers who select such preferred providers.

(4) "Preferred provider organization" means an entity formed to enter into preferred provider arrangements and registered as a preferred provider organization under chapter 48.44 RCW. A preferred provider organization may be formed by one or more persons, organizations, health care providers, insurers, health care service contractors, and health maintenance organizations, including purchasers.

NEW SECTION, Sec. 27. (1) A person, organization, or entity, including health care providers, insurers, or health care service contractors, may enter into preferred provider arrangements. Such preferred provider arrangements may limit payments under a policy or contract to alternative rates or methods of payment regardless of the preferred provider chosen by insureds or subscribers, and may offer the benefit of such alternative rates or methods of payment to such persons who select such providers. A preferred provider organization shall register with the insurance commissioner in the same manner as for a health care service contractor pursuant to chapter 48.44 RCW.

(2) A health maintenance organization may offer a preferred provider arrangement by registering as a health care service contractor in accordance with this chapter. Nothing in this act may be construed as limiting the authority of a health maintenance organization registered under chapter 48.46 RCW from negotiating and entering into arrangements with institutions, entities, and persons, including contracts providing for alternative rates or methods of payment, to provide health services to its enrolled population.

(3) Nothing in this chapter affects the provisions of chapter 48.44 RCW applicable to a health care service contractor or the provisions of chapter 48.46 RCW applicable to a health maintenance organization. All preferred provider arrangements offered in this state pursuant to the provisions of this chapter shall be subject to the provisions of chapter 48.44 RCW.

(4) When the preferred provider organization is sponsored by an insurer, a health care service contractor, or a health maintenance organization, the financial and security requirements applicable to those particular types of organizations are deemed sufficient.

(5) A preferred provider organization may limit the number and types of preferred providers rendering health care services pursuant to rules adopted by the insurance commissioner to ensure an adequate number of providers to render health care services offered by the preferred provider organization. Nothing in a preferred provider arrangement may be construed to unreasonably limit the access of subscribers or insureds to any preferred provider within the preferred provider organization.

Preferred provider organizations shall establish terms and conditions which shall be met by providers in order to qualify for payment as preferred providers. The terms and conditions shall not discriminate unreasonably against or among such providers. Neither differences in prices among providers produced by a process of individual negotiations nor based on market conditions or price differences among providers shall be deemed unreasonable discrimination.

(6) Nothing in this section affects the statutory provisions for mandated offerings or benefits required under Title 48 RCW.

(7) No preferred provider arrangement may hold the preferred provider organization harmless for actions against a preferred provider if the cause of action is claimed to be associated with treatment or lack of treatment by the preferred provider on account of utilization review and management controls imposed on such provider.

(8) For the purposes of encouraging price competition in the health care sector, this chapter shall be liberally construed. However, nothing in this chapter may be construed to authorize

any activity which would violate any provision of the unfair business practices act, chapter 19.86 RCW.

Sec. 28. Section 5, chapter 122, Laws of 1969 as amended by section 1, chapter 100, Laws of 1983 and RCW 18.100.050 are each amended to read as follows:

An individual or group of individuals duly licensed or otherwise legally authorized to render the same professional services within this state may organize and become a shareholder or shareholders of a professional corporation for pecuniary profit under the provisions of Title 23A RCW for the purpose of rendering professional service: PROVIDED, That one or more of such legally authorized individuals shall be the incorporators of such professional corporation: PROVIDED FURTHER, That notwithstanding any other provision of this chapter, registered architects and registered engineers may own stock in and render their individual professional services through one professional service corporation: ~~((AND))~~ PROVIDED FURTHER, That licensed health care professionals, providing services to enrolled participants either directly or through arrangements with a health maintenance organization registered under chapter 48.46 RCW or federally qualified health maintenance organization, may own stock in and render their individual professional services through one professional service corporation: AND PROVIDED FURTHER, That licensed health care professionals providing health care services to persons through contractual arrangements with preferred provider organizations as defined under chapter 48.--- RCW (sections 25 through 27 of this 1984 act) may own stock in and render their individual professional services through a professional service corporation.

Sec. 29. Section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140 are each amended to read as follows:

From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference; PROVIDED, HOWEVER, That nothing in this section precludes an insurer, a preferred provider organization, a health care service contractor, a self-funded program, or a health maintenance organization from negotiating directly with hospitals with respect to payments for inpatient hospital services.

In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates ~~((other than))~~ exceeding those established in accordance with the procedures established hereunder, or charge rates which will increase rates otherwise charged to nonpreferred provider subscribers.

In the interest of promoting the most efficient and effective use of hospital health care service, the commission may promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter.

The commission shall serve as the state agency responsible for coordinating state actions and otherwise responding and relating to the efforts of the cost of living council, or its successor, in planning and implementing federal cost containment programs with respect to hospitals and related health care institutions as authorized by the Federal Economic Stabilization Act of 1970, as now or hereafter amended, and any rules or regulations promulgated thereto. In carrying out this responsibility, the commission may serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the cost of living council, or its successor; may apply to the cost of living council for authorization to administer a control program in Washington state in lieu of the federal controls established and otherwise administered by the cost of living council; may assume another function or role authorized by appropriate federal regulations implementing the Federal Economic Stabilization Act of 1970; or assume any combination of such roles or functions as it may determine will most effectively contain the rising costs of the varying kinds of hospitals and related health care institutions in Washington state. In determining its functions or roles in relation to the efforts to the cost of living council, or its successor, the commission shall seek to ensure coordination, and the reduction of duplicatory cost containment efforts, by the state and federal governments, as well as the diligent fulfillment of the purposes of this chapter and declared public policy and legislative intent herein: PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to review pursuant to the provisions of the Federal Economic Stabilization Act of 1970 or any rules or regulations promulgated thereto, the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such review only.

NEW SECTION. Sec. 30. Sections 25 through 27 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. There is appropriated to the state hospital commission from the general fund, for the biennium ending June 30, 1985, the sum of nine hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act: PROVIDED, That at least twenty-five thousand dollars of the amount available for development of a hospital reimbursement control system, authorized pursuant to section 14 of this act shall be reserved as the state share, in conjunction with funds that may be made available by hospitals, professional associations, health care service contractors, commercial health insurance companies, or other third party payers and major purchasers of hospital services, in order to secure the professional services of national experts in health care economics, hospital financing or similar fields that might be necessary to develop such a system.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "costs;" strike the remainder of the title and insert "amending section 5, chapter 122, Laws of 1969 as amended by section 1, chapter 100, Laws of 1983 and RCW 18.100.050; amending section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140; amending section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010; amending section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020; amending section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030; amending section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 7, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 35, Laws of 1977 and RCW 70.39.060; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080; amending section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090; amending section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100; amending section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110; amending section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120; amending section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130; amending section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140; amending section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150; amending section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160; amending section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115; amending section 9, chapter 223, Laws of 1982 and RCW 43.131.253; amending section 10, chapter 223, Laws of 1982 and RCW 43.131.254; adding new sections to chapter 70.39 RCW; adding a new chapter to Title 48 RCW; creating new sections; making an appropriation; providing an effective date; and declaring an emergency".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 4403 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 35.21.290, chapter 7, Laws of 1965 and RCW 35.21.290 are each amended to read as follows:

(1) Cities and towns owning their own waterworks, or electric light or power plants shall have a lien against the premises to which water, electric light, or power services were furnished for four months charges therefor due or to become due, but not for any charges more than four months past due: PROVIDED, That the owner of the premises or the owner of a delinquent mortgage thereon may give written notice to the superintendent or other head of such

works or plant to cut off service to such premises accompanied by payment or tender of payment of the then delinquent and unpaid charges for such service against the premises together with the cut-off charge, whereupon the city or town shall have no lien against the premises for charges for such service thereafter furnished, nor shall the owner of the premises or the owner of a delinquent mortgage thereon be held for the payment thereof.

(2) No lien shall be allowed under subsection (1) of this section against premises leased or rented to a tenant for unpaid electric light or power service charges which the tenant or former tenant was directly or solely obligated to pay.

Sec. 2. Section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1986, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsection (2) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, 1986:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent, that service may be subject to termination and a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan.

NEW SECTION. Sec. 3. There is added to chapter 54.16 RCW a new section to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent, that service may be subject to termination and a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section.

(3) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make payments either directly to the utility or jointly payable to the customer and the utility.

(4) This section shall expire June 30, 1986.

NEW SECTION. Sec. 4. There is added to chapter 54.16 RCW a new section to read as follows:

All districts shall offer to residential customers the option of a budget billing or equal payment plan.

Sec. 5. Section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1986:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to

pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent, that service may be subject to termination and a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(d) A payment plan implemented under this subsection is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

NEW SECTION. Sec. 6. There is added to chapter 35.21 RCW a new section to read as follows:

Until 1986, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 7. There is added to chapter 54.16 RCW a new section to read as follows:

Until 1986, districts distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 8. There is added to chapter 80.28 RCW a new section to read as follows:

Until 1986, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

On page 1, line 1 of the title, after "heating;" strike the remainder of the title and insert "amending section 35.21.290, chapter 7, Laws of 1965 and RCW 35.21.290; amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300; amending section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010; adding a new section to chapter 35.21 RCW; adding new sections to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4490, with the exception of Section 1 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4578 with the following amendments:

On page 1, line 21, after "damaged" insert "PROVIDED, That this requirement shall not apply to operators of vessels when they are participating in an organized competitive event covered by a permit issued by the United States coast guard

On page 3, line 18, after "squadron" strike "and" and insert "(and)."

On page 3, line 19, after "auxiliary" insert ", and boating clubs, associations, and foundations"

On page 4, after line 8 insert the following:

NEW SECTION. Sec. 5. There is added to chapter 43.51 RCW a new section to read as follows:

(1) There is created in the Washington state parks and recreation commission a boating advisory committee composed of seven members who have experience with either boating operation, boat safety, boat law enforcement, or recreational boating.

(2) The advisory committee shall consist of:

- (a) One member who is an owner of a sailing vessel;
- (b) One member who is an owner of a vessel not powered by machinery;
- (c) One member who is an owner of a vessel powered by outboard machinery;
- (d) One member who is an owner of a vessel powered by inboard machinery;
- (e) One member who represents vessel manufacturing, sales, or services industries;
- (f) One member who represents the Washington state association of counties; and
- (g) One member who represents the United States coast guard.

(3) The members of the advisory committee listed in subsection (2) (a), (b), (c), (d), and (e) of this section shall be appointed by the commission for terms of three years, which begin on July 1st of the year of appointment, or until a successor is appointed, except in the case of appointments to fill vacancies for which the terms shall be for the remainder of the unexpired term: PROVIDED, That for the first members appointed, one shall be appointed for a term of one year; three shall be appointed for a term of two years; and three shall be appointed for a term of three years. None of these members may be appointed for more than two consecutive terms.

(4) The members of the advisory committee listed in subsection (2) (f) and (g) of this section shall be appointed by the organization which each represents.

(5) The members of the advisory committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Reimbursement for travel expenses shall not render these advisory committee members employees or officials of the state of Washington for any purpose.

(6) A representative of the commission shall serve as recording secretary to the advisory committee.

NEW SECTION. Sec. 6. There is added to chapter 43.51 RCW a new section to read as follows:

The boating advisory committee shall:

(1) Assist and advise the commission on its administration of this 1984 act;

(2) Select by a majority vote from among its members a chairperson who shall serve for a period of one year;

(3) Meet not less than twice each year and additionally upon request of the commission, the chairperson of the advisory committee, or a majority of the advisory committee members; and

(4) Conduct at least one meeting a year coincident with a meeting of the commission and provide the commission with an annual report on the activities of the advisory committee.

NEW SECTION. Sec. 7. The advisory committee created under section 5 of this 1984 act shall cease to exist on June 30, 1988, unless extended by law for an additional fixed period of time.

NEW SECTION. Sec. 8. There is appropriated to the state parks and recreation commission from the general fund, for the biennium ending June 30, 1985, the sum of seven thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

Renumber the remaining sections consecutively.

On page 1, line 5 of the title, strike "a new section" and insert "new sections"

On page 1, line 6 of the title, after "43.51 RCW;" insert "creating a new section; making an appropriation;".

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Hughes, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4578 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4579 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 72, Laws of 1925 ex. sess. as amended by section 31, chapter 130, Laws of 1943 and RCW 38.12.170 are each amended to read as follows:

The governor may dismiss any commissioned or warrant officer of the organized militia of Washington for any of the following reasons:

- (1) Conviction of an infamous crime((:));
- (2) Absence from his command for more than thirty days without proper leave((:));
- (3) Sentence of dismissal by court martial, duly approved((:));
- (4) Upon muster out of the organization to which ((such)) the officer is then assigned((:));
- (5) Acceptance of the resignation of ((such)) the officer(~~(-PROVIDED, That), but~~ no officer ((shall)) may be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he ((shall have)) has turned over to his successor or satisfactorily accounted for all state and federal moneys((:)) and military property for which he ((shall be)) is accountable or responsible((:));
- (6) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office((:));
- (7) Incompetence or unfitness for military service as determined by the duly approved findings of a board of inquiry appointed for that purpose by the adjutant general.

The adjutant general shall annually appoint and convene qualitative retention boards to review the military personnel records of officers who have completed three or more years service in the Washington state guard to determine their retention potential and acceptability for continuation in an active status. In the conduct of the reviews, the regulation issued by the adjutant general to implement this provision shall conform to the extent practicable to that governing the army national guard.

Sec. 2. Section 33, chapter 130, Laws of 1943 and RCW 38.12.180 are each amended to read as follows:

Commissioned officers of the organized militia of Washington shall be retired by order of the commander-in-chief with the rank respectively held by them at the time of such retirement for the following reasons:

- (1) Unfitness for military service by reason of permanent physical disability.
- (2) Upon request after at least five years continuous service as an officer in the organized militia of Washington.

Commissioned officers of the ((organized militia of Washington)) state guard shall upon reaching the age of sixty-four years be retired ((by order of the commander-in-chief in the next higher rank to that held at the time of such retirement)).

Retired officers shall draw no pay or allowance except when on active duty.
 ((They shall be)) Retired officers are subject, with their consent, to temporary detail on active duty by the commander-in-chief, and while on such duty shall receive the same pay and allowances as officers of like rank on the active list.

Sec. 3. Section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.24.050 are each amended to read as follows:

Commissioned officers, warrant officers, and enlisted ((men)) personnel of the organized militia of Washington, while in active state service, ((during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be)) are entitled to and shall receive the same amount of pay and allowances from the state of Washington as provided by federal laws and regulations for commissioned officers, warrant officers, and enlisted ((men)) personnel of the United States army((-PROVIDED, That) if federal pay and allowances are not authorized. Officers shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 ((as now existing or hereafter amended, PROVIDED, FURTHER, That)). For periods of such active state service ((other than for annual field training)), commissioned officers, warrant officers, and enlisted ((men)) personnel of the organized militia of Washington shall receive either such pay and allowances or ((twenty-five)) thirty dollars per day, whichever is greater.

((Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the commander-in-chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two dollars per day.))

The value of articles issued to any ((enlisted man)) member and not returned in good order on demand, and legal fines or forfeitures, may be deducted from ((such enlisted man's)) the member's pay.

All ((officers not regular state employees)) members detailed to serve on any board or commission ordered by the governor, or on any court of inquiry or court martial ordered by proper authority, ((shall)) may, at the discretion of the adjutant general, be paid a sum equal to one day's active duty for each day actually employed on ((such)) the board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended when such duty ((shall be)) is at a place other than the city or town of his residence.

Necessary transportation, quartermasters' stores, and subsistence for troops when ordered on state active duty may be contracted for and paid for as are other military bills.

Sec. 4. Section 2, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.060 are each amended to read as follows:

All members of the organized militia of Washington who are called to state active duty shall, upon return from such duty, have ~~((the same rights of employment or reemployment as they would have if they had been called to active duty in the United States army))~~ those rights accorded under RCW 73.16.031, 73.16.035, 73.16.041, 73.16.051, and 73.16.061.

Sec. 5. Section 40, chapter 130, Laws of 1943 and RCW 38.40.030 are each amended to read as follows:

If any ~~((officer or enlisted man))~~ member of the organized militia is ~~((wounded))~~ injured, incapacitated, or otherwise disabled while in active state service as a member of the military force of the state, he or she shall receive from the state of Washington just and reasonable relief in the amount to be determined as ~~((hereinafter))~~ provided in this section, including necessary medical ~~((aid in case such officer or enlisted man))~~ care. If the member dies from disease contracted or injury received or is killed while in active state service under order of the governor, then the dependents of ~~((such))~~ the deceased shall receive such compensation as may be allowed as ~~((hereinafter))~~ provided in this section. If the United States or any agent thereof, in accordance with any federal statute or regulation, furnishes monetary assistance, benefits, or other temporary or permanent relief to militia members or to their dependents for injuries arising out of and occurring in the course of their activities as militia members, but not including Social Security benefits, then the amount of compensation which any militia member or his or her dependents are otherwise entitled to receive from the state of Washington as provided in this section shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the militia member or his or her dependents have received and will receive from the United States or any agent thereof as a result of his or her injury. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed by the adjutant general. ~~((Such))~~ The board ((to have)) has the same power to take evidence, administer oaths, issue subpoenas ~~((and)),~~ compel witnesses to attend and testify and produce books and papers, and punish their failure to do so as is possessed by a general court martial. The amount of compensation or benefits payable shall conform as nearly as possible to the general schedule of payments and awards provided under the workmen's compensation law in effect in the state of Washington at the time the disability or death occurred. The findings of the board shall be reviewed by the adjutant general and submitted to the governor for final approval. The reviewing officer or the governor may return the proceedings for revision or for the taking of further testimony. The action of the board when finally approved by the governor ~~((shall be))~~ is final and conclusive and ((shall)) constitutes the fixed award for ~~((such))~~ the injury or loss and ~~((shall be))~~ is a debt of the state of Washington.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 23, chapter 130, Laws of 1943 and RCW 38.12.090;
- (2) Section 51, chapter 130, Laws of 1943 and RCW 38.24.030; and
- (3) Section 50, chapter 130, Laws of 1943 and RCW 38.24.040.*

On page 1, line 1 of the title, after "militia;" strike the remainder of the title and insert "amending section 1, chapter 72, Laws of 1925 ex. sess. as amended by section 31, chapter 130, Laws of 1943 and RCW 38.12.170; amending section 33, chapter 130, Laws of 1943 and RCW 38.12.180; amending section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 38.24.050; amending section 2, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.060; amending section 40, chapter 130, Laws of 1943 and RCW 38.40.030; repealing section 23, chapter 130, Laws of 1943 and RCW 38.12.090; repealing section 51, chapter 130, Laws of 1943 and RCW 38.24.030; and repealing section 50, chapter 130, Laws of 1943 and RCW 38.24.040".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4579 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4607 with the following amendments:

On page 2, line 13, after "wastes" insert ", as defined in this chapter,"

On page 2, line 23, strike "(2)" and insert "(3)"

MOTION

On motion of Senator Hughes, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 4607 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4653 with the following amendments:

Strike everything after the enacting clause and insert:

"Sec. 1. Section 2, chapter 4, Laws of 1982 and RCW 43.121.020 are each amended to read as follows:

(1) There is established in the executive office of the governor a Washington council ((on)) for the prevention of child abuse and neglect subject to the jurisdiction of the governor. As used in this chapter, "council" means the Washington council ((on)) for the prevention of child abuse and neglect.

(2) The council shall be composed of the chairperson and ten other members as follows:

(a) The chairperson and four other members shall be appointed by the governor and shall be selected for their interest and expertise in the prevention of child abuse. A minimum of four designees by the governor shall not be affiliated with governmental agencies. A minimum of two of the designees shall reside east of the Cascade mountain range. Members appointed by the governor shall serve for two-year terms, except that the chairperson and two other members designated by the governor shall initially serve for three years. Vacancies shall be filled for any unexpired term by appointment in the same manner as the original appointments were made.

(b) The secretary of social and health services or the secretary's designee and the superintendent of public instruction or the superintendent's designee shall serve as voting members of the council.

(c) In addition to the members of the council, four members of the legislature shall serve as nonvoting, ex officio members of the council, one from each political caucus of the house of representatives to be appointed by the speaker of the house of representatives and one from each political caucus of the senate to be appointed by the president of the senate.

Sec. 2. Section 9, chapter 4, Laws of 1982 and RCW 43.121.090 are each amended to read as follows:

The council shall report (~~before the regular session of the legislature in 1983~~) annually to the governor and to the legislature concerning the council's activities and the effectiveness of those activities in fostering the prevention of child abuse and neglect.

Sec. 3. Section 10, chapter 4, Laws of 1982 and RCW 43.121.100 are each amended to read as follows:

The council may accept contributions, grants, or gifts in cash or otherwise from persons, associations, or corporations. All moneys received by the council or any employee thereof from contributions, grants, or gifts and not through appropriation by the legislature shall be deposited in a depository approved by the state treasurer to be known as the children's trust fund. Disbursements of such funds shall be on the authorization of the council or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control, such funds shall be subject in all respects to chapter 43.88 RCW, but no appropriation shall be required to permit expenditure of such funds.

Sec. 4. Section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010 are each amended to read as follows:

County auditors shall collect the following fees for their official services: For filing each chattel mortgage, renewal affidavit, or conditional sale contract, and entering same as required by law, two dollars; for each assignment, modification, transfer, correction, or release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars;

For filing a release of chattel mortgage, conditional sale contract, or miscellaneous instrument, two dollars: PROVIDED, That said fee shall be paid at the time of filing the chattel mortgage, conditional sale contract, or miscellaneous instrument, and no charge shall be made when the release of any of the above instruments is filed;

For recording instruments, for the first page, legal size (eight and one-half by thirteen inches or less), three dollars; for each additional legal size page, one dollar; for indexing each name over two, fifty cents;

For marginal release of mortgage or lien, one dollar;

For preparing and certifying copies, for the first legal size page, two dollars; for each additional legal size page, one dollar;

For preparing noncertified copies, for each legal size page, fifty cents;

For administering an oath or taking an affidavit, with or without seal, two dollars;

For issuing marriage license, eight dollars, (this fee includes taking necessary affidavits, filing returns, indexing, and transmittal of a record of the marriage to the state registrar of vital

statistics) plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund, which five-dollar fee shall expire June 30, ~~((1984))~~ 1988, plus an additional five-dollar fee to be transmitted monthly to the state treasurer and deposited in the state general fund which five-dollar fee shall expire June 30, 1987;

For searching records per hour, four dollars;

For recording plats, fifty cents for each lot except cemetery plats for which the charge shall be twenty-five cents per lot; also one dollar for each acknowledgment, dedication, and description: PROVIDED, That there shall be a minimum fee of twenty-five dollars per plat;

For filing of miscellaneous records, not listed above, three dollars;

For making marginal notations on original recording when blanket assignment or release of instrument is filed for record, each notation, fifty cents;

For recording of miscellaneous records, not listed above, for first legal size page, three dollars; for each additional legal size page, one dollar.

NEW SECTION. Sec. 5. There is added to chapter 43.131 RCW a new section to read as follows:

The Washington council for the prevention of child abuse and neglect and its powers and duties shall be terminated on June 30, 1988, as provided in section 6 of this act.

NEW SECTION. Sec. 6. There is added to chapter 43.131 RCW a new section to read as follows:

The following acts or parts of acts as now existing or hereafter amended, are each repealed effective June 30, 1989:

- (1) Section 1, chapter 4, Laws of 1982 and RCW 43.121.010;
- (2) Section 2, chapter 4, Laws of 1982, section 1 of this act and RCW 43.121.020;
- (3) Section 3, chapter 4, Laws of 1982 and RCW 43.121.030;
- (4) Section 4, chapter 4, Laws of 1982 and RCW 43.121.040;
- (5) Section 5, chapter 4, Laws of 1982 and RCW 43.121.050;
- (6) Section 6, chapter 4, Laws of 1982 and RCW 43.121.060;
- (7) Section 7, chapter 4, Laws of 1982 and RCW 43.121.070;
- (8) Section 8, chapter 4, Laws of 1982 and RCW 43.121.080;
- (9) Section 9, chapter 4, Laws of 1982, section 2 of this act and RCW 43.121.090;
- (10) Section 10, chapter 4, Laws of 1982, section 3 of this act and RCW 43.121.100; and
- (11) Section 15, chapter 4, Laws of 1982 and RCW 43.121.910.

NEW SECTION. Sec. 7. Section 11, chapter 4, Laws of 1982 and RCW 43.121.900 are each repealed.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "children," strike the remainder of the title and insert "amending section 2, chapter 4, Laws of 1982 and RCW 43.121.020; amending section 9, chapter 4, Laws of 1982 and RCW 43.121.090; amending section 10, chapter 4, Laws of 1982 and RCW 43.121.100; amending section 36.18.010, chapter 4, Laws of 1963 as last amended by section 7, chapter 15, Laws of 1982 1st ex. sess. and RCW 36.18.010; adding new sections to chapter 43.131 RCW: repealing section 1, chapter 4, Laws of 1982 and RCW 43.121.010; repealing section 2, chapter 4, Laws of 1982, section 1 of this act and RCW 43.121.020; repealing section 3, chapter 4, Laws of 1982 and RCW 43.121.030; repealing section 4, chapter 4, Laws of 1982 and RCW 43.121.040; repealing section 5, chapter 4, Laws of 1982 and RCW 43.121.050; repealing section 6, chapter 4, Laws of 1982 and RCW 43.121.060; repealing section 7, chapter 4, Laws of 1982 and RCW 43.121.070; repealing section 8, chapter 4, Laws of 1982 and RCW 43.121.080; repealing section 9, chapter 4, Laws of 1982, section 2 of this act and RCW 43.121.090; repealing section 10, chapter 4, Laws of 1982, section 3 of this act and RCW 43.121.100; repealing section 15, chapter 4, Laws of 1982 and RCW 43.121.910; repealing section 11, chapter 4, Laws of 1982 and RCW 43.121.900; and providing an expiration date",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 4653 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4788 with the following amendments:

On page 2, line 4, after "legislature," strike all material through "committee," on line 11 and insert "The select committee shall consist of sixteen members, four from the two largest political caucuses in each house, appointed by the speaker of the house and the president of the senate respectively."

On page 2, strike lines 10 and 11 and insert "Additionally, one member of each of the two largest political caucuses in each house shall be appointed to serve at-large on the select committee. The",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hughes, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4788 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4798 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for release of prisoners in a way that it believes appropriate to deal with the emergency situation. Pursuant to this section, the board shall not reduce the terms of inmates serving mandatory minimum prison terms under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. The board may take any action authorized by law to modify the terms of prisoners under its jurisdiction;

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 2. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$4,054,000 is provided for intensive parole.

(v) \$16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ 206,860,000
General Fund Appropriation—Federal	700,000
Total Appropriation	\$ 207,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$ 13,278,000
General Fund—Institutional Impact Account Appropriation	865,000
Total Appropriation	\$ 14,143,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$ 5,463,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

NEW SECTION. Sec. 3. The legislature finds and declares that:

(1) The sentencing reform act of 1981 which established the sentencing guidelines commission and directed the commission to devise a system of recommended standard sentence ranges for all felony offenses, required the commission, in setting the standards, to emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(2) There is a need to plan and develop a system through which alternatives to total confinement can be used to serve nonviolent offenders who have been convicted of crimes but who, in the judgment of the courts and appropriate corrections personnel, can best serve their sentences without substantial danger to the community in local community programs rather than in state prisons or local jails.

(3) The department of corrections, which, under RCW 72.09.060 and 72.09.100(5), is charged with developing, establishing, and administering community service programs state-wide, has the expertise, and personnel to enable the development of a comprehensive system of alternative programs for nonviolent offenders.

NEW SECTION. Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 8 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Alternatives to total confinement" means residential and nonresidential programs that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW and that are operated by the department or local government entities to serve nonviolent offenders who have been convicted of crimes, in lieu of incarceration in state prisons or local jails.

(4) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION. Sec. 5. The department shall formulate a comprehensive plan for the development, implementation, and operation of alternatives to total confinement for nonviolent offenders, that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW.

The plan shall be submitted to the appropriate standing committee of the house of representatives and the senate for review by December 1, 1984. The plan shall include, but is not limited to:

(1) The establishment of goals and objectives for the development, implementation, and expansion of alternatives to total confinement;

(2) An identification and evaluation of current state and local alternatives to total confinement, including, but not limited to, probation-type services and court-ordered community service programs authorized under RCW 72.09.100(5);

(3) An evaluation of the existing organizational structure and of the services provided by the department's division of community services and its role in providing or administering programs that are alternatives to total confinement after July 1, 1984;

(4) The establishment of policies and procedures to improve and expand existing alternatives to total confinement including, but not limited to, probation-type services and court-ordered community service, and to develop new alternatives to total confinement. Policies and procedures on program site selection, offender intake assessment, program and offender monitoring, and evaluating and reporting the effectiveness of alternatives to total confinement should be included;

(5) The identification of the projected numbers of nonviolent offenders who may be eligible for alternatives to total confinement;

(6) A delineation of the role and functions of affected state and local government entities and state and local service providers with respect to the administration and operation of programs that are alternatives to total confinement;

(7) The identification of funding sources, funding responsibility, and costs associated with alternatives to total confinement and how funding for such programs can occur within state and local budget limitations;

(8) An analysis of the legal liability of state and local government entities and private sector service providers, and a determination of what types of insurance or other mechanisms are available to provide legal and financial safeguards;

(9) An identification of the statutory changes which may be necessary to permit full implementation of the plan; and

(10) An analysis of the role local correctional facilities should assume under chapter 9.94A RCW. The analysis shall determine: (a) Whether the state should assume financial responsibility for operating local correctional facilities, (b) whether the state should contract for county jail beds to house state prisoners, (c) whether new jail facilities have adequate programs to meet the needs of state prisoners, and (d) the feasibility of counties using minimum security facilities for low-risk offenders.

NEW SECTION. Sec. 6. The department, in developing the plan, shall consult with and receive input from representatives of affected state and local government entities including the governor's interagency criminal justice work group, correctional organizations and associations, prosecuting attorneys, the defense bar, the legislature, private nonprofit agencies, and private citizens. The plan shall be submitted to the governor's interagency criminal justice work group for review prior to the submission of such plan to the legislature.

NEW SECTION. Sec. 7. The department's plan for the development, implementation, operation, and expansion of alternatives to total confinement shall reflect regional differences. The department shall consult with and receive input from affected agencies, organizations, service providers, and individuals working at the regional level.

NEW SECTION. Sec. 8. The department, in developing the plan, may request from the office of financial management, the board of prison terms and paroles, the administrator for the courts, the sentencing guidelines commission, the corrections standards board, and the department of social and health services such staff assistance, data, information, and data processing assistance as it may need to accomplish its task, and such services shall be provided without cost to the department.

NEW SECTION. Sec. 9. There is added to chapter 72.09 RCW a new section to read as follows:

(1) In recognition of the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:

(a) An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION. Sec. 10. There is added to chapter 72.09 RCW a new section to read as follows:

(1) In recognition of prison overcrowding and the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:

(a) An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed:

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION. Sec. 11. There is appropriated from the general fund to the department of corrections for the period ending December 30, 1984, the sum of forty-five thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 3 through 8 of this act.

NEW SECTION. Sec. 12. Section 2, chapter 2, Laws of 1982 2nd ex. sess. and RCW 72.13.091 are each repealed.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 3 through 8 of this act shall expire December 30, 1984."

On page 1, line 1 of the title, after "overcrowding;" strike the remainder of the title and insert "amending section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); adding new sections to chapter 72.09 RCW; creating new sections; repealing section 2, chapter 2, Laws of 1982 2nd ex. sess. and RCW 72.13.091; making an appropriation; providing an expiration date; and declaring an emergency."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Granlund moved that the Senate do not concur in the House amendments to Engrossed Senate Bill No. 4798 and asked the House to recede therefrom.

POINT OF ORDER

Senator Pullen: "Mr. President, I would like to raise the issue of scope and object on the amendments. I realize that the other motion will ultimately take precedence in an effort to get the two Houses together, but I would still like to issue a scope and object to be brought before the body."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 4798 was deferred.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3415 and the pending House amendments, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raised by Senator Hansen, the President finds that Engrossed Substitute Senate Bill No. 3415 is a measure which deals with the protection of the quality and quantity of ground water aquifers by state and local government.

"The amendments proposed by the House of Representatives, while dealing with this issue, also deal with individual water rights and provides for statutory legal remedies for interference with those rights.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The amendments proposed by the House of Representatives were ruled out of order.

MOTION

On motion of Senator Hughes, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 3415 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4435 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of to another person.

(11) "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though the persons may not know each other's identity, or membership in the combination changes from time to time, or one or more members may stand in a wholesaler-retailer or other arm's-length relationship with others as to activities or dealings between or among themselves in an illicit operation.

(12) "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, in conduct which violates any one or more provisions of any felony statute of this state.

(13) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(14) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit enterprises and governmental and nongovernmental entities.

(15) "Financial institution" means any bank, trust company, savings and loan association, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(16) "Racketeering" means any act, including any anticipatory or completed offense committed for financial gain, which is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, involving:

(a) Homicide;

(b) Robbery;

(c) Kidnapping;

(d) Forgery;

(e) Theft;

(f) Bribery;

(g) Gambling;

(h) Usury;

(i) Extortion;

(j) Extortionate extensions of credit;

(k) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(l) Trafficking in explosives, weapons, or stolen property;

(m) Leading organized crime;

(n) Obstructing or hindering criminal investigations or prosecutions;

(o) Asserting false claims including, not but limited to, false claims asserted through fraud or arson;

(p) False statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands;

(q) Resale of realty with intent to defraud;

(r) Fraud in the purchase or sale of securities;

(s) Sale of unregistered securities or real property securities and transactions involving such securities by unregistered dealers or salespersons;

(t) A scheme or artifice to defraud;

(u) Obscenity;

(v) Child pornography;

(w) Prostitution;

(x) Arson; or

(y) Violence or the threat of violence, or property damage or the threat of property damage occurring during a labor dispute.

(17) "Pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this act and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.

(18) "Records" means any book, paper, writing, record, computer program, or other material.

(19) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(20) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling; or

(iii) Chapter 19.52 RCW relating to interest and usury; or

(b) In a gambling activity in violation of federal law or in the business of lending money at a rate usurious under federal or state law.

(21) (a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(22) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(23) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (23)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust; or

(iii) A trustee of any indenture of trust under which a bond is issued.

NEW SECTION. Sec. 2. (1) A person who knowingly makes an extortionate extension of credit is guilty of a class B felony.

(2) In a prosecution under this section, if it is shown that all of the following factors are present in connection with the extension of credit, there is prima facie evidence that the extension of credit was extortionate:

(a) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable at the time the extension of credit was made through civil judicial processes against the debtor in the county in which the debtor, if a natural person, resided or in every county in which the debtor, if other than a natural person, was incorporated or qualified to do business.

(b) The extension of credit was made at a rate of interest in excess of an annual rate of forty-five percent calculated according to the actuarial method of allocating payments made

on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

(c) At the time the extension of credit was made, the debtor reasonably believed that either of the following:

(i) One or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment had been punished by extortionate means.

(ii) The creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

(d) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded one hundred dollars.

(3) In a prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (2)(a) or (b) of this section, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

NEW SECTION. Sec. 3. A person who knowingly advances money or property, whether as a gift, loan, investment, or pursuant to a partnership or profit-sharing agreement or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced, directly or indirectly, for the purpose of making extortionate extensions of credit, is guilty of a class B felony.

NEW SECTION. Sec. 4. (1) A person who knowingly participates in any way in the use of any extortionate means to collect or attempt to collect any extensions of credit or to punish any person for the nonrepayment thereof, is guilty of a class B felony.

(2) In a prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment was punished by extortionate means.

(3) In a prosecution under this section, if evidence has been introduced tending to show the existence at the time the extension of credit in question was made of the circumstances described in section 2(2)(a) or (b) of this act, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

NEW SECTION. Sec. 5. (1) A person who recklessly traffics in stolen property is guilty of trafficking in stolen property in the second degree.

(2) A person who knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others, or who knowingly traffics in stolen property, is guilty of trafficking in stolen property in the first degree.

(3) Trafficking in stolen property in the second degree is a class C felony. Trafficking in stolen property in the first degree is a class B felony.

NEW SECTION. Sec. 6. (1) A person commits the offense of leading organized crime by:

(a) Intentionally organizing, managing, directing, supervising, or financing a criminal syndicate; or

(b) Knowingly inciting or inducing others to engage in violence or intimidation to promote or further the objectives of a criminal syndicate.

(2) A person shall not be convicted under this section on the basis of accountability as an accomplice unless the person aids or participates in violating this section in one of the ways specified.

(3) Leading organized crime is a class B felony.

NEW SECTION. Sec. 7. Whoever knowingly gives, promises, or offers to any professional or amateur baseball, football, hockey, polo, tennis, horse race, or basketball player or boxer or any player or referee or other official who participates or expects to participate in any professional or amateur game or sport, or to any manager, coach, or trainer of any team or participant or prospective participant in any such game, contest, or sport, any benefit with intent to influence the person to lose or try to lose or cause to be lost or to limit the person's or person's team's margin of victory or defeat, or in the case of a referee or other official to affect the decisions or the performance of the official's duties in any way, in a baseball, football, hockey, or basketball game, boxing, tennis, horse race, or polo match, or any professional or amateur sport or game, in which the player or participant or referee or other official is taking part or expects to take part, or has any duty or connection therewith, is guilty of a class C felony.

NEW SECTION. Sec. 8. (1) It is unlawful for a person who has knowingly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for a person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for a person to conspire or attempt to violate subsection (1) or (2) of this section.

(4) A knowing violation of subsection (1) or (2) of this section is a class B felony. A knowing violation of subsection (3) of this section is a class C felony.

NEW SECTION. Sec. 9. During the pendency of any criminal case charging an offense included in the definition of racketeering in section 1 of this act or a violation of section 8 of this act, the superior court may, in addition to its other powers, issue an order pursuant to section 10 (2) or (3) of this act. Upon conviction of a person for an offense included in the definition of racketeering or a violation of section 8 of this act, the superior court may, in addition to its other powers of disposition, issue an order pursuant to section 10 of this act.

NEW SECTION. Sec. 10. (1) A person who sustains injury to his or her person, business, or property by racketeering or by a violation of section 8 of this act may file an action in superior court for the recovery of treble damages and the costs of the suit, including reasonable investigative and attorney's fees. The attorney general or county prosecuting attorney may file an action: (a) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (b) to prevent, restrain, or remedy racketeering or a violation of section 8 of this act. An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of treble damages and the costs of the suit, including reasonable investigative and attorney's fees. In an action filed to prevent, restrain, or remedy racketeering or a violation of section 8 of this act, the court may impose a civil penalty not exceeding two hundred fifty thousand dollars upon proof of the violation, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy racketeering or a violation of section 8 of this act after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, the orders may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper.

(4) Following a determination of liability, the orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of treble damages to those persons injured by racketeering or a violation of section 8 of this act.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of any offense included in the definition of racketeering in section 1 of this act or a violation of section 8 of this act, civil and criminal, incurred by the state or county as appropriate, to be paid to the antiracketeering revolving fund of the state or county which brings the action. If the county has not established an antiracketeering revolving fund, the payment shall be deposited in the county current expense fund.

(f) Ordering forfeiture to the general fund or antiracketeering revolving fund of the state or county as appropriate to the extent not already ordered to be paid in other damages:

(i) Any property or other interest acquired or maintained by a person in violation of section 8 of this act.

(ii) Any interest in, security of, claims against or property or contractual right of any kind affording a source of influence over any enterprise which a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 8 of this act.

(iii) All proceeds traceable to an offense included in the definition of racketeering in section 1 of this act and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate commission of the offense.

(g) Ordering payment to the general fund or antiracketeering revolving fund of the state or county as appropriate of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of racketeering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the general fund or antiracketeering revolving fund of the state or county as appropriate, to the extent not already ordered paid pursuant to this section, of:

(a) Any interest acquired or maintained by a person in violation of section 8 of this act.

(b) Any interest in, security of, claims against or property or contractual right of any kind affording a source of influence over any enterprise which a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 8 of this act.

(c) All proceeds traceable to an offense included in the definition of racketeering and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded from subsequently denying the essential allegations of the criminal offense of which the defendant was convicted in any civil proceeding. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict or plea of guilty, notwithstanding the fact that an appeal has been or may be lodged upon any judgment and sentence entered thereon.

(7) The initiation of civil proceedings related to violations of any offense included in the definition of racketeering or a violation of section 8 of this act shall be commenced within seven years after actual discovery of the violation.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the chief judge or presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a claim under this section has been asserted or in which a court is interpreting section 1, 8, 9, 11, or 12 of this act, or this section.

(13) A civil action under this section is remedial and does not limit any other civil or criminal action under this chapter or any other provision. Civil remedies provided under this section are supplemental and not mutually exclusive.

(14) In bringing a civil action under this chapter, the attorney general or county prosecuting attorney may grant a witness immunity in exchange for testimony in the civil case. The immunity bars the use or derivative use of the witness' testimony in any subsequent criminal prosecution of the witness except for perjury or false swearing committed during the course of the testimony.

NEW SECTION. Sec. 11. (1) (a) There is established in the custody of the state treasurer an antiracketeering revolving fund to be administered by the attorney general under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the attorney general. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. When the fund exceeds seven hundred fifty thousand dollars, all funds in excess of the seven hundred fifty thousand dollars shall be deposited in the state general fund.

(c) The moneys in the fund shall be used by the attorney general for the investigation and prosecution of any offense, within the jurisdiction of the attorney general, included in the definition of racketeering, including civil enforcement.

(2) (a) The county legislative authority may establish an antiracketeering revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection.

(c) The county legislative authority may prescribe a maximum level of moneys in the antiracketeering revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of racketeering, including civil enforcement.

NEW SECTION, Sec. 12. (1) The state, upon filing a civil action under section 10 of this act, may file in accordance with this section a racketeering lien. A filing fee or other charge is not required for filing a racketeering lien.

(2) A racketeering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;

(f) A statement that the notice is being filed pursuant to this section;

(g) The amount which the state claims in the action or, with respect to property or other interests which the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;

(h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property which is subject to forfeiture to the state or property in which the defendant has an interest which is available to satisfy a judgment entered in favor of the state; and

(i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended racketeering lien in accordance with this section which identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a racketeering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a racketeering lien filed in accordance with this section.

(5) A racketeering lien is perfected against interests in personal property by filing the lien with the department of licensing. A racketeering lien is perfected against interests in real property by filing the lien with the county auditor of the county in which the real property is located. The state may give such additional notice of the lien as it deems appropriate.

(6) The filing of a racketeering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) The filing of a racketeering lien under this section is notice to all persons dealing with the person or property identified in the lien of the state's claim. The lien created in favor of the state in accordance with this section is superior and prior to the claims or interests of any other person, except a person possessing:

(a) A valid lien perfected prior to the filing of the racketeering lien;

(b) In the case of real property, an interest acquired and recorded prior to the filing of the racketeering lien; or

(c) In the case of personal property, an interest acquired prior to the filing of the racketeering lien.

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the racketeering lien with the county auditor of the county in which the real property is located or, if no racketeering lien is filed, then to the date of recording of the final judgment or the abstract thereof with the county auditor of the county in which the real property is located; or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a racketeering lien in accordance with this section, whichever is earlier, but if the property was not seized and no racketeering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under section 10 of this act or appropriate to protect the interests of the state or available under other applicable law.

NEW SECTION. Sec. 13. A trustee who receives written notice that a lien notice has been recorded or a civil proceeding or criminal proceeding has been instituted against any person for whom the trustee holds legal or record title to real property, shall immediately furnish to the attorney general or county prosecuting attorney the following:

(a) The name and address of the person, as known to the trustee;

(b) To the extent known to the trustee, the name and address of all other persons for whose benefit the trustee holds title to the real property; and

(c) If requested by the attorney general or county prosecuting attorney, a copy of the trust agreement or other instrument under which the trustee holds legal or record title to the real property.

(2) The recording of a lien notice shall not constitute a lien on the record title to real property owned by a trustee at the time of recording except to the extent that trustee is named in the lien notice. The attorney general or county prosecuting attorney may bring a civil proceeding in superior court against the trustee to recover from the trustee the amounts set forth in section 15 of this act. In addition to amounts recovered under section 15 of this act, the attorney general or county prosecuting attorney also may recover its investigative costs and attorneys' fees.

(3) The recording of a lien notice does not affect the use to which real property or a beneficial interest owned by the person named in the lien notice may be put or the right of the person to receive any avails, rents, or other proceeds resulting from the use and ownership except the sale of the property, until a judgment of forfeiture is entered.

(4) This section does not apply to any conveyance by a trustee under a court order unless the court order is entered in an action between the trustee and the beneficiary.

(5) Unless a trustee receives written notice that a person having a beneficial interest in the trust is named in a lien notice or is otherwise a defendant in a civil proceeding, this section does not apply to:

(a) A conveyance by a trustee required under the terms of any trust agreement if the trust agreement is a matter of public record before a lien notice is filed; or

(b) A conveyance by a trustee to all persons who have a beneficial interest in the trust.

NEW SECTION. Sec. 14. (1) The term of a lien notice shall be six years from the date the lien notice is recorded. If a renewal lien notice is filed by the attorney general or county prosecuting attorney, the term of the renewal lien notice shall be for six years from the date the renewal lien notice is recorded. The attorney general or county prosecuting attorney is entitled to only one renewal of the lien notice.

(2) The attorney general or county prosecuting attorney filing the lien notice may release in whole or in part any lien notice or may release any specific property or beneficial interest from the lien notice upon such terms and conditions as the attorney general or county prosecuting attorney considers appropriate. A release of a lien notice executed by the attorney general or county prosecuting attorney shall be recorded in the official records in which the lien notice covering that property was recorded. No charge or fee may be imposed for recording any release of a lien notice.

(3) (a) A person named in the lien notice may move the court in which the civil proceeding giving rise to the lien notice is pending for an order extinguishing the lien notice.

(b) Upon the motion of a person under (a) of this subsection, the court immediately shall enter an order setting a date for hearing, which shall be not less than five nor more than ten days after the motion is filed. The order and a copy of the motion shall be served on the attorney general or county prosecuting attorney within three days after the entry of the court's order. At the hearing, the court shall take evidence on the issue of whether any property or beneficial interest owned by the person is covered by the lien notice or otherwise subject to forfeiture under section 12 of this act. If the person shows by a preponderance of the evidence that the lien notice is not applicable to the person or that any property or beneficial interest owned by the person is not subject to forfeiture under section 12 of this act, the court shall enter a judgment extinguishing the lien notice or releasing the property or beneficial interest from the lien notice.

(c) The court may enter an order releasing from the lien notice any specific real property or beneficial interest if, at the time the lien notice is recorded, there is pending an arms length sale of the real property or beneficial interest in which the parties are under no undue compulsion to sell or buy and are able, willing, and reasonably well informed and the sale is for the fair market value of the real property or beneficial interest and the recording of the lien notice prevents the sale of the property or interest. The proceeds resulting from the sale of the real property or beneficial interest shall be deposited with the court, subject to the further order of the court.

(d) At the hearing held pursuant to (b) of this subsection, if the court releases from the lien notice any property or beneficial interest, the person shall post security equal to the fair market value of the property or beneficial interest owned by the person.

NEW SECTION. Sec. 15. (1) If a trustee conveys title to real property for which, at the time of the conveyance, a lien notice has been recorded in the county in which the real property is situated and the notice names a person who the trustee knows holds a beneficial interest in the trust, the trustee shall be liable to the state for the greater of:

(a) The amount of proceeds received by the person named in the lien notice as a result of the conveyance;

(b) The amount of proceeds received by the trustee as a result of the conveyance and distributed by the trustee to the person named in the lien notice; or

(c) The fair market value of the interest of the person named in the lien notice in the real property so conveyed.

(2) If the trustee conveys the real property for which a lien notice has been recorded at the time of the conveyance and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or beneficiary's designee, the trustee's liability shall not exceed the amount of the proceeds so held so long as the trustee continues to hold the proceeds.

NEW SECTION. Sec. 16. A trustee who fails to comply with section 13(1) of this act is guilty of a class C felony.

NEW SECTION. Sec. 17. (1) A custodian of the records of a financial institution shall, at no expense to the financial institution, produce for inspection or copying the records in the custody of the financial institution when requested to be inspected by the attorney general or a county prosecuting attorney, provided the person requesting the information has served a subpoena issued by a court or obtained a court order for the information. The attorney general or a county prosecuting attorney or any peace officer or other person designated by the county prosecuting attorney or the attorney general shall be prohibited from using or releasing the information except in the proper discharge of official duties. If directed by the court in the subpoena or court order, neither the custodian nor any other employee of the institution shall disclose to the institution's customer the fact that the customer's records have been examined or copied. The furnishing of records in compliance with this section by a custodian of records is a bar to civil or criminal liability against the custodian or financial institution in any action brought alleging violation of the confidentiality of the records.

(2) Disclosure by the attorney general, county prosecuting attorney, or any peace officer designated by the attorney general or the county prosecuting attorney of information obtained under this section, except in the proper discharge of official duties, is a misdemeanor.

(3) Disclosure by the custodian or employee of the financial institution contrary to subsection (1) of this section is a misdemeanor.

(4) This section does not preclude the use of any other legally authorized means of obtaining the information.

Sec. 18. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 129, Laws of 1982 and RCW 9A.04.080 are each amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation

of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within five years after their commission; for violations of section 6 or 8 of this 1984 act, within six years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

NEW SECTION. Sec. 19. Sections 1 through 17 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act shall take effect on July 1, 1985.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do not concur in the House amendment to Engrossed Substitute Senate Bill No. 4435 and asked the House to recede therefrom.

POINT OF INQUIRY

Senator Hemstad: "Senator Talmadge, I thought we were going to concur in those amendments. Could you describe to me what are the technical problems that you see in the bill?"

Senator Talmadge: "We have discovered that in the list of crimes that were subject to racketeering, there were some problems with the list of crimes that were included. There were some problems with some references in the bill. We wanted to make sure that the references, internally, were proper and the list of crimes were ones that we could feel comfortable with."

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed Substitute Senate Bill No. 4435 was deferred.

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

REPORT OF STANDING COMMITTEE

February 27, 1984

ESHB 105 Prime Sponsor, Committee on Natural Resources: Eliminating counties' option to collect in-lieu property taxes on game department lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass as amended. Signed by Senators Owen, Chairman; Peterson, Vice Chairman; Fuller, Metcalf, Rasmussen, Shinpoch, Vognilid.

Passed to Committee on Rules for Second Reading.

MOTION

At 11:53 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

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

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SENATE BILL NO. 4286 with the following amendments:

On page 1, after line 9, insert:

"NEW SECTION. Sec. 2. There is added to chapter 9.46 RCW a new section to read as follows:

The commission shall charge fees or increased fees on pull tabs sold over-the-counter and on sales from punchboards and pull tab devices at levels necessary to assure that the increased revenues are equal or greater to the amount of revenue lost by removing the special tax on coin-operated gambling devices in section 1 of this act."

On page 1, line 4, after "9.46.115;" insert "adding a new section to chapter 9.46 RCW";

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 4286.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4286, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4286, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 02; absent, 07; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, Metcalf, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 37.

Voting nay: Senators Lee, Pullen - 2.

Absent: Senators Conner, Craswell, Fleming, Hemstad, McDonald, McManus, Moore - 7.

Excused: Senators Bender, Newhouse, Wojahn - 3.

SENATE BILL NO. 4286, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed SENATE BILL NO. 4320 with the following amendment:

On page 1, line 17, after "technicians;" strike "and" and insert:

"(2) Persons eighteen years of age and older performing janitorial services to enter and remain on premises licensed under the provisions of Title 66 RCW when the premises are closed but only during and in the course of their performance of janitorial services; and"

Renumber the remaining subsection consecutively,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 4320.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4320, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4320, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 00; absent, 09; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 37.

Absent: Senators Conner, Craswell, Fleming, Hughes, McDermott, McDonald, McManus, Metcalf, Vognild - 9.

Excused: Senators Bender, Newhouse, Wojahn - 3.

SENATE BILL NO. 4320, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3059 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the senior citizens of this state, particularly those living in low-income public housing or in nursing homes, often lead lonely and harsh lives. The legislature recognizes that the warmth and companionship provided by pets can significantly improve the quality of senior citizens' lives. This legislation is intended to insure that senior citizens and persons in nursing homes will not be deprived of access to pets.

NEW SECTION, Sec. 2. There is added to chapter 18.51 RCW a new section to read as follows:

(1) A nursing home licensee shall give each patient a reasonable opportunity to have regular contact with animals. The licensee may permit appropriate animals to live in the facilities and may permit appropriate animals to visit if the animals are properly supervised.

(2) The department shall adopt rules for the care, type, and maintenance of animals in nursing home facilities."

On page 1, line 1 of the title, after "disabled," strike the remainder of the title and insert "adding a new section to chapter 18.51 RCW; and creating a new section."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Woody, the Senate concurred in the House amendments to Engrossed Senate Bill No. 3059.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3059, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3059, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent, 03; excused, 03.

Voting yea: Senators Bauer, Bluechel, Deccio, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Goltz, Guess, Haley, Hayner, Hurley, McCaslin, McDonald, Pullen, Quigg, Vognild - 14.

Absent: Senators Bottiger, Conner, Hughes - 3.

Excused: Senators Bender, Newhouse, Wojahn - 3.

ENGROSSED SENATE BILL NO. 3059, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3064 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that privately operated taxicab transportation service is a vital part of the transportation system within the state and provides demand-responsive services to state residents, tourists, and out-of-state business people. Consequently, the safety, reliability, and economic viability and stability of privately operated taxicab transportation service are matters of state-wide importance. The regulation of privately operated taxicab transportation services is thus an essential governmental function.

Therefore, it is the intent of the legislature to permit political subdivisions of the state to regulate taxicab transportation services without liability under federal antitrust laws.

NEW SECTION. Sec. 2. To protect the public health, safety, and welfare, cities, towns, counties, and port districts of the state may license, control, and regulate privately operated taxicab transportation services operating within their respective jurisdictions. The power to regulate includes:

(1) Regulating entry into the business of providing taxicab transportation services;

(2) Requiring a license to be purchased as a condition of operating a taxicab and the right to revoke, cancel, or refuse to reissue a license for failure to comply with regulatory requirements;

(3) Controlling the rates charged for providing taxicab transportation service and the manner in which rates are calculated and collected, including the establishment of zones as the basis for rates;

(4) Regulating the routes of taxicabs, including restricting access to airports;

(5) Establishing safety, equipment, and insurance requirements; and

(6) Any other requirements adopted to ensure safe and reliable taxicab service.

NEW SECTION. Sec. 3. A city, town, county, or port district may enter into cooperative agreements with any other city, town, county, or port district for the joint regulation of taxicabs. Cooperative agreements may provide for, but are not limited to, the granting, revocation, and suspension of joint taxicab licenses.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall be added to Title 81 RCW."

In line 1 of the title, after "taxicab companies;" strike the remainder of the title and insert "and creating a new chapter in Title 81 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 3064.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3064, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3064, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 07; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoeh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody - 38.

Voting nay: Senators Clarke, Craswell, McCaslin, McDonald, Quigg, Rasmussen, Zimmerman - 7.

Absent: Senator Conner - 1.

Excused: Senators Bender, Newhouse, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 3064, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3098 with the following amendments:

Strike everything after the enacting clause and insert:

NEW SECTION. Sec. 1. There is added to chapter 36.32 RCW a new section to read as follows:

Vacancies in the position of county freeholder shall be filled with a person qualified for the position who is appointed by majority action of the remaining county freeholders."

On page 1, line 1 of the title after "and" strike the remainder of the title and insert "adding a new section to chapter 36.32 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3098.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3098, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3098, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 02; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Voting nay: Senators Pullen, Quigg - 2.

Absent: Senators Conner, Deccio - 2.

Excused: Senators Newhouse, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3098, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 14, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3103 with the following amendments:

On page 4, after line 2, insert the following:

*Sec. 3. Section 36.18.110, chapter 4, Laws of 1963 and RCW 36.18.110 are each amended to read as follows:

Every salaried county and precinct officer authorized to receive fees shall on or before the first Monday of each month and at the end of his or her term of office submit to the county auditor a statement and copy of his or her fee book for the month last past, duly verified as provided in RCW 36.18.150(~~(-PROVIDED, That the county auditor shall submit the statement and copy of his fee book to the county clerk)~~).

Sec. 4. Section 36.18.120, chapter 4, Laws of 1963 and RCW 36.18.120 are each amended to read as follows:

The county auditor (~~and county clerk~~) shall check the statements submitted (~~them~~) to the county auditor with the fee book, and the records pertaining thereto, and if they are found to be correct shall return them after having attached thereto (~~their~~) the official certificates.

Sec. 5. Section 1, chapter 65, Laws of 1921 and RCW 4.64.010 are each amended to read as follows:

In any action tried by jury in which a verdict is returned, judgment in conformity with the verdict may be entered by the court at any time after two days from the return of such verdict. Any motion for judgment notwithstanding the verdict, or any motion for a new trial, or any motion attacking the verdict for other causes, shall be served on the adverse party and filed with the clerk of the court within two days after the return of the verdict, and no judgment shall be entered in the cause until after the disposition of such motion. The judgment shall be in writing, signed by the judge of the court in which the action is pending, and shall be filed with the clerk and recorded in the (~~journal~~) execution docket of the court.

Sec. 6. Section 307, page 75, Laws of 1869 as last amended by section 2, chapter 28, Laws of 1983 and RCW 4.64.030 are each amended to read as follows:

All judgments shall be entered by the clerk, subject to the direction of the court, in the (~~journal~~) execution docket, and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action. At the end of each judgment which provides for the payment of money, the following shall be succinctly summarized: The judgment creditor and the name of his or her attorney, the judgment debtor, the amount of the judgment, the interest owed to the date of the judgment, and the total of the taxable costs and attorney fees, if known at the time of the entry of the judgment. If the attorney fees and costs are not included in the judgment, they shall be summarized in the cost bill when filed. This information is included in the judgment to assist the county clerk in his or her record-keeping function.

Sec. 7. Section 16, chapter 98, Laws of 1979 and RCW 26.27.160 are each amended to read as follows:

(1) The clerk of each superior court shall maintain a registry in which he or she shall enter (~~the following~~):

(†)) certified copies of custody decrees of other states received for filing((:)) to which the clerk shall assign an individual cause number.

(2) The clerk shall maintain the following at no charge as miscellaneous filings:

(a) Communications as to the pendency of custody proceedings in other states:

((†)) (b) Communications concerning a finding of inconvenient forum by a court of another state; and

((†)) (c) Other communications or documents concerning custody proceedings in another state which may affect the jurisdiction of a court of this state or the disposition to be made by it in a custody proceeding.

Sec. 8. Section 8, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 59, Laws of 1983 and RCW 28A.65.435 are each amended to read as follows:

Copies of the budgets for all local school districts shall be filed with the superintendent of public instruction ~~((and the appropriate county auditor(s)))~~ no later than September 10th. One copy will be retained by the educational service district.

Sec. 9. Section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 59, Laws of 1983 and RCW 28A.65.480 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, upon the happening of any emergency in first class school districts caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

(2) Notwithstanding any other provision of this chapter, if in first class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated in subsection (1) of this section, the school district board of directors, before incurring expenditures in excess of the appropriation, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in RCW 28A.65.420. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Copies of all adopted appropriation resolutions shall be filed with the educational service district who shall forward one copy each to the office of the superintendent of public instruction ~~((and the appropriate county auditor))~~. One copy shall be retained by the educational service district.

Sec. 10. Section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 12, chapter 59, Laws of 1983 and RCW 28A.65.485 are each amended to read as follows:

Notwithstanding any other provision of this chapter, if a second class school district needs to increase the amount of the appropriation from any fund for any reason, the school district board of directors, before incurring expenditures in excess of appropriation, shall adopt a resolution stating the facts and estimating the amount of additional appropriation needed.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by RCW 28A.65.420. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations in the manner prescribed in rules and regulations for such approval by the superintendent.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the office of the superintendent of public instruction with the educational service district ~~((and the appropriate county auditor(s)))~~.

NEW SECTION. Sec. 11. There is added to chapter 42.24 RCW a new section to read as follows:

In order to expedite the payment of claims, the legislative body of any taxing district, as defined in RCW 43.09.260, may authorize the issuance of warrants or checks in payment of claims after the provisions of this chapter have been met and after the officer designated by statute, or, in the absence of statute, an appropriate charter provision, ordinance, or resolution of the taxing district, has signed the checks or warrants, but before the legislative body has acted to approve the claims. The legislative body may stipulate that certain kinds or amounts of claims shall not be paid before the board has reviewed the supporting documentation and approved the issue of checks or warrants in payment of those claims. However, all of the following conditions shall be met before the payment:

(1) The auditing officer and the officer designated to sign the checks or warrants shall each be required to furnish an official bond for the faithful discharge of his or her duties in an amount determined by the legislative body but not less than fifty thousand dollars;

(2) The legislative body shall adopt contracting, hiring, purchasing, and disbursing policies that implement effective internal control;

(3) The legislative body shall provide for its review of the documentation supporting claims paid and for its approval of all checks or warrants issued in payment of claims at its next regularly scheduled public meeting; and

(4) The legislative body shall require that if, upon review, it disapproves some claims, the auditing officer and the officer designated to sign the checks or warrants shall jointly cause the disapproved claims to be recognized as receivables of the taxing district and to pursue collection diligently until the amounts disapproved are collected or until the legislative body is satisfied and approves the claims.

NEW SECTION, Sec. 12. Section 28A.66.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.090 are each repealed."

On page 1, line 2 of the title, after "36.32.180;" strike "and"

On page 1, on line 3 of the title, after "36.22.010" insert "; amending section 36.18.110, chapter 4, Laws of 1963 and RCW 36.18.110; amending section 36.18.120, chapter 4, Laws of 1963 and RCW 36.18.120; amending section 1, chapter 65, Laws of 1921 and RCW 4.64.010; amending section 307, page 75, Laws of 1869 as last amended by section 2, chapter 28, Laws of 1983 and RCW 4.64.030; amending section 16, chapter 98, Laws of 1979 and RCW 26.27.160; amending section 8, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 5, chapter 59, Laws of 1983 and RCW 28A.65.435; amending section 17, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 11, chapter 59, Laws of 1983 and RCW 28A.65.480; amending section 18, chapter 118, Laws of 1975-'76 2nd ex. sess. as amended by section 12, chapter 59, Laws of 1983 and RCW 28A.65.485; adding a new section to chapter 42.24 RCW; and repealing section 28A.66.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.66.090",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3103.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3103, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3103, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 45.

Absent: Senators Conner, Hurley - 2.

Excused: Senators Newhouse, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3103, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3128 with the following amendments:

On page 2, line 10, strike "~~Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day~~" and insert "Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day ("

On page 2, line 19, after "section.", strike all material down to and including "attendance," on line 22 and insert "customarily charged for general trial work by the condemnee's attorney for actual trial time and his or her hourly rate for preparation. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance."

On page 2, line 23, strike "(5))" and insert "(5)"

On page 2, after line 25 insert a new section to read as follows:

"Sec. 2. Section 1, chapter 28, Laws of 1943 and RCW 8.28.040 are each amended to read as follows:

Whenever in any eminent domain proceeding, heretofore or hereafter instituted for the taking or damaging of private property, a verdict shall have been returned by the jury, or by the court if the case be tried without a jury, fixing the amount to be paid as compensation for the property so to be taken or damaged, such verdict shall bear interest at the (~~rate of six percent per annum~~) maximum rate of interest permitted at that time under RCW 19.52.020 from the date of its entry to the date of payment thereof: PROVIDED, That the running of such interest shall be suspended, and such interest shall not accrue, for any period of time during which the entry of final judgment in such proceeding shall have been delayed solely by the pendency of an appeal taken in such proceeding."

On page 1, line 1 of the title after "proceedings;" strike "and"

On page 1, line 3 of the title after "8.25.070" insert: "and amending section 1, chapter 28, Laws of 1943 and RCW 8.28.040".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3128.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, does this amendment eliminate the judge's discretion in awarding of attorney fees? As I read the amendment, it says 'customarily charged for general trial work by the condemnee's attorney for actual trial time and his or her hourly rate.' Now at the rate, as the law stands now, the judge has the discretion and the attorney might--say his customary hourly rate is a hundred and fifty dollars an hour and the judge says 'you're not worth it' and he gives you the going rate of about seventy dollars an hour. Will this amendment eliminate that discretion by the judge?"

Senator Talmadge: "My understanding is that it does not, Senator. It simply establishes a maximum. The provision that is being amended is the old fee schedule that used to exist for the eminent domain proceedings. A fee schedule for this variety customarily violates the anti-trust laws and the DOT had some concern about contention fee awards in eminent domain proceedings--and a number of other concerns. This simply sets the maximum for the attorney's fees that can be recovered."

Senator Rasmussen: "Well, I'm concerned because it looks like it's a positive statement that whatever that attorney usually charges, that's what he's going to get--and there's quite a lot of difference in their hourly rate. Some attorneys are worth more than the others."

Senator Talmadge: "As I say, I understand that this is a maximum. It was the language that was requested by the Department of Transportation in dealing with the problem of eminent domain and I doubt they're going to be anxious to be giving away the public fisc in attorney's fees. It's intended to be a cap."

Senator Rasmussen: "It was not intended to do away with the judge's discretion? Thank you."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge to concur in the House amendments to Engrossed Senate Bill No. 3128.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 3128.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3128, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 00; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Loe, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, Warnke, Williams, Woody, Zimmerman - 42.

Voting nay: Senators McDonald, Metcalf, Pullen, Rasmussen, von Reichbauer - 5.

Excused: Senators Newhouse, Wojahn - 2.

ENGGROSSED SENATE BILL NO. 3128, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed SECOND SUBSTITUTE SENATE BILL NO. 3158 with the following amendments:

On page 3, line 26, strike all of section 4.

Renumber the remaining sections accordingly.

On page 4, line 14, after "act." strike everything through "act." on line 18 and insert: "Within three years of the effective date of this act, the department of licensing shall devise and implement a no-fee system for identifying and purging trade name registrations that have become inactive."

MOTION

Senator Talmadge moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 3158.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, according to the amendment, the Department of Licensing has developed a system of purging. The Department of Licensing develops their system, but doesn't have the authority of law other than what we've given them here. They purged my trade name and I don't want it purged and I'm perfectly legitimate, what do I have to do--do I sue the Department of Licensing?"

Senator Talmadge: "Senator, I think you could always bring the issue up with the Department of Licensing. The idea is to clear the list of assumed names that exist of those names that are no longer being used by various business entities across the state. The alternative to this kind of arrangement is a requirement that the permit--or the ability to use the trade name--be done every five years or some time period, and a new fee paid for that reconsideration process.

"The feeling on the House side was that the Department of Licensing could adopt rules and regulations to assure that those trade names that were initially paid for, were ones that are still being used and if they're not any longer being used then to remove them from the list of trade names."

Senator Rasmussen: "Well, my concern, Senator Talmadge, is that we're giving them the full authority to develop it and purge--and I would think a better approach would be to forfeit licenses and requiring a renewal ever so often to find out if they are alive."

Senator Talmadge: "Senator, that's what we originally had in the Senate Bill--the House did not agree with that. I don't think that their approach is necessarily a bad one. It's certainly less expensive for the businesses that don't have to pay a new fee to renew their license. I think it's something we'll keep an eye on, for certain, from the Department of Licensing."

Senator Rasmussen: "It all depends on the rule. Thank you."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge to concur in the House amendments to Second Substitute Senate Bill No. 3158.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 3158.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3158, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3158, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goitz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 46.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Newhouse, Wojahn - 2.

SECOND SUBSTITUTE SENATE BILL NO. 3158, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3178 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020 are each amended to read as follows:

The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his or her county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April and shall be delinquent after that date: PROVIDED, That when the total amount of tax on personal property or on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date: PROVIDED FURTHER, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid after the thirtieth day of April but before the thirty-first day of October, together with the applicable interest and penalty on the full amount of such tax, the remainder of such tax shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date.

Delinquent taxes under this section are subject to interest at the rate of twelve percent per annum computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the tax, regardless of when the taxes were first delinquent. In addition, delinquent taxes under this section are subject to penalties as follows:

- (1) A penalty of three percent shall be assessed on the amount of tax delinquent on May 31st of the year in which the tax is due.
- (2) An additional penalty of eight percent shall be assessed on the total amount of tax delinquent on November 30th of the year in which the tax is due.
- (3) Penalties under this section shall not be assessed on taxes that were first delinquent prior to 1982.

For purposes of this chapter, "interest" means both interest and penalties.

All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the cost of foreclosure and sale of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

NEW SECTION. Sec. 2. The purpose of sections 3 through 6 of this act is to clarify requirements necessary for voters to authorize certain local governments to impose regular property tax levies for a series of years. Sections 3 through 9 of this act only clarify the existing law to avoid credence being given to an erroneous opinion that has been rendered by the attorney general. As cogently expressed in Attorney General Opinion, Number 14, Addendum, opinions rendered by the attorney general are advisory only and are merely a "prediction of the outcome if the matter were to be litigated." Nevertheless, confusion has arisen from this erroneous opinion.

NEW SECTION. Sec. 3. There is added to chapter 29.30 RCW a new section to read as follows:

The ballot proposition authorizing a taxing district to impose the regular property tax levies authorized in RCW 36.69.145, 67.38.130, or 84.52.069 shall contain in substance the following:

"Shall the (insert the name of the taxing district) be authorized to impose regular property tax levies of (insert the maximum rate) or less per thousand dollars of assessed

valuation for each of (insert the maximum number of years allowable) consecutive years?

Yes.....

No

Each voter shall indicate either "Yes" or "No" on his or her ballot in accordance with the procedures established under this title.

Sec. 4. Section 13, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.130 are each amended to read as follows:

The governing body of a cultural arts, stadium and convention district may levy or cause to levy the following ad valorem taxes:

(1) ~~(A)~~ Regular ad valorem property tax ~~((levy)) levies~~ in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the district in each year for six consecutive years ~~((This six year levy must be approved))~~ when specifically authorized so to do by a majority of at least three-fifths of the electors thereof ((voting on the)) approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percentum of the total votes cast in such taxing district at the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition ((to levy)) when the number of electors voting yes on the proposition exceeds forty percentum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with section 3 of this 1984 act.

In the event a cultural arts, stadium and convention ~~((districts are)) district~~ is levying property taxes, which in combination with property taxes levied by other taxing districts ~~((result in taxes in excess of))~~ subject to the one percent limitation provided for in Article VII, section 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043, the cultural arts, stadium and convention district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced: PROVIDED, That no cultural arts, stadium, and convention district may pledge anticipated revenues derived from the property tax herein authorized as security for payments of bonds issued pursuant to subsection (1) of this section: PROVIDED, FURTHER, That such limitation shall not apply to property taxes approved pursuant to subsections (2) and (3) of this section.

The limitation in RCW 84.55.010 shall apply to levies after the first levy authorized under this section following the approval of such levy by voters pursuant to this section.

(2) An annual excess ad valorem property tax for general district purposes when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052.

(3) Multi-year excess ad valorem property tax levies used to retire general obligation bond issues when authorized by the district voters in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.056.

The district shall include in its regular property tax levy for each year a sum sufficient to pay the interest and principal on all outstanding general obligation bonds issued without voter approval pursuant to RCW 67.38.110 and may include a sum sufficient to create a sinking fund for the redemption of all outstanding bonds.

Sec. 5. Section 1, chapter 200, Laws of 1979 ex. sess. and RCW 84.52.069 are each amended to read as follows:

(1) As used in this section, "taxing district" means a county, emergency medical service district, city or town, public hospital district, or fire protection district.

(2) A taxing district may impose ~~((an))~~ additional regular property tax ~~((levy)) levies~~ in an amount equal to twenty-five cents or less per thousand dollars of the assessed value of property in the taxing district in each year for six consecutive years ~~((This six year levy must be approved))~~ when specifically authorized so to do by a majority of at least three-fifths of the electors thereof ((voting on the)) approving a proposition authorizing the levies submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition ((to levy)) when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. Ballot propositions shall conform with section 3 of this 1984 act.

(3) Any tax imposed under this section shall be used only for the provision of emergency medical care or emergency medical services, including related personnel costs, training for such personnel, and related equipment, supplies, vehicles and structures needed for the provision of emergency medical care or emergency medical services.

(4) If a county levies a tax under this section, no taxing district within the county may levy a tax under this section. No other taxing district may levy a tax under this section if another taxing district has levied a tax under this section within its boundaries: PROVIDED, That if a taxing district within a county levies this tax, and the voters of the county subsequently

approve a levying of this tax, then the tax levy for emergency medical services shall cease being levied in the taxing district originally levying it and shall be replaced with the county-wide levy. Whenever a tax is levied county-wide, the service shall, insofar as is feasible, be provided throughout the county: PROVIDED FURTHER, That no county-wide levy proposal may be placed on the ballot without the approval of the legislative authority of each city exceeding fifty thousand population within the county: PROVIDED FURTHER, That this section and RCW 36.32.480 shall not prohibit any city or town from levying an annual excess levy to fund emergency medical services.

(5) The tax levy authorized in this section is in addition to the tax levy authorized in RCW 84.52.043.

(6) The limitation in RCW 84.55.010 shall not apply to the first levy imposed pursuant to this section following the approval of such levy by the voters pursuant to subsection (2) of this section.

Sec. 6. Section 18, chapter 210, Laws of 1981 and RCW 36.69.145 are each amended to read as follows:

(1) A park and recreation district may impose ~~((a))~~ regular property tax ~~((levy))~~ levies in an amount equal to fifteen cents or less per thousand dollars of assessed value of property in the district in each year for five consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof ~~((voting on the))~~ approving a proposition ~~((to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in the twelve month period, either))~~ authorizing the levies submitted at a special election or at the regular election of the district, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition if the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. A proposition authorizing the tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with section 3 of this 1984 act. In the event a park and recreation ~~((districts are))~~ district is levying property taxes, which in combination with property taxes levied by other taxing districts ~~((result in taxes in excess of))~~ subject to the one percent limitation provided for in Article 7, section ~~((1))~~ 2, of our state Constitution result in taxes in excess of the limitation provided for in RCW 84.52.043, the park and recreation district property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

(2) The limitation in RCW 84.55.010 shall not apply to the first levy imposed under this section following the approval of the levies by the voters under subsection (1) of this section.

Sec. 7. Section 9, chapter 218, Laws of 1963 as last amended by section 7, chapter 210, Laws of 1981 and RCW 36.68.480 are each amended to read as follows:

If the petition or resolution initiating the formation of the proposed park and recreation service area proposes that the initial ~~((improvements of services))~~ capital or operational costs are to be financed by regular property tax levies for a six-year period as authorized by section 9 of this 1984 act, or an annual excess levy, or that proposed capital costs are to be financed by the issuance of general obligation bonds and bond retirement levies, a ~~((special election))~~ proposition or propositions for ~~((that))~~ such purpose or purposes shall be ~~((conducted))~~ submitted to the voters of the proposed service area at the same election ~~((within the boundaries of the proposed service area))~~. A proposition or propositions for regular property tax levies for a six-year period as authorized by section 9 of this 1984 act, an annual excess levy, or the issuance of general obligation bonds and bond retirement levies, may also be submitted to the voters at any general or special election.

Sec. 8. Section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter 167, Laws of 1983 and RCW 36.68.520 are each amended to read as follows:

(1) A park and recreation service area shall ~~((not have power to levy an annual authorized levy, but it shall))~~ have the power to levy ~~((a tax))~~ an annual excess levy upon the property included within the service area if authorized at a special election called for the purpose in the manner prescribed by section 2, Article VII of the Constitution and by RCW 84.52.052. ~~((The special voted))~~ This excess levy may be either for operating fund or for capital outlay, or for a cumulative reserve fund.

(2) A service area may issue general obligation bonds for capital purposes only, not to exceed an amount, together with any outstanding general obligation indebtedness, equal to three-eighths of one percent of the value of the taxable property within the district, and may provide for the retirement thereof by levies in excess of dollar rate in accordance with the provisions of Article VII, section 2 of the Constitution and RCW 84.52.056: PROVIDED, That such districts may issue bonds equal to two and one-half percent of the value of the taxable property within the district, as the term "value of the taxable property" is defined in RCW 39.36.015, when such bonds are approved by the voters of the district at a special election called for the

purpose. Such bonds may be in any form, including coupon bonds or registered bonds as provided in RCW 39.46.030.

(3) Notwithstanding subsection (2) of this section, such bonds may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 9. There is added to chapter 36.68 RCW a new section to read as follows:

A park and recreation service area may impose regular property tax levies in an amount equal to fifteen cents or less per thousand dollars of assessed value of property in the service area in each year for six consecutive years when specifically authorized so to do by a majority of at least three-fifths of the voters thereof approving a proposition authorizing the levies submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of the service area, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total votes cast in the service area at the last preceding general election when the number of electors voting on the proposition does not exceed forty percent of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition if the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election. A proposition authorizing such tax levies shall not be submitted by a park and recreation district more than twice in any twelve-month period. Ballot propositions shall conform with section 3 of this act. If a park and recreation service area is levying property taxes, which in combination with property taxes levied by other taxing districts result in taxes in excess of the nine-dollar and fifteen cents per thousand dollars of assessed valuation limitation provided for in RCW 84.52.043, the park and recreation service area property tax levy shall be reduced or eliminated before the property tax levies of other taxing districts are reduced.

NEW SECTION. Sec. 10. Section 271, chapter 167, Laws of 1983 is repealed.

NEW SECTION. Sec. 11. There is added to chapter 84.36 RCW a new section to read as follows:

All conservation futures on agricultural lands acquired pursuant to RCW 64.04.130 or 84.34.200 through 84.34.240, that are held by any nonprofit corporation or association, the primary purpose of which is conserving agricultural lands and preventing the conversion of such lands to nonagricultural uses, shall be exempt from ad valorem taxation if:

(1) The conservation futures are of an unlimited duration;

(2) The conservation futures are effectively restricted to preclude nonagricultural uses on such agricultural land; and

(3) The lands are classified as farm and agricultural lands under chapter 84.34 RCW: PROVIDED, That at such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in RCW 84.34.108(3) shall be imposed.

NEW SECTION. Sec. 12. Section 1 of this act applies to taxes payable in 1985 and thereafter."

On page 1, line 1 of the title, after "taxation;" strike the remainder of the title and insert "amending section 84.56.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 322, Laws of 1981 and RCW 84.56.020; amending section 13, chapter 22, Laws of 1982 1st ex. sess. and RCW 67.38.130; amending section 1, chapter 200, Laws of 1979 ex. sess. and RCW 84.52.069; amending section 18, chapter 210, Laws of 1981 and RCW 36.69.145; amending section 9, chapter 218, Laws of 1963 as last amended by section 7, chapter 210, Laws of 1981 and RCW 36.68.480; amending section 13, chapter 218, Laws of 1963 as last amended by section 83, chapter 167, Laws of 1983 and RCW 36.68.520; adding a new section to chapter 29.30 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 84.36 RCW; creating new sections; and repealing section 271, chapter 167, Laws of 1983."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3178.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3178, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3178, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 04; absent, 00; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurlley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Quigg, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 43.

Voting nays: Senators Craswell, Metcalf, Pullen, Rasmussen - 4.

Excused: Senators Newhouse, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3178, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3181 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150 are each amended to read as follows:

(1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may ~~((summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; the summons shall state whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient status. The mental health professional shall also designate, at the time of the summons, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name, business address, and telephone number of this attorney in the summons)),~~ if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the county designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility.

(b) ~~((The summons shall state a date and time to appear not less than twenty-four hours after the service of the summons. The summons)) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents, as a result of a mental disorder, a likelihood of serious harm to others or himself, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear not less than twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The order shall state the address of the evaluation and treatment facility to which ~~((such))~~ the person is to report and ~~((the business address and phone number of the mental health professional designated by the county. The summons shall state))~~ whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis and that if the person named in the ~~((summons))~~ order fails to appear at the evaluation and treatment facility at or before the date and time stated in the ~~((summons))~~ order, such person may be involuntarily taken into custody~~((: Accompanying the summons to such person shall be a copy of the petition for initial detention and a notice of rights))~~ for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.~~

(c) ~~((if such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence.))~~ The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the ~~((summons))~~ order to appear together with a notice of rights and a petition for initial detention. After service on such person the mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time ~~((specified on the summons if such person is not~~

~~released prior to the expiration of such period)) of outpatient evaluation or admission to the evaluation and treatment facility. The person shall be permitted to remain in his home or other place of his choosing prior to the time of evaluation and shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation and, with the permission of the evaluation and treatment facility, the individual or individuals who accompany him may be present during the admission evaluation.~~

(d) If the person ((~~summoned~~)) ordered to appear does appear((s)) on or before the date and time specified, the evaluation and treatment facility may admit such person as required by RCW 71.05.170 or may provide treatment on an outpatient basis. If the person ((~~summoned~~)) ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. Should the mental health professional notify a peace officer authorizing him to take a person into custody under the provisions of this subsection, he shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on such person, his guardian, and conservator, if any, a copy of the original ((~~summons~~)) order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1)(d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and immediately delivered to an evaluation and treatment facility:

(a) Only pursuant to subsections (1)(d) and (2) of this section; or

(b) When he has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself or is in imminent danger because of being gravely disabled.

(5) Persons delivered to evaluation and treatment facilities by peace officers pursuant to subsection (4)(b) of this section may be held by the facility for a period of up to twelve hours: PROVIDED, That they are examined by a mental health professional within three hours of their arrival. Within twelve hours of their arrival, the designated county mental health professional must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

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

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 3181.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I am concerned with the fact that the facility--that is according to the House amendment--the facility doing the evaluation can deny the parent or legal representative or anybody from coming in to where they're doing the evaluation. That's like it was in the old days. They used to take you in and dope you up and evaluate you. Of course, you were nutty as a fruitcake after they got through with you--and we stopped that. Now, this would indicate that you're going back to that. I would think that the facility doing the evaluation--of course, they may consent, but if they say 'no,' it doesn't do much good if you're protecting the person involved or representing them to be outside the door. Those doors are pretty solid. That's my concern."

Senator Talmadge: "The concern, as I understand it, Senator Rasmussen, that was expressed over on the House side was with the language of having a person

actually present at the evaluation. The language that remains in the bill is contained on page 4, lines 25 through 38 of the amendment--that permits the person to remain in his or her own home until such time as the evaluation is to take place and also permits the person to bring any of the following people: relatives, friends, an attorney, personal physician and other professional religious advisor to the place of evaluation. With the permission of the evaluation treatment facility, those individuals may, in fact, accompany that individual into the examination, if that's appropriate. The difficulty is, and I think probably Doctors McDermott and Haley can speak to it, of having people present--actually at the evaluation when an evaluation is occurring--those people can accompany the individual. The protections, I think, in the bill are sufficient to guarantee and safeguard the individual's rights, but they might be disruptive of the therapeutic process to have someone actually present during the evaluation by the professional."

Senator Rasmussen: "Well, my concern is that the therapeutic process doesn't happen until after you have the evaluation. I would be glad to have the doctors thoughts on it because my concern is what goes on behind that green door when I'm on the other side and I can't hear the questions that are asked when the general evaluation is going on. Now, that has happened in the past and we had corrective legislation--now it would appear that the facility may not grant the permission for a representative and I would like to hear from a doctor or somebody on it."

Senator Talmadge: "Well, Mr. President, if I could respond to Senator Rasmussen's comment. It is not the law, now, that a person may be present in the evaluation process, there actually in the therapeutic evaluation now. The fact that you can have the individual there in the evaluation facility, and upon the consent of the people of the evaluation facility, be present in the examining room, is a departure from present law."

POINT OF INQUIRY

Senator Pullen: "Senator Talmadge, did the original form of the bill, as it originally passed the Senate and went over to the House, allow a friend or other professional at the request of the person being detained to be there in the examining room, itself?"

Senator Talmadge: "As I understand it, Senator, yes it did."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge to concur in the House amendment to Substitute Senate Bill No. 3181.

The motion by Senator Talmadge failed and the Senate did not concur in the House amendment to Substitute Senate Bill No. 3181.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed **SUBSTITUTE SENATE BILL NO. 3238** with the following amendment:

On page 5, after line 4 insert the following new sections:

NEW SECTION. Sec. 6. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall establish a community development finance program. Pursuant to this program, the department shall: (1) develop expertise in federal, state, and local community and economic development programs; (2) assist communities and businesses to secure available financing; and (3) work closely with the department of commerce and economic development on financial and technical assistance programs available to small and medium sized businesses. To the extent permitted by federal law, the department is encouraged to use federal community block grant funds to make urban development action grants to communities which have not been eligible to receive such grants prior to the effective date of this 1984 act.

NEW SECTION. Sec. 7. There is added to chapter 43.63A RCW a new section to read as follows: The department shall develop and administer a local development matching fund program. To be eligible to receive funds under this program, an organization must be a local government or a nonprofit local development entity. Any local government or entity requesting

funds must demonstrate the participation of a cross-section of the local community in the economic development project, including business, labor, education and training, and the public sector. Under this program, the department shall provide matching funds which shall be used for the formulation of local economic development strategies, including the technical analysis necessary to designate and carry out the strategies. A technical analysis can include, but is not limited to, the development and dissemination of data on local markets, demographics, comparative business costs, site availability, labor force characteristics, and local incentives. Funds are to be used primarily to foster new developments and expansions which result in the trading of goods and services outside of the state's borders. Funds may be made available for assisting local businesses in utilizing state and federal programs in exporting, training, and financing. Funds may also be used to provide technical assistance to businesses in the areas of land use, transportation, site location, and manpower training. Matching funds cannot be used for entertainment, capital expenses, hosting, or marketing. Funds granted for economic development projects must be matched by local resources on a dollar-for-dollar basis. Not more than fifty thousand dollars of state matching funds as provided by this section may be used for any one project.

The department shall report annually on December 31 to the governor and the legislature on funds expended and projects developed using matching funds.

NEW SECTION. Sec. 8. There is added to chapter 43.63A RCW a new section to read as follows:

The department shall assist in the fostering of local community and economic development strategies which facilitate effective partnerships between the public and private sectors."

Renumber the remaining sections consecutively..

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendment to Substitute Senate Bill No. 3238.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3238, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3238, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 03; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Decchio, McCaslin - 3.

Excused: Senators Newhouse, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3238, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3262 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 84.12.230, chapter 15, Laws of 1961 as amended by section 161, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.230 are each amended to read as follows:

Each company doing business in this state shall annually on or before the 15th day of March, make and file with the department of revenue an annual report, in such manner, upon such form, and giving such information as the department may direct; PROVIDED, That the department, upon written request filed on or before such date and for good cause shown therein, may allow an extension of time for filing not to exceed sixty days. At the time of making such report each company shall also be required to furnish to the department the annual reports of the board of directors, or other officers to the stockholders of the company, duplicate copies of the annual reports made to the interstate commerce commission and to the utilities and transportation commission of this state and duplicate copies of such other reports as the

department may direct: PROVIDED, That the duplicate copies of these annual reports shall not be due until such time as they are due to the stockholders or commissioners.

Sec. 2. Section 84.12.260, chapter 15, Laws of 1961 as amended by section 164, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.12.260 are each amended to read as follows:

(1) If any company shall fail to materially comply with the provisions of RCW 84.12.230, the department shall add to the value of such company, as a penalty for such failure, five percent for every thirty days or fraction thereof, not to exceed ten percent, that the company fails to comply.

(2) If any company, or any of its officers or agents shall refuse or neglect to make any report required by this chapter, or by the department of revenue, or shall refuse to permit an inspection and examination of its records, books, accounts, papers or property requested by the department of revenue, or shall refuse or neglect to appear before the department of revenue in obedience to a subpoena, the department of revenue shall inform itself to the best of its ability of the matters required to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company, and the department shall add to the value so ascertained twenty-five percent as a penalty for such failure or refusal and such company shall be estopped to question or impeach the assessment of the department in any hearing or proceeding thereafter. Such penalty shall be in lieu of the penalty provided for in subsection (1) of this section.

Sec. 3. Section 84.16.036, chapter 15, Laws of 1961 as amended by section 178, chapter 278, Laws of 1975 1st ex. sess. and RCW 84.16.036 are each amended to read as follows:

(1) If any company shall fail to comply with the provisions of RCW 84.16.020, the department shall add to the value of such company, as a penalty for such failure, five percent for every thirty days or fraction thereof, not to exceed ten percent, that the company fails to comply.

(2) If any company, or its officer or agent, shall refuse or neglect to make any report required by this chapter, or by the department of revenue, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts, papers or property requested by the department of revenue, or shall refuse or neglect to appear before the department in obedience to a summons, the department shall inform itself the best it may of the matters to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company; and the department shall add to the value so ascertained twenty-five percent as a penalty for the failure or refusal of such company to make its report and such company shall be estopped to question or impeach the assessment of the department of revenue in any hearing or proceeding thereafter. Such penalty shall be in lieu of the penalty provided for in subsection (1) of this section.

Sec. 4. Section 17, chapter 260, Laws of 1981 and RCW 84.48.110 are each amended to read as follows:

Within three days after the record of the proceedings of the state board of equalization is certified by the director of the department, the department shall transmit to each county assessor a copy of the record of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto it shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The department shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

For taxes due in 1985, the department shall add the delinquent taxes for the fifth, sixth, and seventh preceding year to the taxes due, and beginning with taxes due in 1986, the department shall add only the delinquent taxes for the fifth preceding year to the amount of taxes due each year.

Sec. 5. Section 84.56.270, chapter 15, Laws of 1961 and RCW 84.56.270 are each amended to read as follows:

The county treasurer of any county of the state of Washington, after he has first received the approval of the board of county commissioners of such county, through a resolution duly adopted, is hereby empowered to petition the superior court in or for his county to finally cancel and completely extinguish the lien of any delinquent personal property tax which appears on the tax rolls of his county, which is more than ~~((six))~~ four years delinquent, which he attests to be beyond hope of collection, and the cancellation of which will not impair the obligation of any bond issue nor be precluded by any other legal impediment that might invalidate such cancellation. The superior court shall have jurisdiction to hear any such petition and to enter such order as it shall deem proper in the premises."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the Senate concurred in the House amendment to Engrossed Senate Bill No. 3262.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3262, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3262, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Newhouse, Wojahn - 2.

ENGROSSED SENATE BILL NO. 3262, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3287 with the following amendments:

On page 5, after line 20 insert:

NEW SECTION, Sec. 5. There is appropriated for the fiscal year ending June 30, 1985, from the general fund to the department of retirement systems for transfer to the public employees' retirement fund, the sum of five hundred thousand dollars, or as much thereof as may be necessary, for the purposes of section 1 and 3 of this act.

NEW SECTION, Sec. 6. There is appropriated for the fiscal year ending June 30, 1985, from the general fund to the department of retirement systems for transfer to the teachers' retirement fund, the sum of seven hundred fifty thousand dollars, or as much thereof as may be necessary, for the purposes of section 2 of this act."

Renumber the sections consecutively and correct internal references accordingly.

On page 4, line 37 insert:

NEW SECTION, Sec. 4. There is added to chapter 41.32 RCW a new section to read as follows:

The increased cost to the retirement system resulting from section 1(2) of this 1984 act shall be divided equally between members and employers. The increased cost shall be determined by the state actuary and shall be calculated and assessed separately for that group of members whose contribution rates are provided in RCW 41.32.260 and 41.32.350 and that group of members whose contribution rate is provided in RCW 41.32.775.

NEW SECTION, Sec. 5. There is added to chapter 41.40 RCW a new section to read as follows:

The increased cost to the retirement system resulting from section 1(3) of this 1984 act shall be divided equally between members and employers. The increased cost shall be determined by the state actuary and shall be calculated and assessed separately for that group of members whose contribution rate is provided in RCW 41.40.330 and that group of members whose contribution rate is provided in RCW 41.40.650.

Renumber the remaining sections and adjust references accordingly.

On page 1, line 5 after "41.40.150;" insert "adding a new section to chapter 41.32 RCW;"

On page 1, line 6 of the title after "making" strike "an appropriation" and insert "appropriations".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate concurred in the House amendments to Substitute Senate Bill No. 3287.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3287, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3287, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 07; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Craswell, Guess, Haley, McDonald, Metcalf - 7.

Absent: Senator McDermott - 1.

Excused: Senators Newhouse, Wojahn - 2.

SUBSTITUTE SENATE BILL NO. 3287, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 28, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1017,

HOUSE BILL NO 1348, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1017,

HOUSE BILL NO. 1348.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3429 with the following amendment:

On page 2, line 8, strike "1985" and insert "1986".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendment to Engrossed Substitute Senate Bill No. 3429 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3437 with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that a growing number of unfounded lawsuits, claims, and liens are filed against law enforcement officers, prosecuting authorities, and judges, and against their property, having the purpose and effect of deterring those officers in the exercise of their discretion and inhibiting the performance of their public duties.

The legislature also finds that the cost of defending against such unfounded suits, claims and liens is severely burdensome to such officers, and also to the state and the various cities and counties of the state. The purpose of section 2 of this 1984 act is to provide a remedy to those public officers and to the public.

Sec. 2. Section 1, chapter 158, Laws of 1977 ex. sess. and RCW 4.24.350 are each amended to read as follows:

(1) In any action for damages, whether based on tort or contract or otherwise, a claim or counterclaim for damages may be litigated in the principal action for malicious prosecution on the ground that the action was instituted with knowledge that the same was false, and unfounded, malicious and without probable cause in the filing of such action, or that the same

was filed as a part of a conspiracy to misuse judicial process by filing an action known to be false and unfounded.

(2) In any action, claim, or counterclaim brought by a judicial officer, prosecuting authority, or law enforcement officer for malicious prosecution arising out of the performance or purported performance of the public duty of such officer, an arrest or seizure of property need not be an element of the claim, nor do special damages need to be proved. A judicial officer, prosecuting authority, or law enforcement officer prevailing in such an action may be allowed an amount up to one thousand dollars as liquidated damages, together with a reasonable attorneys' fee, and other costs of suit. A government entity which has provided legal services to the prevailing judicial officer, prosecuting authority, or law enforcement officer has reimbursement rights to any award for reasonable attorneys' fees and other costs, but shall have no such rights to any liquidated damages allowed.

(3) No action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit.

(4) As used in this section:

(a) "Judicial officer" means a justice, judge, magistrate, or other judicial officer of the state or a city, town, or county.

(b) "Prosecuting authority" means any officer or employee of the state or a city, town, or county who is authorized by law to initiate a criminal or civil proceeding on behalf of the public.

(c) "Law enforcement officer" means a member of the state patrol, a sheriff or deputy sheriff, or a member of the police force of a city, town, university, or state college, or a "wildlife agent" or "ex officio wildlife agent" as defined in RCW 77.08.010.

NEW SECTION. Sec. 3. The provisions of section 2 of this 1984 act are remedial and shall be liberally construed.

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

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 3437.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, I'm wondering about subsection 3--'no action may be brought against an attorney under this section solely because of that attorney's representation of a party in a lawsuit.' Your part on the offices and things like that--if I feel my attorneys do not properly represent me, that's always open to question and is subject to suit. This would say that I can't get another attorney and this happens all the time, of course, in the bar cases you read about, but I can't sue my attorneys."

Senator Talmadge: "Senator, if you look at the original bill, as it passed the Senate, it contained the very same provision. What this is designed to do is to prevent an ever escalating round of counterclaims for malicious prosecution against the attorneys who would bring the action. This is designed to say that where the judge, the prosecutor, or the police officer was filing the action for malicious prosecution, they would be filing this counterclaim against the other party who initiated the lawsuit and not against the attorney for that party who was representing the party in the bringing of the lawsuit.

"The theory is that the lawyer is the agent for the party who is bringing the lawsuit and if it's malicious and harassing, it's the intention of that person to be malicious and harassing and not the attorney."

Senator Rasmussen: "Well, my understanding is that the attorney is only doing what his client wants him to do and he doesn't get blamed in that respect, even if it does go to trial."

Senator Talmadge: "That's right, Senator, I would also point out that if the lawyer is the one that is bringing a malicious and harassing lawsuit that has no foundation in the law, that the attorney would be subject to discipline by the Bar Association, because attorneys are proscribed from bringing lawsuits without merit in the course of their practice."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Talmadge that the Senate do concur in the House amendment to Engrossed Senate Bill No. 3437.

The motion by Senator Talmadge carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 3437.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3437, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3437, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; nays, 06; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 41.

Voting nay: Senators Hansen, Pullen, Quigg, Rasmussen, Seilar, von Reichbauer - 6.

Excused: Senators Newhouse, Wojahn - 2.

ENGROSSED SENATE BILL NO. 3437, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 3449 with the following amendments:

On page 1, beginning on line 8, after "(1)" strike all material through "herself," on line 9

On page 1, line 13, after "congress." insert "Statements referring to an opponent are prohibited,"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

Senator Warnke moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 3449.

On motion of Senator Pullen, the Senate considered the House amendments separately.

MOTION

On motion of Senator Warnke, the Senate concurred in the first House amendment on page 1, beginning on line 8, to Engrossed Senate Bill No. 3449.

MOTION

Senator Warnke moved that the Senate do concur in the second House amendment on page 1, line 13, to Engrossed Senate Bill No. 3449.

POINT OF ORDER

Senator Pullen: "Mr. President, a point of order. The second amendment clearly expands the scope and object of the bill and I would like you to so rule. The basic bill before us, without the House amendment, is a nice little bill that makes some grammatical changes. As you can see, we changed a 'which' to a 'that' and a 'nor shall any' to a 'no.' Those are all nice grammatical changes, whereas the House amendment adds a major philosophical addition to the bill. The House amendment on page 1, line 13, states that statements are prohibited in the voters' pamphlet against your opponent. In other words, if your opponent is a dirty, rotten SOB, you can't say so and that's a restriction of freedom, and that's a major philosophical addition to this nice little bill that makes some grammatical changes in the bill.

"Now, the President might or someone might note that the original bill did have, in there, the third sentence which says, 'the candidates' pamphlet shall be

limited to those about the candidate himself', but we just took that out--that has been stricken from the bill. The President has forever ruled, in this body, that when you raise scope and object, you raise it on the language that's before you, at that time, and not on the language that previously existed and since we concurred with the first amendment, we have taken that language out. Therefore, that language is not in there and the only language remaining in the bill is a nice little grammatical update and I think those grammatical changes are good changes and I think they should be adopted. However, the second amendment is a major deviation from those nice little grammatical changes and, therefore, it clearly expands the scope and object of the bill.

"I would conclude by reminding that prior precedent in this body is that scope and object is applied solely to the language that's before us, and not to any language that might have existed in the past."

MOTIONS

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 3449 was deferred.

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3561 with the following amendments:

On page 1, line 11, after "during which" strike "he" and insert "((he)) the individual"

On page 1, line 12, after "to" strike "him" and insert "((him)) the individual"

On page 1, line 13, after "payable to" strike "him" and insert "((him)) the individual"

On page 1, line 14, after "times" strike "his" and insert "((his)) the individual's"

On page 2, line 11, after "in" strike "his" and insert "((him)) the individual's"

On page 3, after line 10, insert a new paragraph as follows:

"The provisions of this section pertaining to the assignment of previously accrued compensation shall not apply to individuals subject to RCW 50.44.050."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 3561.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3561, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3561, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurlley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 45.

Absent: Senator Sellar - 1.

Excused: Senators Kiskaddon, Newhouse, Wojahn - 3.

SUBSTITUTE SENATE BILL NO. 3561, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3449 and the pending second House amendment on page 1, line 13, deferred earlier today.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling upon the point of order raise by Senator Pullen, the President finds that Engrossed Senate Bill No. 3449 is a measure which deals with the subject of the candidates' pamphlet.

"The amendment proposed by the House of Representatives also deals with the subject of the candidates' pamphlet. The amendment merely phrases, in a different way, the requirement that the statements in the pamphlet are limited to those pertaining to the candidate.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The second House amendment was ruled in order.

The President Pro Tempore declared the question before the Senate was the motion by Senator Warnke to concur in the second House amendment on page 1, line 13, to Engrossed Senate Bill No. 3449.

Further debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on concurring with the second House amendment on page 1, line 13, to Engrossed Senate Bill No. 3449.

ROLL CALL

The Secretary called the roll and the motion by Senator Warnke carried and the Senate concurred in the second House amendment on page 1, line 13, by the following vote: Yeas, 27; nays, 19; absent, 00; excused, 03.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McCaslin, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Shinoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Lee, McDonald, Metcalf, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 19.

Excused: Senators Kiskaddon, Newhouse, Wojahn - 3.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Pullen served notice that he would move to reconsider the vote by which the Senate concurred in the first House amendment on page 1, line 8, to Engrossed Senate Bill No. 3449.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 3449 was deferred.

MESSAGES FROM THE HOUSE

February 28, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3504,

SENATE BILL NO. 3834,

SUBSTITUTE SENATE BILL NO. 4110,

SUBSTITUTE SENATE BILL NO. 4288,

SENATE BILL NO. 4352,

SENATE BILL NO. 4358,

SENATE BILL NO. 4374,

SENATE BILL NO. 4437,

SENATE BILL NO. 4731, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 28, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4491,

SENATE BILL NO. 4527,

SENATE BILL NO. 4592, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

At 3:33 p.m., on motion of Senator Bottiger, the Senate adjourned until 10:00 a.m., Wednesday, February 29, 1984.

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

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 29, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Clarke, Hemstad, McCaslin, McManus, Newhouse, and Woody. On motion of Senator Bluechel, Senator Newhouse was excused.

The Sergeant at Arms Color Guard, consisting of Pages Catherine Leon and Jared Slinger, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed Substitute Senate Bill No. 4494 with the following amendments:

On page 3, after "new" strike "foreign" and insert "international"

On page 4, line 3, after "appropriate" strike "foreign" and insert "international".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 4494.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4494, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4494, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Seilar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Bender, Clarke, Conner, Hemstad, McManus, Woody - 6.

Excused: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 4494, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Queen Jeanette Hopkins of the Daffodil Festival Court and appointed Senators Bottiger, Haley, Granlund, Wojahn, Gaspard, von Reichbauer and Rasmussen to escort the honored guest to the Senate Chamber.

With permission of the Senate, business was suspended to permit Queen Jeanette to address the Senate.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed Substitute Senate Bill No. 4849 with the following amendments:

On page 1, line 20 after "citizens of" strike "foreign" and insert "the United States and other"

On page 2, line 3 after "office of," strike "foreign" and insert "international"

On page 2, line 4 strike "foreign" and insert "international"

On page 2, line 8 strike "foreign" and insert "international"

On page 2, line 14 after "trade groups," strike "foreign" and insert "international"

On page 2, line 35 strike "foreign" and insert "international"

On page 4, line 15 after "office of," strike "foreign" and insert "international"

On page 4, line 16 after "development of" strike "foreign" and insert "international"

On page 4, line 21 strike "foreign" and insert "international"

On page 4, line 22 after "analyze" strike "foreign" and insert "international"

On page 4, line 24 after "close contact with," strike "foreign" and insert "international"

On page 4, line 25 after "between" strike "foreign nations" and insert "nations other than the United States"

On page 4, line 30 after "movement of" strike "foreign" and insert "international"

On page 4, line 33 after "representatives in" strike "foreign countries" and insert "other nations"

On page 4, line 34 after "state as" strike "a foreign" and insert "an international"

On page 5, line 2 strike "foreign" and insert "international".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, the Senate concurred in the House amendments to Substitute Senate Bill No. 4849.

On motion of Senator Bauer, Senator Patterson was excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4849, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4849, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators McCaslin, Guigg, von Reichbauer - 3.

Absent: Senator Conner - 1.

Excused: Senators Newhouse, Patterson - 2.

SUBSTITUTE SENATE BILL NO. 4849, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3059,

SUBSTITUTE SENATE BILL NO. 3064,

SUBSTITUTE SENATE BILL NO. 3103,

SENATE BILL NO. 3128,

SECOND SUBSTITUTE SENATE BILL NO. 3158.

SUBSTITUTE SENATE BILL NO. 3178,
 SUBSTITUTE SENATE BILL NO. 3238,
 SENATE BILL NO. 3262,
 SUBSTITUTE SENATE BILL NO. 3287,
 SENATE BILL NO. 3437,
 SUBSTITUTE SENATE BILL NO. 3561,
 SENATE BILL NO. 4286,
 SENATE BILL NO. 4320.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITTUTE SENATE BILL NO. 4494.

MOTION

At 10:29 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:36 a.m.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed Engrossed Substitute Senate Bill No. 4430 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. This act may be known and cited as the court improvement act of 1984.

NEW SECTION. Sec. 2.

INDEX

Administrator for the Courts, salary, sec. 405
 Appropriation to Administrator for the
 Courts--Distribution to Counties, sec. 901
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 Restrictions on termination, secs. 201-203, 210
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Repeal of Municipal Criminal Code, secs. 202-209

Sentencing Authority, secs. 801-807

Municipal Criminal Codes

Restrictions on repeal, secs. 203-209

Referees in civil actions, secs. 512-524

Repealed statutes

Distribution of moneys, sec. 339

Justice of Peace statutes, secs. 80-86

Judges' salaries, sec. 404

Municipal Court reorganization, secs. 130-135

Sentencing Authority of Municipal Courts, secs. 801-807

Sec. 3. Section 1, chapter 299, Laws of 1961 as last amended by section 1, chapter 151,

Laws of 1979 and RCW 3.30.010 are each amended to read as follows:

As used (~~herein~~) in this chapter unless the context clearly requires otherwise:

"City" means an incorporated city or town.

"Department" means (~~the designation of~~) an administrative unit of a (~~justice~~) district court established for the orderly and efficient administration of (~~justice court~~) business and may include, without being limited in scope thereby, a unit or units for determining (~~one or more of the following~~) traffic cases, violations of city ordinances, violations of state law, criminal cases, civil cases, or jury cases.

"Population" means the latest population of the judicial district of each county as estimated and certified by the office of financial management. The office of financial management, on or before May 1, 1970 and on or before May 1st each four years thereafter, shall estimate and certify to the (~~board of county commissioners~~) county legislative authority the population of each judicial district of each county.

Sec. 4. Section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030 are each amended to read as follows:

The judges (~~of the justice court~~) of each (~~justice~~) district court district shall be the justices of the peace of the district elected or appointed as provided in chapters 3.30 through 3.74 RCW. Such courts shall alternately be referred to as district courts and the judges thereof as district judges.

Sec. 5. Section 4, chapter 299, Laws of 1961 and RCW 3.30.040 are each amended to read as follows:

The (~~justice~~) district courts shall be open except on nonjudicial days. Sessions of the court shall be held at such places as shall be provided by the (~~justice~~) district court districting plan. The court shall sit as often as business requires in each city of the (~~justice court~~) district which provides suitable courtroom facilities, to hear causes in which such city is the plaintiff.

Sec. 6. Section 5, chapter 299, Laws of 1961 as amended by section 2, chapter 73, Laws of 1971 and RCW 3.30.050 are each amended to read as follows:

Each (~~judge is authorized to organize his court not inconsistent~~) court may be organized in a manner consistent with the departments created by the districting plan.

Sec. 7. Section 8, chapter 299, Laws of 1961 and RCW 3.30.080 are each amended to read as follows:

The supreme court may adopt rules of procedure for (~~justice~~) district courts (~~(-PROVIDED; That the justice courts).~~ A district court may adopt local rules of procedure which are not inconsistent with state law or with the rules adopted by the supreme court. If the rules of the supreme court (~~herein~~) authorized (~~shall be~~) under this section are adopted, all procedural laws in conflict (~~therewith~~) with the rules shall (~~thenceforth~~) be of no effect.

Sec. 8. Section 11, chapter 299, Laws of 1961 as last amended by section 1, chapter 29, Laws of 1982 and RCW 3.34.020 are each amended to read as follows:

In each (~~justice court~~) district having a population of forty thousand or more but less than sixty thousand, there shall be elected one full time justice of the peace; in each (~~justice court~~) district having a population of sixty thousand but less than one hundred twenty-five thousand, there shall be elected two full time justices; in each (~~justice court~~) district having a population of one hundred twenty-five thousand but less than two hundred thousand, there shall be elected three full time justices; and in each (~~justice court~~) district having a population of two hundred thousand or more there shall be elected one additional full time justice for each additional one hundred thousand persons or fraction thereof (~~(-PROVIDED; That).~~ If a (~~justice court~~) district having one or more full time justices should change in population, for reasons other than change in district boundaries, sufficiently to require a change in the number of judges previously authorized to it, the change shall be made by the county (~~commissioners~~) legislative authority without regard to RCW 3.34.010 as now or hereafter amended and shall become effective on the second Monday of January of the year following (~~(-PROVIDED FURTHER; That).~~ Upon any redistricting of the county thereafter (~~RCW 3.34.010, as now or hereafter amended, shall again designate~~) the number of justices in the county (~~(-PROVIDED; That)~~ shall be designated under RCW 3.34.010. In a (~~justice court~~) district having a population of one hundred twenty thousand people or more adjoining a metropolitan county of another state

which has a population in excess of five hundred thousand, there shall be one full time justice in addition to the number otherwise allowed by this section and without regard to RCW 3.34.030 or resolution of the county ~~((commissioners-PROVIDED FURTHER, That))~~ legislative authority. The county ~~((commissioners))~~ legislative authority may by resolution make a part time position a full time office ~~((-PROVIDED FURTHER, That))~~. The county ~~((commissioners))~~ legislative authority may by resolution provide for the election of one full time justice in addition to the number of full time justices authorized ~~((hereinbefore))~~.

Sec. 9. Section 12, chapter 299, Laws of 1961 as amended by section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030 are each amended to read as follows:

Notwithstanding the limitations of RCW 3.34.010 and 3.34.020 in any district having more than one justice of the peace, if any city or town elects to select under the provisions of chapter 3.50 RCW a person other than a justice of the peace to serve as municipal judge, the ~~((board of))~~ county ~~((commissioners))~~ legislative authority may reduce the number of justices of the peace required for the county and district by one for each one hundred and fifty thousand persons or fraction thereof residing in all such municipalities, electing to select a municipal judge who is not also a justice of the peace: PROVIDED, That in no case shall the number of justices of the peace in any county be less than one for each one hundred thousand persons or major fraction thereof in such county, nor shall the number of justices of the peace in any district be less than one for each one hundred and fifty thousand persons or major fraction thereof.

Sec. 10. Section 13, chapter 299, Laws of 1961 as last amended by section 1, chapter 195, Laws of 1983 and RCW 3.34.040 are each amended to read as follows:

~~((Justices of the peace))~~ A district judge serving a district((s)) having a population of forty thousand or more persons, and ((justices)) a district judge receiving a salary greater than the maximum salary provided in RCW 3.58.020((f))~~(6)~~ ((for serving as a justice;)) shall be deemed full time ((justices)) judges and shall devote all of their time to the office and shall not engage in the practice of law. Other ((justices)) judges shall devote sufficient time to the office to properly fulfill the duties thereof and may engage in other occupations ~~((but such justice shall not use the office or supplies furnished by the judicial district for his private business))~~ but shall maintain a separate office for ~~((his))~~ private business ~~((nor))~~ and shall ~~((he))~~ not use for private business the services of any clerk or secretary paid for by the county ~~((for his private business))~~ or office space or supplies furnished by the judicial district.

Sec. 11. Section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050 are each amended to read as follows:

At the general election in November, 1962 and quadrennially thereafter, there shall be elected by the voters of each ~~((justice))~~ district court district the number of ~~((justices of the peace))~~ judges authorized for ~~((such))~~ the district by the ~~((justice))~~ district court districting plan. ~~((Justices of the peace))~~ Judges shall be elected for each district by the qualified electors of the ~~((justice court))~~ district in the same manner as judges of courts of record are elected. Not less than ten days before the time for filing declarations of candidacy for the election of ~~((justices of the peace))~~ judges for ~~((justice court))~~ districts entitled to more than one ~~((justice of the peace))~~ judge, the county auditor shall designate each such office of ~~((justice of the peace))~~ district judge to be filled by a number, commencing with the number one and numbering the remaining offices consecutively. ~~((Each candidate))~~ At the time of the filing of ~~((his))~~ the declaration of candidacy, each candidate shall designate by number which one, and only one, of the numbered offices for which he or she is a candidate and the name of ~~((such))~~ the candidate shall appear on the ballot for only the numbered office for which the candidate filed ~~((his))~~ a declaration of candidacy.

Sec. 12. Section 15, chapter 299, Laws of 1961 and RCW 3.34.060 are each amended to read as follows:

To be eligible to file a declaration of candidacy for and to serve as a ~~((justice of the peace))~~ district court judge, a person must:

- (1) Be a registered voter of the ~~((justice))~~ district court district; and
- (2) Be either:
 - (a) A lawyer admitted to practice law in the state of Washington; or
 - (b) A person who has been elected and has served as a justice of the peace, district judge, municipal judge, or police judge in Washington; or
 - (c) In those districts having a population of less than ten thousand persons, a person who has taken and passed ~~((such))~~ the qualifying examination for the office of ~~((justice of the peace))~~ district judge as shall be provided by rule of the supreme court.

Sec. 13. Section 16, chapter 299, Laws of 1961 and RCW 3.34.070 are each amended to read as follows:

Every ~~((justice of the peace))~~ district judge shall hold office for a term of four years from and after the second Monday in January next succeeding his or her selection and continuing until ~~((his))~~ a successor is elected and qualified.

Sec. 14. Section 17, chapter 299, Laws of 1961 and RCW 3.34.080 are each amended to read as follows:

Each ~~((justice of the peace, justice of the peace))~~ district judge, district judge pro tempore and ~~((justice))~~ district court commissioner shall, before entering upon the duties of ~~((such))~~

office, take an oath to support the Constitution of the United States and the Constitution and laws of the state of Washington, and to perform the duties of the office faithfully and impartially and to the best of his or her ability.

Sec. 15. Section 18, chapter 299, Laws of 1961 as amended by section 5, chapter 73, Laws of 1971 and RCW 3.34.090 are each amended to read as follows:

The county (~~(commissioners)~~) legislative authority shall provide for the bonding of each district judge, (~~(justice of the peace, justice of the peace)~~) district judge pro tempore, (~~(justice)~~) district court commissioner, clerk of the district court, and court employee, at the expense of the county, in such amount as the county (~~(commissioners)~~) legislative authority shall prescribe, conditioned that each such person will pay over according to law all moneys which shall come into (~~(his hands)~~) the person's custody in causes filed in (~~(his)~~) the district court. Such bond shall not be less than the maximum amount of money liable to be under the control, at any one time, of each such person in the performance of his or her duties. Such bond may be a blanket bond. If the county obtains errors and omissions insurance covering district court personnel, the costs of such coverage shall be a reimbursable expense pursuant to RCW 3.62.050 as now or hereafter amended.

Sec. 16. Section 19, chapter 299, Laws of 1961 and RCW 3.34.100 are each amended to read as follows:

If (~~(any justice)~~) a district judge dies, resigns, is convicted of a felony, (~~(or)~~) ceases to reside in the district (~~(or)~~), fails to serve for any reason except temporary disability, or if his or her term of office is terminated in any other manner, the office shall be deemed vacant. The (~~(board of county commissioners)~~) county legislative authority shall fill all vacancies by appointment and the (~~(justice)~~) judge thus appointed shall hold office until the next general election and until (~~(his)~~) a successor is elected and qualified. (~~(Justices of peace)~~) District judges shall be granted sick leave in the same manner as other county employees.

Sec. 17. Section 20, chapter 299, Laws of 1961 and RCW 3.34.110 are each amended to read as follows:

A (~~(justice of the peace)~~) district judge shall not act as judge in any of the following cases:

(1) In an action to which (~~(he)~~) the judge is a party, or in which (~~(he)~~) the judge is directly interested, or in which (~~(he)~~) the judge has been an attorney for a party.

(2) When (~~(he)~~) the judge or one of the parties believes that the parties cannot have an impartial trial before (~~(him; PROVIDED, That)~~) the judge. Only one change of judges shall be allowed each party under this subsection.

When a (~~(justice)~~) judge is disqualified under this section, the case shall be heard before another (~~(justice)~~) judge or (~~(justice)~~) judge pro tempore of the same county.

Sec. 18. Section 21, chapter 299, Laws of 1961 and RCW 3.34.120 are each amended to read as follows:

(~~(If a justice of the peace be a lawyer, his)~~) The partner and associates of a judge who is a lawyer shall not practice law before (~~(him)~~) the judge.

Sec. 19. Section 22, chapter 299, Laws of 1961 as last amended by section 2, chapter 195, Laws of 1983 and RCW 3.34.130 are each amended to read as follows:

(1) Each (~~(justice)~~) district court shall designate one or more (~~(justices of the peace)~~) persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a (~~(justice of the peace of the)~~) district judge. The qualifications of a (~~(justice of the peace)~~) judge pro tempore shall be the same as for a (~~(justice of the)~~) district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the (~~(county in which the justice court district or portion thereof is located)~~) state. A (~~(justice of the peace)~~) judge pro tempore may sit in any district of the county for which he or she is appointed. A (~~(justice of the peace)~~) judge pro tempore shall be paid for each day he or she holds a session one-two hundred fiftieth of the annual salary of a full time (~~(justice of the)~~) district judge. For each day that a (~~(justice of the peace)~~) judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the (~~(justice of the peace)~~) judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary; PROVIDED, That each full time (~~(justice of the peace)~~) district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money from the judiciary education account to the administrator for the courts pursuant to RCW 2.56.100 for the purpose of reimbursing counties for the salaries of (~~(justices of the peace)~~) judges pro tempore for certain days in excess of thirty worked per year the (~~(justice of the peace)~~) judge pro tempore was required to work as the result of service by a (~~(justice of the peace)~~) judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any (~~(justice of the peace)~~) judge pro tempore was required

to work as the result of service by a ~~((justice of the peace))~~ judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 20. Section 23, chapter 299, Laws of 1961 as amended by section 5, chapter 186, Laws of 1981 and RCW 3.34.140 are each amended to read as follows:

Any ~~((justice of the peace))~~ district judge may hold a session in any ~~((justice court))~~ district in the state, at the request of the ~~((justice))~~ judge or majority of the ~~((justices))~~ judges in ~~((such))~~ the district if the visiting ~~((justice of the peace))~~ judge determines that the state of ~~((justice court))~~ business in his or her district ~~((will permit him to be absent: PROVIDED: That))~~ allows the judge to be absent. The ~~((board of county commissioners of the))~~ county legislative authority in which ~~((such justice))~~ the district court is located shall first approve ~~((such))~~ the temporary absence and ~~((no justice of the peace))~~ the judge pro tempore shall not be required to serve during ~~((his))~~ the judge's absence. A visiting ~~((justice))~~ judge shall be entitled to reimbursement for subsistence, lodging, and travel expenses in accordance with the rates applicable to state officers under RCW 43.03.050 and 43.03.060 as now or hereafter amended while so acting, to be paid by the visited district ~~((: PROVIDED: That no such))~~. These expenses shall not be paid to the visiting ~~((justice))~~ judge unless the ~~((county commissioners))~~ legislative authority of the county in which the visited district is located ~~((shall have consented and))~~ has approved ~~((thereto prior to such))~~ the payment before the visit.

Sec. 21. Section 24, chapter 299, Laws of 1961 and RCW 3.34.150 are each amended to read as follows:

~~((Where a justice court))~~ If a district has more than one ~~((justice))~~ judge, the supreme court may by rule provide for the manner of selection of one of the ~~((justices))~~ judges to serve as presiding judge and prescribe ~~((his))~~ the presiding judge's duties.

Sec. 22. Section 25, chapter 299, Laws of 1961 and RCW 3.38.010 are each amended to read as follows:

There is established in each county a ~~((justice))~~ district court districting committee composed of the following:

(1) The judge of the superior court, or, if there be more than one such judge, then one of the judges selected by that court;

(2) The prosecuting attorney, or a deputy selected by ~~((him))~~ the prosecuting attorney;

(3) A practicing lawyer of the county selected by the president of the largest local bar association, if there be one, and if not, then by the county ~~((commissioners))~~ legislative authority;

(4) A judge of ~~((an inferior court of))~~ a court of limited jurisdiction in the county selected by the president of the Washington state magistrates' association; and

(5) The mayor, or ~~((his))~~ representative appointed by the mayor, of each first, second, and third class city of the county;

(6) One person to represent the fourth class cities of the county, if any, to be designated by the president of the association of Washington cities: PROVIDED, That if there should be neither a first class nor a second class city within the county, the mayor, or ~~((his))~~ the mayor's representative, of each fourth class city shall be a member;

(7) The chairman of the ~~((board of county commissioners))~~ county legislative authority; and

(8) The county auditor.

Sec. 23. Section 26, chapter 299, Laws of 1961 as amended by section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020 are each amended to read as follows:

~~((Upon the classification of any county as a class A county, or upon the adoption of a resolution by majority vote of the board of county commissioners of any county of the first, second, third, fourth, fifth, sixth, eighth or ninth class electing to make the provisions of chapters 3.36 through 3.74 RCW applicable to their county;))~~ The ~~((justice))~~ district court districting committee ~~((shall become activated and))~~ shall meet at the call of the prosecuting attorney to prepare a plan for the districting of the county into one or more ~~((justice))~~ district court districts in accordance with the provisions of chapters 3.30 through 3.74 RCW ~~((: which))~~. The plan shall include the following:

(1) The boundaries of each ~~((justice court))~~ district proposed to be established;

(2) The number of ~~((justices))~~ judges to be elected in each ~~((justice court))~~ district;

(3) The location of the central office, courtrooms and records of each court;

(4) The other places in the ~~((justice court))~~ district, if any, where the court shall sit;

(5) The number and location of ~~((justice))~~ district court commissioners to be authorized, if any;

(6) The departments, if any, into which each ~~((justice))~~ district court shall be initially organized, including municipal departments provided for in chapter 3.46 RCW;

(7) The name of each ~~((justice court))~~ district; and

(8) The allocation of the time and allocation of salary of each ~~((justice))~~ judge who will serve part time in a municipal department.

~~((Not later than three months after the classification of the county as class A or the adoption of the elective resolution by the county commissioners, the plan shall be transmitted to the county commissioners;))~~

Sec. 24. Section 1, chapter 213, Laws of 1963 and RCW 3.38.022 are each amended to read as follows:

The districting plan may provide that the offices and courtrooms of more than one (~~justice court~~) district may be in the same building: PROVIDED, That no office or courtroom of any district shall be located further than two miles outside the boundary of the district which it serves.

Sec. 25. Section 27, chapter 299, Laws of 1961 as amended by section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030 are each amended to read as follows:

Upon receipt of the (~~justice court~~) districting plan, the county (~~commissioners~~) legislative authority shall hold a public hearing, pursuant to the provisions of RCW 36.32.120(7), as now or hereafter amended. At the hearing, anyone interested in the plan may attend and be heard as to the convenience which will be afforded to the public by the plan, and as to any other matters pertaining thereto. If the (~~commissioners~~) county legislative authority finds that the plan proposed by the districting committee conforms to the standards set forth in chapters 3.30 through 3.74 RCW and is conducive to the best interests and welfare of the county(;) as a whole it may adopt such plan. If the (~~commissioners~~) county legislative authority finds that (~~such~~) the plan does not conform to the standards as provided in chapters 3.30 through 3.74 RCW, (~~they~~) the county legislative authority may modify, revise or amend the plan and adopt such amended or revised plan as the county's (~~justice~~) district court districting plan. The plan decided upon shall be adopted by the county (~~commissioners~~) legislative authority not later than six months after the classification of the county as class A or the adoption of the elective resolution.

Sec. 26. Section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031 are each amended to read as follows:

As a part of the (~~justice court~~) districting plan, the county (~~commissioners~~) legislative authority shall designate a date on which the terms of the (~~justices of the peace~~) district judges of the county shall end.

For each (~~justice~~) judicial position under the districting plan, the county (~~commissioners~~) legislative authority shall appoint a person qualified under RCW 3.34.060 who shall take office on the date designated by the county (~~commissioners~~) legislative authority and shall serve until the next quadrennial election of (~~justices of the peace~~) district judges as provided in RCW 3.34.050.

Pending cases, proceedings, and matters shall be transferred to the appropriate court as provided in RCW 3.74.900.

Sec. 27. Section 28, chapter 299, Laws of 1961 as amended by section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040 are each amended to read as follows:

The districting committee may meet for the purpose of amending the districting plan at any time on call of the county (~~commissioners~~) legislative authority, the (~~chairman~~) chairperson of the committee or a majority of its members. Amendments to the plan shall be submitted to the county (~~commissioners~~) legislative authority not later than March 15th of each year for adoption by the (~~commissioners~~) county legislative authority following the same procedure as with the original districting plan. Amendments shall be adopted not later than May 1st following submission by the districting committee. Any (~~such~~) amendment which would reduce the salary or shorten the term of any judge shall not be effective until the next regular election for (~~justice of the peace~~) district judge. All other amendments may be effective on a date set by the county (~~commissioners~~) legislative authority.

Sec. 28. Section 29, chapter 299, Laws of 1961 and RCW 3.38.050 are each amended to read as follows:

(~~Justice~~) District court districts shall be established in accordance with the following standards:

- (1) Every part of the county shall be in some (~~justice court~~) district.
- (2) The whole county may constitute one (~~justice court~~) district.
- (3) There shall not be more (~~justice court~~) districts than there are (~~justices of the peace~~) judges authorized for the county.
- (4) (~~No justice court~~) A district boundary shall not intersect the boundary of an election precinct.
- (5) (~~No~~) A city shall not lie in more than one (~~justice court~~) district.
- (6) Whenever a county is divided into more than one (~~justice court~~) district, each district shall be as established as best to serve the convenience of the people of (~~such~~) the district, considering the distances which must be traveled by parties and witnesses in going to and from the court and any natural barriers which may obstruct such travel.

Sec. 29. Section 30, chapter 299, Laws of 1961 and RCW 3.38.060 are each amended to read as follows:

Joint (~~justice court~~) districts may be established containing all or part of two or more counties. The county containing the largest portion of the population of (~~such~~) a joint district shall be known as the "principal county" and each joint (~~justice court~~) district shall be deemed to lie within the principal county for the purpose of chapters 3.30 through 3.74 RCW. A joint (~~justice court~~) district may be established by resolution of one county concurred in by a resolution of each other county: PROVIDED, That the county (~~commissioners~~) legislative

authority of a county containing the largest portion of the population of a city may include the portions of such city lying outside the county in a joint (~~justice court~~) district without concurrence of the other counties.

Elections of (~~justices~~) judges in joint (~~justice court~~) districts shall be conducted and canvassed in the same manner as elections of superior court judges in joint judicial districts.

Sec. 30. Section 31, chapter 299, Laws of 1961 as amended by section 7, chapter 162, Laws of 1980 and RCW 3.42.010 are each amended to read as follows:

When so authorized by the (~~justice court~~) districting plan, one or more (~~justice~~) district court commissioners may be appointed in any (~~justice court~~) district by the (~~justices of the peace of such~~) judges of the district. Each commissioner shall be a registered voter of the county in which the (~~justice court~~) district or a portion thereof is located, and shall hold office (~~during~~) at the pleasure of the (~~justices of the peace appointing him~~; PROVIDED, That) appointing judges. Any person appointed as a commissioner authorized to hear or dispose of cases shall be a lawyer who is admitted to the practice of law in the state of Washington or who has passed the qualifying examination for lay (~~justices of the peace~~) judges as provided under RCW 3.34.060.

Sec. 31. Section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020 are each amended to read as follows:

Each (~~justice~~) district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the (~~justices of the peace who appointed him~~) appointing judges possess and shall prescribe. (~~Justice court commissioners shall not have power to hear and determine civil matters other than traffic infractions;~~)

Sec. 32. Section 33, chapter 299, Laws of 1961 and RCW 3.42.030 are each amended to read as follows:

Any party may have a case transferred from a (~~justice~~) district court commissioner to a (~~justice of the peace~~) judge of the same district for hearing, by filing a motion for transfer. The commissioner shall forthwith transfer the case to (~~such justice~~) the judge.

Sec. 33. Section 34, chapter 299, Laws of 1961 as amended by section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040 are each amended to read as follows:

(~~Justice~~) District court commissioners shall receive such compensation as the county (~~commissioners~~) legislative authority or city council shall provide.

Sec. 34. Section 98, chapter 299, Laws of 1961 as amended by section 6, chapter 73, Laws of 1971 and RCW 3.54.010 are each amended to read as follows:

The clerk and deputy clerks of district courts shall receive such compensation as shall be provided by the county (~~commissioners~~) legislative authority.

Sec. 35. Section 101, chapter 299, Laws of 1961 as last amended by section 2, chapter 29, Laws of 1982 and RCW 3.58.020 are each amended to read as follows:

((+)) The annual salaries of part time (~~justices of the peace~~) district judges shall be set by the county (~~commissioners~~) legislative authority in each county in accordance with the minimum and maximum salaries provided in this subsection:

((a)) (1) In (~~justice court~~) districts having a population under two thousand five hundred persons, the salary shall be not less than one thousand five hundred dollars nor more than twelve thousand dollars;

((b)) (2) In (~~justice court~~) districts having a population of two thousand five hundred persons or more, but less than five thousand, the salary shall be set at not less than one thousand eight hundred dollars nor more than fifteen thousand five hundred dollars;

((c)) (3) In (~~justice court~~) districts having a population of five thousand persons or more, but less than seven thousand five hundred, the salary shall be set at no less than one thousand eight hundred or more than twenty-five thousand dollars;

((d)) (4) In (~~justice court~~) districts having a population of seven thousand five hundred persons or more, but less than ten thousand, the salary shall be set at not less than two thousand two hundred fifty dollars or more than thirty thousand dollars;

((e)) (5) In (~~justice court~~) districts having a population of ten thousand persons or more, but less than twenty thousand, the salary shall be set at no less than three thousand dollars or more than thirty-two thousand dollars;

((f)) (6) In (~~justice court~~) districts having a population of twenty thousand persons or more, but less than thirty thousand, the salary shall be set at not less than five thousand two hundred fifty dollars or more than forty thousand dollars.

Sec. 36. Section 102, chapter 299, Laws of 1961 and RCW 3.58.030 are each amended to read as follows:

The compensation of (~~justices of the peace~~) judges, clerks, judges pro tempore, deputy clerks, and court commissioners payable by the county shall be paid monthly out of the county treasury from the same funds out of which other salaried county officers are paid.

Sec. 37. Section 103, chapter 299, Laws of 1961 as amended by section 3, chapter 3, Laws of 1983 and RCW 3.58.040 are each amended to read as follows:

(~~Justices of the peace, justices of the peace~~) District judges, judges pro tempore, court commissioners, and (~~justice~~) district court employees shall receive their reasonable traveling expenses when engaged in the business of the court as provided in chapter 42.24 RCW.

Sec. 38. Section 104, chapter 299, Laws of 1961 as amended by section 3, chapter 213, Laws of 1963 and RCW 3.58.050 are each amended to read as follows:

The county (~~(commissioners)~~) legislative authority shall furnish all necessary facilities for the (~~justice~~) district courts, including suitable courtrooms, furniture, books, stationery, postage, office equipment, heat, light and telephone and may lease or construct courtrooms and offices for such purpose(~~(- PROVIDED, That)~~). The county (~~(commissioners)~~) legislative authority shall not be required to furnish courtroom space in any place other than as provided in the districting plan.

Sec. 39. Section 111, chapter 299, Laws of 1961 as last amended by section 14, chapter 128, Laws of 1980 and RCW 3.62.070 are each amended to read as follows:

Except in traffic cases wherein bail is forfeited or a monetary penalty paid to a violations bureau, and except in cases filed in municipal departments established pursuant to chapter 3.46 RCW and except in cases where a city has contracted with another city for such services pursuant to chapter 39.34 RCW, in every criminal or traffic infraction action filed by a city for an ordinance violation, the city shall be charged a filing fee determined pursuant to an agreement as provided for in chapter 39.34 RCW, the interlocal cooperation act, between the city and the county providing the court service. In such criminal or traffic infraction actions the cost of providing services necessary for the preparation and presentation of a defense at public expense are not within the filing fee and shall be paid by the city. In all other criminal or traffic infraction actions, no filing fee shall be assessed or collected: PROVIDED, That in such cases, for the purposes of RCW 3.62.010, four dollars or the agreed filing fee of each fine or penalty, whichever is greater, shall be deemed filing costs. In the event no agreement is reached between a municipal corporation and the county providing the court service within ninety days of September 1, 1979, the municipal corporation and the county shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW, and the municipal corporation and the county shall be entitled to the same rights and subject to the same duties as other parties who have agreed to submit to arbitration pursuant to chapter 7.04 RCW. In the event that such issue is submitted to arbitration, the arbitrator or arbitrators shall only consider those additional costs borne by the county in providing (~~justice~~) district court services for such city.

Sec. 40. Section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010 are each amended to read as follows:

The justices of the peace elected in accordance with chapters 3.30 through 3.74 RCW are authorized to hold court as judges of the (~~justice~~) district court for the trial of all actions enumerated in chapters 3.30 through 3.74 RCW or assigned to the (~~justice~~) district court by law; to hear, try, and determine the same according to the law, and for that purpose where no special provision is otherwise made by law, such court shall be vested with all the necessary powers which are possessed by courts of record in this state; and all laws of a general nature shall apply to such (~~justice~~) district court as far as the same may be applicable and not inconsistent with the provisions of chapters 3.30 through 3.74 RCW. The (~~justice~~) district court shall, upon the demand of either party, impanel a jury to try any civil or criminal case in accordance with the provisions of chapter 12.12 RCW(~~(- PROVIDED, That in the trial of actions brought for violating any city ordinance, a jury trial shall be allowed only for criminal offenses involving the revocation or suspension of a driver's license or other gross misdemeanor. PROVIDED FURTHER: That)~~). No jury trial may be held in a proceeding involving a traffic infraction.

Sec. 41. Section 113, chapter 299, Laws of 1961 as last amended by section 7, chapter 331, Laws of 1981 and RCW 3.66.020 are each amended to read as follows:

The (~~justice~~) district court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed (~~(three thousand))~~ seven thousand five hundred dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed (~~(three thousand))~~ seven thousand five hundred dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed (~~(three thousand))~~ seven thousand five hundred dollars;

(3) Of an action for a penalty not exceeding (~~(three thousand))~~ seven thousand five hundred dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed (~~(three thousand))~~ seven thousand five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by (~~(him or his predecessor in office))~~ the court, when the amount claimed does not exceed (~~(three thousand))~~ seven thousand five hundred dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed ~~((three thousand))~~ seven thousand five hundred dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed ~~((three thousand))~~ seven thousand five hundred dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed ~~((three thousand))~~ seven thousand five hundred dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed ~~((three thousand))~~ seven thousand five hundred dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The ~~((three thousand))~~ seven thousand five hundred dollar~~(s)~~ amounts provided in subsections (1) through (9) of this section shall remain in effect until June 30, ~~((1981; effective July 1, 1981))~~ 1985; effective July 1, 1985, such amount shall be increased to ~~((five))~~ ten thousand dollars. ~~((Effective July 1, 1983, the amounts shall be increased to seventy-five hundred dollars.))~~

The amounts of money referred to in this section shall be exclusive of interest, costs and attorney's fees.

Sec. 42. Section 115, chapter 299, Laws of 1961 and RCW 3.66.040 are each amended to read as follows:

(1) An action arising under RCW 3.66.020~~(-subsections)~~ (1), (2) except for the recovery of possession of personal property, (4), (6), (7), and (9) may be brought in any ~~((justice court))~~ district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed or in which the defendant, or if there be more than one defendant, where some one of the defendants may be served with the notice and complaint in which latter case, however, the ~~((justice court))~~ district where the defendant or defendants is or are served must be within the county in which the said defendant or defendants reside.

(2) An action arising under RCW 3.66.020~~(-subsections)~~(2) for the recovery of possession of personal property and ~~((subsection))~~ RCW 3.66.020(8) shall be brought in the district in which the subject matter of the action or some part thereof is situated.

(3) An action arising under RCW 3.66.020~~(-subsections)~~ (3) and (5) shall be brought in the district in which the cause of action, or some part thereof arose.

(4) An action arising under RCW 3.66.020~~(-subsections)~~(2)(c) for the recovery of damages for injuries to the person or for injury to personal property arising from a motor vehicle accident may be brought, at the plaintiff's option, either in the district in which the cause of action, or some part thereof, arose, or in the district in which the defendant, or, if there be more than one defendant, where some one of the defendants, resides at the time the complaint is filed.

(5) An action against a nonresident of this state may be brought in any district where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(6) For the purposes of chapters 3.30 through 3.74 RCW, the residence of a corporation defendant shall be deemed to be in any district where the corporation transacts business or has an office for the transaction of business or transacted business at the time the cause of action arose or where any person resides upon whom process may be served upon the corporation, unless herein otherwise provided.

Sec. 43. Section 116, chapter 299, Laws of 1961 and RCW 3.66.050 are each amended to read as follows:

If a civil action is brought in the wrong ~~((justice court))~~ district, the action may nevertheless be tried therein unless the defendant, at the time ~~((he))~~ the defendant appears, requests a transfer of the action to the proper district. Upon such demand an order shall be entered transferring the action to the proper district and awarding the defendant a reasonable attorney's fee to be paid by the plaintiff.

Sec. 44. Section 117, chapter 299, Laws of 1961 as last amended by section 176, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.66.060 are each amended to read as follows:

The ~~((justice))~~ district court shall have jurisdiction: (1) Concurrent with the superior court of all misdemeanors and gross misdemeanors committed in their respective counties and of all violations of city ordinances~~(-PROVIDED, That)~~, it shall in no event impose a greater punishment than a fine of ~~((one))~~ five thousand dollars, or imprisonment for one year in the county or city jail as the case may be, or both such fine and imprisonment, unless otherwise expressly provided by statute~~(-and)~~, it may suspend and revoke vehicle operator~~(s)~~ licenses in the cases provided by law; (2) to sit as a committing magistrate~~(s)~~ and conduct preliminary hearings in cases provided by law; (3) concurrent with the superior court of a proceeding to keep the peace in their respective counties; (4) concurrent with the superior court of all violations under Title 75 RCW; and (5) to hear and determine traffic infractions under chapter 46.63 RCW.

Sec. 45. Section 7, chapter 110, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1975 and RCW 3.66.065 are each amended to read as follows:

If a defendant is found guilty, a ((justice)) judge holding office pursuant to chapters 3.30 through 3.74 RCW, or chapter 35.20 RCW, and not the jury, shall assess ((his)) punishment, notwithstanding the provisions of RCW 10.04.100. If ((such justice)) the judge determines that the punishment ((he is)) authorized ((to assess)) is inadequate compared to the gravity of the offense he or she may order such defendant to enter recognizance to appear in the superior court of the county and may also recognize the witnesses and shall proceed as a committing magistrate.

Sec. 46. Section 1, chapter 75, Laws of 1969 as amended by section 1, chapter 156, Laws of 1983 and RCW 3.66.067 are each amended to read as follows:

After a conviction, the court may defer sentencing the defendant and place ((him)) the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw ((his)) the plea of guilty((- permit him)) and to enter a plea of not guilty, and the court may dismiss the charges ((against him)).

Sec. 47. Section 118, chapter 299, Laws of 1961 as amended by section 32, chapter 165, Laws of 1983 and RCW 3.66.070 are each amended to read as follows:

All criminal actions shall be brought in the ((justice court)) district where the alleged violation occurred: PROVIDED, That (1) the prosecuting attorney may file felony cases in the district in which the county seat is located, (2) with the consent of the defendant criminal actions other than those arising out of violations of city ordinances may be brought in or transferred to the district in which the county seat is located, and (3) if the alleged violation relates to driving, or being in actual physical control of, a motor vehicle while intoxicated and the alleged violation occurred within a judicial district which has been designated an enhanced enforcement district under RCW 2.56.110, the charges may be filed in that district or in a district within the same county which is adjacent to the district in which the alleged violation occurred.

Sec. 48. Section 119, chapter 299, Laws of 1961 and RCW 3.66.080 are each amended to read as follows:

If a criminal action is commenced in an improper district under RCW 3.66.070, the ((justice)) court ((of the district)) may of its own volition or at the request of either party order the case removed for trial to a proper district.

Sec. 49. Section 120, chapter 299, Laws of 1961 as amended by section 1, chapter 241, Laws of 1967 and RCW 3.66.090 are each amended to read as follows:

A change of venue may be allowed upon motion:

(1) Where there is reason to believe that an impartial trial cannot be had in the district or municipal court in which the action was commenced; or

(2) Where the convenience of witnesses or the ends of justice would be forwarded by the change.

When such change is ordered, it shall be to the ((justice)) district court of another district in the same county, if any, otherwise to the ((justice)) district court of an adjacent district in another county: PROVIDED, That where an affidavit of prejudice is filed against a judge of a municipal court the cause shall be transferred to another department of the municipal court, if one exists, otherwise to a judge pro tempore appointed in the manner prescribed by law. The court to which a case is removed on change of venue under this section shall have the same jurisdiction, either civil or criminal to hear and determine the case as the court from which the case was removed.

Sec. 50. Section 123, chapter 299, Laws of 1961 and RCW 3.70.010 are each amended to read as follows:

There is established in the state an association, to be known as the Washington state magistrates' association, membership in which shall include all duly elected or appointed and qualified ((interior court)) judges of courts of limited jurisdiction, including but not limited to ((justices of the peace)) district judges, police court judges and municipal court judges.

Sec. 51. Section 124, chapter 299, Laws of 1961 and RCW 3.70.020 are each amended to read as follows:

The first meeting of the Washington state magistrates' association shall be held at the next regular meeting of the present organization after June 7, 1961 to be held during the month of August or September, 1961, at which meeting those ((interior court)) judges of courts of limited jurisdiction, as provided in RCW 3.70.010, attending shall temporarily organize themselves for the purpose of adopting a Constitution and bylaws and may either adopt or amend the present Constitution and bylaws of the Washington state magistrates' association or provide for bylaws only, electing officers as provided therein and doing all things necessary and proper to formally establish a permanent Washington state magistrates' association, after which meeting the association may meet each year during the month of August or September, beginning in 1962. Meetings shall be held in the state of Washington.

Sec. 52. Section 125, chapter 299, Laws of 1961 and RCW 3.70.030 are each amended to read as follows:

For attendance at the annual meetings of the association, beginning in 1962 and thereafter, ((an interior court)) a judge of a court of limited jurisdiction shall be entitled to receive reimbursement for judge's reasonable travel expenses as provided in RCW 43.03.050 and

43.03.060 from the county or city responsible for the operating cost of the court over which he or she presides (~~(twenty dollars per day or major portion thereof);~~) while attending meetings of the association (~~(plus first class transportation or mileage allowance at the rate of ten cents per mile. PROVIDED, That);~~). The per diem and transportation or mileage allowance authorized by this section shall not be paid to any judge for more than five days in any one calendar year.

Sec. 53. Section 126, chapter 299, Laws of 1961 as amended by section 10, chapter 162, Laws of 1980 and RCW 3.70.040 are each amended to read as follows:

The Washington state magistrates' association shall:

(1) Continuously survey and study the operation of the courts served by its membership, the volume and condition of business of such courts, the methods of procedure therein, the work accomplished, and the character of the results;

(2) Promulgate suggested rules for the administration of the ((justice)) courts of limited jurisdiction not inconsistent with the law or rules of the supreme court relating to such courts;

(3) Report annually to the supreme court as well as the governor and the legislature on the condition of business in the courts of limited jurisdiction, including the association's recommendations as to needed changes in the organization, operation, judicial procedure, and laws or statutes implemented or enforced in these courts.

Sec. 54. Section 130, chapter 299, Laws of 1961 and RCW 3.74.010 are each amended to read as follows:

All ((justice court)) district judges under chapters 3.30 through 3.74 RCW shall remain members of the state retirement system.

Sec. 55. Section 131, chapter 299, Laws of 1961 and RCW 3.74.020 are each amended to read as follows:

The full time judges of the ((justice)) district court shall be ineligible to any other office, or public employment than a judicial office or employment during the term for which they shall have been elected.

Sec. 56. Section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030 are each amended to read as follows:

A ((justice court)) district judge shall retire from judicial office at the end of the calendar year in which he or she has attained the age of seventy-five years. This provision shall not affect the term to which any such judge shall have been elected or appointed prior to August 11, 1969.

Sec. 57. Section 1, chapter 187, Laws of 1919 as last amended by section 10, chapter 331, Laws of 1981 and RCW 12.40.010 are each amended to read as follows:

((That)) In every ((justice)) district court ((of this state)) there shall be created and organized by the court a department to be known as the "small claims department of the ((justice's)) district court". ((If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW.)) The small claims department ((of that court)) shall have jurisdiction, but not exclusive, in cases for the recovery of money only ((where)) if the amount claimed does not exceed one thousand dollars. ((If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed five hundred dollars.))

Sec. 58. Section 2, chapter 187, Laws of 1919 and RCW 12.40.020 are each amended to read as follows:

((Actions in such)) A small claims ((departments)) action shall be ((deemed)) commenced by the plaintiff ((appearing before the justice of the peace and subscribing to and verifying a claim as hereinafter provided)) filing a claim, in the form prescribed by RCW 12.40.050, in the small claims department. A filing fee of ten dollars shall be paid when the claim is filed.

Sec. 59. Section 2, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.025 are each amended to read as follows:

A defendant in a ((justice)) district court proceeding ((wherein)) in which the claim is within the jurisdictional amount for the small claims department ((of the justice court)) may in accordance with court rules transfer the action to the small claims department ((PROVIDED, HOWEVER, That)), in the event of such a transfer the provisions of RCW 12.40.070 shall not be applicable if the plaintiff was an assignee of the claim at the time the action was commenced nor shall the provisions of RCW 12.40.080 prohibit an attorney from representing the plaintiff if he was the attorney of record for the plaintiff at the time the action was commenced.

Sec. 60. Section 3, chapter 187, Laws of 1919 as last amended by section 3, chapter 330, Laws of 1981 and RCW 12.40.030 are each amended to read as follows:

Upon filing ((said)) of a claim ((such justice of the peace shall appoint a)), the court shall set a time for ((the)) hearing of ((said)) the matter and ((shall)) cause to be issued a notice of the claim ((as hereinafter provided;)) which shall be served upon the defendant.

((Said justice of the peace shall collect in advance upon each claim the sum of ten dollars, and this shall be the only fee for such justice of the peace to be charged or taxed against the plaintiff in such action during the pendency or disposition of said claim. PROVIDED, HOWEVER, That when any such "small claims department" shall be created and organized in any justice

court as herein provided, in which the justice is not paid a salary, he may be paid as compensation for conducting such department from the county treasury of his county such monthly salary as the county court and commissioners of said county shall deem just and proper.)

Sec. 61. Section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 194, Laws of 1981 and RCW 12.40.040 are each amended to read as follows:

~~((Said))~~ The notice of claim can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail ~~((provided))~~ if a return receipt with the signature of the party being served is filed with the court ~~((but))~~. No other paper is to be served with the notice. The officer serving ~~((such))~~ the notice shall be entitled to receive from the plaintiff, besides mileage, the fee specified in RCW 36.18.040 for such service; which sum, together with the filing fee named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

Sec. 62. Section 5, chapter 187, Laws of 1919 and RCW 12.40.050 are each amended to read as follows:

~~((The))~~ A claim ~~((hereinbefore referred to))~~ filed in the small claims department shall contain: (1) The name and address of the plaintiff (and the name of the defendant followed by); (2) a statement, in brief and concise form, of the nature and amount of (said) the claim and ((the time of the accruing of such claim)) when the claim accrued; and ((shall also state)) (3) the name and residence of the defendant, if ((same be)) known to the plaintiff, for the purpose of serving the notice of claim on ((such)) the defendant.

Sec. 63. Section 6, chapter 187, Laws of 1919 as amended by section 11, chapter 331, Laws of 1981 and RCW 12.40.060 are each amended to read as follows:

~~The notice of claim directed to the defendant shall contain ((a statement in brief and concise form notifying such defendant of the name, address, amount and nature of the alleged claim of plaintiff, and): (1) The name and address of the plaintiff; (2) a brief and concise statement of the nature and amount of the claim; (3) a statement directing and requiring defendant to appear personally in the ((justice court)) small claims department at a time certain, which shall not be less than five days from the date of service of ((such)) the notice; ((said notice shall further provide)); and (4) a statement advising the defendant that in case of his or her failure to ((so)) appear, judgment will be given against defendant for the amount of ((such)) the claim.~~

Sec. 64. Section 7, chapter 187, Laws of 1919 and RCW 12.40.070 are each amended to read as follows:

~~((A))~~ A claim ~~((s))~~ must be verified by the real claimant, and no claim shall be filed or prosecuted in ~~((such))~~ the small claims department by the assignee of ~~((such))~~ the claim.

Sec. 65. Section 8, chapter 187, Laws of 1919 as amended by section 12, chapter 331, Laws of 1981 and RCW 12.40.080 are each amended to read as follows:

No attorney at law, legal paraprofessional, nor any person other than the plaintiff and defendant, shall concern himself or herself or in any manner interfere with the prosecution or defense of ~~((such))~~ litigation in ((said)) the small claims department without the consent of the ~~((justice of said justice's))~~ judge of the district court. If a corporation plaintiff is represented by an attorney at law, or legal paraprofessional, the ~~((justice))~~ judge shall at the request of the defendant transfer the case to the regular civil docket. In the small claims department it shall not be necessary to summon witnesses, but the plaintiff and defendant in any claim shall have the privilege of offering evidence in their behalf by witnesses appearing at such hearing, and the ~~((justice))~~ judge may informally consult witnesses or otherwise investigate the controversy between the parties, and give judgment or make such orders as the judge may ~~((by him be deemed))~~ deem to be right, just and equitable for the disposition of the controversy.

Sec. 66. Section 9, chapter 187, Laws of 1919 and RCW 12.40.090 are each amended to read as follows:

~~((No))~~ A formal pleading, other than the ~~((said))~~ claim and notice, shall not be necessary to define the issue between the parties ~~((and))~~. The hearing and disposition of ~~((all such))~~ the actions shall be informal, with the sole object of dispensing speedy and quick justice between the litigants ~~((PROVIDED, That no)), An~~ attachment, garnishment or execution shall not issue from the small claims department on any claim except as ~~((hereinafter))~~ provided in this chapter.

Sec. 67. Section 10, chapter 187, Laws of 1919 as amended by section 1, chapter 254, Laws of 1983 and RCW 12.40.100 are each amended to read as follows:

If a monetary judgment or order is entered, it shall be the judgment debtor's duty to pay the judgment ~~((forthwith))~~ upon such terms and conditions as the ~~((justice of such court))~~ judge shall prescribe. If the judgment is not paid to the prevailing party at the time the judgment is entered and the judgment debtor is present in court, the court may order a payment plan.

Sec. 68. Section 11, chapter 187, Laws of 1919 as last amended by section 3, chapter 254, Laws of 1983 and RCW 12.40.110 are each amended to read as follows:

(1) If the losing party fails to pay the judgment according to the terms and conditions thereof within twenty days or is in arrears on any payment plan, and the prevailing party so notifies the court, the ~~((justice))~~ judge before whom such hearing was had shall certify ~~((such))~~ the judgment in substantially the following form:

Washington.

In the ~~((Justice's))~~ District Court of County ~~(- before Justice of the Peace for Precinct).~~

Plaintiff,

vs.

Defendant.

In the Small Claims Department.

This is to certify that: (1) In a certain action before me, the undersigned, had on this the day of 19... wherein was plaintiff and defendant, jurisdiction of said defendant having been had by personal service (or otherwise) as provided by law, I then and there entered judgment against in the sum of Dollars; (2) the judgment has not been paid within twenty days or the period otherwise ordered by the court; and (3) pursuant to RCW 12.40..., the amount of the judgment is hereby increased by any costs of certification under this section and the amount specified in RCW 36.18.020(3).

Witness my hand this day of 19...

~~((Justice of the Peace))~~ District Judge sitting in the Small Claims Department.

(2) The ~~((justice of the peace of such justice's court))~~ judge shall forthwith enter the judgment transcript on the judgment docket of the ~~((justice's))~~ district court; and thereafter garnishment, execution, and other process on execution provided by law may issue thereon, as in other judgments of ~~((justice's))~~ district courts.

(3) Transcripts of such judgments may be filed and entered in judgment lien dockets in superior courts with like effect as in other cases.

Sec. 69. Section 4, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.120 are each amended to read as follows:

No appeal shall be permitted from a judgment of the small claims department of the ~~((justice))~~ district court where the amount claimed was less than one hundred dollars nor shall any appeal be permitted by a party who requested the exercise of jurisdiction by the small claims ~~((court))~~ department.

Sec. 70. Section 680, page 171, Laws of 1869 as last amended by section 738, Code of 1881 and RCW 7.20.140 are each amended to read as follows:

Either party to a judgment in a proceeding for a contempt, may appeal therefrom in like manner and with like effect as from judgment in an action, but such appeal shall not have the effect to stay the proceedings in any other action, suit or proceeding, or upon any judgment, decree or order therein, concerning which, or wherein such contempt was committed. ~~((Contempts of justices' courts are punishable in the manner specially provided for in chapter 3-28 RCW.))~~

Sec. 71. Section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100 are each amended to read as follows:

There shall be three departments of the municipal court, which shall be designated as Department Nos. 1, 2 and 3: PROVIDED, That when the administration of justice and the accomplishment of the work of the court make additional departments necessary, the legislative body of the city may create additional departments as they are needed. The departments shall be established in such places as may be provided by the legislative body of the city, and each department shall be presided over by a municipal judge. The judges shall select, by majority vote, one of their number to act as presiding judge of the municipal court for a term of one year, and he shall be responsible for administration of the court and assignment of calendars to all departments. A change of venue from one department of the municipal court to another department shall be allowed in accordance with the provisions of RCW 3.66.090 ~~(- 3-20-100 and 3-20-110)~~ in all civil and criminal proceedings. The city shall assume the costs of the elections of the municipal judges in accordance with the provisions of RCW 29.13.045.

Sec. 72. Section 35, chapter 299, Laws of 1961 and RCW 3.46.010 are each amended to read as follows:

Any city may secure the establishment of a municipal department of the ~~((justice))~~ district court, to be designated "The Municipal Department of (city)." Such department may also be designated "The Municipal Court of (city)."

Sec. 73. Section 36, chapter 299, Laws of 1961 and RCW 3.46.020 are each amended to read as follows:

Each judge of a municipal department shall be a ~~((justice of the peace))~~ judge of the district court in which the municipal department is situated. Such judge may be alternately designated as a municipal judge or police judge.

Sec. 74. Section 38, chapter 299, Laws of 1961 and RCW 3.46.040 are each amended to read as follows:

Establishment of a municipal department shall be initiated by a petition from the legislative body of the city to the ~~((board of county commissioners))~~ county legislative authority. Such petition shall be filed ~~((with the commissioners))~~ not less than thirty days prior to February 1.

1962, or any subsequent year, and shall set forth: (1) The number of full time and part time judges required for the municipal department; (2) The amount of time for which a part time judge will be required for the municipal department; and (3) Whether the full time judge or judges will be elected or appointed. In a petition filed subsequent to 1962 provision shall be made for temporary appointment of a municipal judge to fill each elective position until the next election for ~~((justices of the peace))~~ district judges. The petition shall be forthwith transmitted to the districting committee. The organization of the municipal department shall be incorporated into the districting plan. The districting committee in its plan shall designate the proportion of the salary of each ~~((justice))~~ judge serving as a part time municipal judge to be paid by the city, which shall be proportionate to the time of such judge allotted to the municipal department by the districting plan. A city may withdraw its petition any time prior to adoption of the districting plan by the ~~((board of county commissioners))~~ county legislative authority, and thereupon the municipal department pursuant to this chapter shall not be established.

Sec. 75. Section 40, chapter 299, Laws of 1961 and RCW 3.46.060 are each amended to read as follows:

In ~~((justice))~~ district court districts having more than one ~~((justice of the peace))~~ judge, appointment of part time municipal judges shall be made from the ~~((justices of the peace))~~ judges of the district by the mayor in such manner as the city legislative body shall determine.

Sec. 76. Section 41, chapter 299, Laws of 1961 and RCW 3.46.070 are each amended to read as follows:

In each ~~((justice))~~ district court district where an election is held for the position of municipal judge, the county auditor, prior to the date for filing declarations for the office of ~~((justice of the peace))~~ district judge, shall designate the proper number of municipal judge positions, commencing with number one, and if there is more than one municipal judge in any municipal department, one or more positions may, at the request of the legislative body of the city, be further designated as municipal traffic judge positions. Only voters of the city shall vote for municipal judges.

Sec. 77. Section 42, chapter 299, Laws of 1961 and RCW 3.46.080 are each amended to read as follows:

A municipal judge shall serve in such capacity for his or her term as ~~((justice of the peace;))~~ district judge and may be removed from so serving in the same manner and for the same reasons as he or she may be removed from the office of ~~((justice of the peace))~~ district judge.

Sec. 78. Section 43, chapter 299, Laws of 1961 as amended by section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090 are each amended to read as follows:

The salary of a full time municipal judge shall be paid wholly by the city. The salary of a ~~((justice of the peace))~~ district judge serving a municipal department part time shall be paid jointly by the county and the city in the same proportion as the time of the ~~((justice))~~ judge has been allocated to each. Salaries of court commissioners serving the municipal department shall be paid by the city.

Sec. 79. Section 44, chapter 299, Laws of 1961 and RCW 3.46.100 are each amended to read as follows:

A vacancy in a position of full time municipal judge shall be filled for the unexpired term by appointment in such manner as the city may determine. In districts having more than one ~~((justice of the peace))~~ judge, a vacancy in a position of part time municipal judge shall be filled for the unexpired term by appointment in such manner as the city shall determine from the ~~((justices))~~ judges of the district, including any ~~((justice))~~ judge appointed by the county commissioners to fill an unexpired term.

NEW SECTION. Sec. 80. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 11, Laws of 1955 and RCW 3.04.010;
- (2) Section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030;
- (3) Section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040;
- (4) Section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050;
- (5) Section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060;
- (6) Section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1955 and RCW 3.04.070;
- (7) Section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080;
- (8) Section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090;
- (9) Section 10, page 224, Laws of 1854, section 1703, Code of 1881, and RCW 3.04.100;
- (10) Section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110;
- (11) Section 12, chapter 187, Laws of 1919 and RCW 3.04.120;

(12) Section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130;

(13) Section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; and

(14) Section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) Section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010;

(2) Section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020;

(3) Section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030;

(4) Section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040;

(5) Section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050;

(6) Section 10, chapter 11, Laws of 1955 and RCW 3.08.060;

(7) Section 3, chapter 237, Laws of 1953 and RCW 3.08.065;

(8) Section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; and

(9) Section 2, chapter 237, Laws of 1953 and RCW 3.08.080.

NEW SECTION. Sec. 82. The following acts or parts of acts are each repealed:

(1) Section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010;

(2) Section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021;

(3) Section 6, chapter 156, Laws of 1951 and RCW 3.12.041;

(4) Section 7, chapter 156, Laws of 1951 and RCW 3.12.051;

(5) Section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071;

(6) Section 1, chapter 63, Laws of 1931 and RCW 3.12.080;

(7) Section 8, chapter 7, Laws of 1891, section 1 chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090;

(8) Section 10, chapter 156, Laws of 1951 and RCW 3.14.020;

(9) Section 9, chapter 156, Laws of 1951 and RCW 3.14.050; and

(10) Section 13, chapter 156, Laws of 1951 and RCW 3.14.060.

NEW SECTION. Sec. 83. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002;

(2) Section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004;

(3) Section 13, chapter 11, Laws of 1955 and RCW 3.16.008;

(4) Section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010;

(5) Section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020;

(6) Section 3, chapter 145, Laws of 1909, sections 3, 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030;

(7) Section 17, chapter 11, Laws of 1955 and RCW 3.16.050;

(8) Section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060;

(9) Section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070;

(10) Section 2, chapter 66, Laws of 1893 and RCW 3.16.080;

(11) Section 3, chapter 66, Laws of 1893 and RCW 3.16.090;

(12) Section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100;

(13) Section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110;

(14) Section 4, chapter 7, Laws of 1891 and RCW 3.16.120;

(15) Section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130;

(16) Section 10, chapter 7, Laws of 1891 and RCW 3.16.140;

(17) Section 6, chapter 7, Laws of 1891 and RCW 3.16.150; and

(18) Section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160.

NEW SECTION. Sec. 84. The following acts or parts of acts are each repealed:

(1) Section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010;

(2) Section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965, section 2, chapter 102, Laws of 1979, section 6, chapter 331, Laws of 1981 and RCW 3.20.020;

(3) Section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030;

(4) Section 171, page 279, Laws of 1860; section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909, section 175, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.20.040;

(5) Section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050;

(6) Section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060;

(7) Section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070;

(8) Section 3, chapter 75, Laws of 1929 and RCW 3.20.080;

(9) Section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090;

(10) Section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110;

(11) Section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; and

(12) Section 4, chapter 206, Laws of 1953 and RCW 3.20.131.

NEW SECTION, Sec. 85. The following acts or parts or acts are each repealed:

(1) Section 1, chapter 14, Laws of 1923 and RCW 3.24.010;

(2) Section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020;

(3) Section 4, chapter 14, Laws of 1923 and RCW 3.24.030;

(4) Section 5, chapter 14, Laws of 1923 and RCW 3.24.040;

(5) Section 6, chapter 14, Laws of 1923 and RCW 3.24.050;

(6) Section 3, chapter 14, Laws of 1923 and RCW 3.24.060;

(7) Section 7, chapter 14, Laws of 1923 and RCW 3.24.070;

(8) Section 8, chapter 14, Laws of 1923 and RCW 3.24.080; and

(9) Section 9, chapter 14, Laws of 1923 and RCW 3.24.090.

NEW SECTION, Sec. 86. The following acts or parts of acts are each repealed:

(1) Section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010;

(2) Section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020;

(3) Section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030;

(4) Section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040;

(5) Section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050;

(6) Section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060;

(7) Section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070;

(8) Section 128, chapter 299, Laws of 1961 and RCW 3.74.910; and

(9) Section 129, chapter 299, Laws of 1961 and RCW 3.74.920.

NEW SECTION, Sec. 87. Section 211, chapter 249, Laws of 1909, section 1, chapter 100, Laws of 1917 and RCW 9.04.020 are each repealed.

Sec. 88. Section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250 are each amended to read as follows:

Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is ~~(three thousand)~~ seven thousand five hundred dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. After July 1, ~~(1984)~~ 1985, the maximum amount of the pleading under this section shall be ~~(five)~~ ten thousand dollars.

Sec. 89. Section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-76 2nd ex. sess. and RCW 12.20.060 are each amended to read as follows:

When the prevailing party in district court is entitled to recover costs as authorized in RCW 4.84.010 in a civil action ~~(before a justice of the peace)~~, the ~~(justice)~~ judge shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the ~~(justice)~~ judge shall enter up a judgment in favor of the defendant for the amount of his costs; and in case any party so entitled to costs is represented in the action by an attorney, the ~~(justice)~~ judge shall include ~~(an)~~ attorney's fees of twenty-five dollars as part of the

costs: PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he obtains, exclusive of costs, a judgment in the sum of five dollars or more.

NEW SECTION. Sec. 90. There is added to chapter 3.30 RCW a new section to read as follows:

All references to justices of the peace in other titles of the Revised Code of Washington shall be construed as meaning district judges. All references to justice courts or justice of the peace courts in other titles of the Revised Code of Washington shall be construed as meaning district courts.

Sec. 91. Section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040 are each amended to read as follows:

The court shall sit in panels of three judges and decisions shall be rendered by not less than a majority of the panel. In the determination of causes all decisions of the court shall be given in writing and the grounds of the decisions shall be stated. All decisions of the court having precedential value shall be published as opinions of the court. Each panel shall determine whether a decision of the court has sufficient precedential value to be published as an opinion of the court. Decisions determined not to have precedential value shall not be published. Panels in the first division shall be comprised of such judges as the chief judge thereof shall from time to time direct. Judges of the respective divisions may sit in other divisions and causes may be transferred between divisions, as directed by written order of the chief justice. The court may hold sessions in such of the following cities as may be designated by rule: Seattle, Everett, Bellingham, Tacoma, Vancouver, Spokane, Yakima, Richland, Wenatchee, and Walla Walla.

No judge of the court shall be entitled to per diem or mileage for services performed at either his legal residence or the headquarters of the division of the court of which he is a member.

The court may establish rules supplementary to and not in conflict with rules of the supreme court.

Sec. 92. Section 367, page 201, Laws of 1854 as last amended by section 7, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.84.010 are each amended to read as follows:

The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums by way of indemnity for the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

(1) Filing fees;

(2) Fees for the service of process;

(3) Fees for service by publication;

(4) Notary fees, but only to the extent the fees are for services that are expressly required by law and only to the extent they represent actual costs incurred by the prevailing party;

(5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial or in mandatory arbitration in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;

~~((6))~~ (5) Statutory attorney and witness fees; and

~~((7))~~ (6) To the extent that the court or arbitrator finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial or at the mandatory arbitration hearing: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment.

NEW SECTION. Sec. 93. Section 7, chapter 84, Laws of 1973 and RCW 4.84.310 are each repealed.

Sec. 94. Section 4, chapter 254, Laws of 1983 and RCW 12.24.135 are each amended to read as follows:

In any proceeding brought under this chapter to enforce a judgment which has been certified under RCW 12.40.110, the execution issued by the justice shall include the amount of the judgment owed plus reasonable costs and reasonable attorneys' fees incurred by the judgment creditor in seeking enforcement of the judgment under this chapter.

Sec. 95. Section 4, page 404, Laws of 1854 as last amended by section 1, chapter 186, Laws of 1983 and RCW 26.04.050 are each amended to read as follows:

The following named officers and persons are hereby authorized to solemnize marriages, to wit: Justices of the supreme court, judges of the court of appeals, judges of the superior courts, any regularly licensed or ordained minister or any priest of any church or religious denomination (~~(anywhere within the state)~~), and judges of (~~(any)~~) courts of limited jurisdiction (~~(:)~~) as defined in RCW 3.02.010 (~~(: within their respective counties)~~).

NEW SECTION. Sec. 101. There is added to chapter 3.50 RCW a new section to read as follows:

The legislature finds that there is a multitude of statutes governing the municipal courts of the state. This situation is confusing and misleading to attorneys, judges, court personnel, and others who work with the municipal courts. The legislature therefore finds that a reorganization of the municipal courts of the state would allow those courts to operate in a more effective and efficient manner. This chapter provides a court structure which may be used by cities and towns with a population of four hundred thousand or less which choose to operate under this chapter.

NEW SECTION. Sec. 102. There is added to chapter 3.50 RCW a new section to read as follows:

After January 1, 1985, cities and towns with a population of four hundred thousand or less which are operating a municipal court under Title 35 or 35A RCW shall operate the court pursuant to this chapter. In the alternative, a city or town may establish a municipal department of a district court under chapter 3.46 RCW.

Municipal judges holding office on the effective date of this section shall continue to hold office until expiration of their term or January 1, 1986, whichever occurs first.

Sec. 103. Section 50, chapter 299, Laws of 1961 and RCW 3.50.010 are each amended to read as follows:

Any city or town with a population of ~~((twenty))~~ four hundred thousand or less may by ordinance provide for an inferior court to be known and designated as a municipal court, which shall be entitled "The Municipal Court of (insert name of city or town)", hereinafter designated and referred to as "municipal court", which court shall have jurisdiction and shall exercise all powers by this chapter declared to be vested in the municipal court, together with such other powers and jurisdiction as are generally conferred upon such court in this state ~~((by))~~ either by common law or by express statute ((upon said court)).

Sec. 104. Section 51, chapter 299, Laws of 1961 as amended by section 17, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.020 are each amended to read as follows:

The municipal court shall have exclusive original jurisdiction over traffic infractions arising under city ordinances and exclusive original criminal jurisdiction of all violations of city ordinances duly adopted by the city in which the municipal court is located and shall have original jurisdiction of all other actions brought to enforce or recover license penalties or forfeitures declared or given by such ordinances or by state statutes. The municipal court is empowered to forfeit cash bail or bail bonds and issue execution thereon; and in general to hear and determine all causes, civil or criminal, including traffic infractions, arising under such ordinances and to pronounce judgment in accordance therewith.

Sec. 105. Section 52, chapter 299, Laws of 1961 as amended by section 18, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.030 are each amended to read as follows:

Every city or town may establish and operate under the supervision of the municipal court a violations bureau to assist the court in processing traffic cases. Each municipal court shall designate the specific traffic offenses and traffic infractions under ~~((the))~~ city or town ordinances which may be processed by the violations bureau.

A violations bureau may be authorized to process traffic infractions in conformity with chapter 46.63 RCW.

A violations bureau may be authorized to receive the posting of bail for specified offenses and, to the extent authorized by court order, permitted to accept forfeiture of bail and payment of penalties. Any violations bureau, upon accepting the prescribed bail, shall issue a receipt therefor to the alleged violator, acknowledging the posting thereof and informing the accused of the legal consequences of bail forfeiture. Any person charged with any criminal traffic offense within the authority of the violations bureau may, upon signing a written appearance, a written plea of guilty and a written waiver of trial, pay to the violations bureau the fine established for the offense charged and costs and this shall have the same effect as a court conviction. All penalties and forfeitures paid to a violations bureau for the violation of municipal ordinance shall be placed in the city or town general fund or such other fund as may be prescribed by ordinance of the city or town or laws of the state of Washington.

Any employees of an existing violations bureau of any city shall continue as ~~((a))~~ city employees.

Sec. 106. Section 53, chapter 299, Laws of 1961 as amended by section 1, chapter 35, Laws of 1975-76 2nd ex. sess. and RCW 3.50.040 are each amended to read as follows:

Within thirty days after the effective date of the ordinance creating the municipal court, the mayor of each city or town shall ~~((with the approval of the legislative body thereof))~~ appoint a municipal judge or judges of the municipal court for a term of four years ~~((commencing January 15, 1962. Succeeding appointments shall be made in like manner by the fifteenth day of December preceding the end of every four year term))~~. The terms of judges serving on the effective date of this 1984 section and municipal judges who are appointed to terms commencing before January 1, 1986, shall expire January 1, 1986. The terms of their successors shall commence on January 1, 1986, and on January 1 of each fourth year thereafter, pursuant to appointment or election as provided in this chapter. Appointments shall be made on or before December 1 of the year next preceding the year in which the terms commence.

The legislative authority of a city or town that has the general power of confirmation over mayoral appointments shall have the power to confirm the appointment of a municipal judge.

((The)) A person appointed as a full-time or part-time municipal judge shall be a citizen of the United States of America and of the state of Washington; and an attorney ((duty)) admitted to practice law before the courts of record of the state of Washington: PROVIDED, That in a municipality having a population less than five thousand persons, a person other than an attorney may be the judge. Any city or town shall have authority to appoint a ((duty-elected justice-of-the-peace)) district judge as its municipal judge when the municipal judge is not required to serve full time. In the event of the appointment of a ((justice-of-the-peace)) district judge, the city or town shall pay a pro rata share of ((his)) the salary.

Sec. 107. Section 54, chapter 299, Laws of 1961 and RCW 3.50.050 are each amended to read as follows:

The legislative authority of ((each)) the city or town may, by ordinance, provide that the position of municipal judge within the city or town shall be an elective position. The ordinance shall provide for the qualifications of the municipal judge which shall be the same as the qualifications necessary for the appointment thereof; and further, shall provide that the municipal judge shall be elected in the same manner as other elective city officials are elected to office, and that the term of the municipal judge shall be ((concurrent with other city officials of the city or town)) for a term of four years commencing on January 1, 1986, and every four years thereafter.

Sec. 108. Section 55, chapter 299, Laws of 1961 and RCW 3.50.060 are each amended to read as follows:

A city or town electing to establish a municipal court pursuant to this chapter may terminate such court by ((ordinance adopted on or before January 2, 1966 or not more than ten days before January 2nd of any fourth year thereafter)) adoption of an appropriate ordinance. However no municipal court may be terminated unless the municipality has complied with sections 203 through 209 of this act.

((On and after January 2, 1966:)) A city or town ((electing to establish)) newly establishing a municipal court pursuant to this chapter shall do so by ((resolution adopted not more than ten days before January 2, 1966 or any fourth)) adoption of an appropriate ordinance on or before December 1 of any year, to take effect January 1 of the following year ((thereafter)).

Sec. 109. Section 56, chapter 299, Laws of 1961 and RCW 3.50.070 are each amended to read as follows:

Additional full or part time judges may be appointed ((by the mayor, subject to the approval)) or elected, as provided by ordinance of the legislative body of the city or town ((in the same manner as set forth in RCW 3.50.040:)) when public interest and the administration of justice makes ((necessary the appointment of an)) such additional judge or judges necessary.

NEW SECTION. Sec. 110. There is added to chapter 3.50 RCW a new section to read as follows:

Every judge of a municipal court, before entering upon the duties of the office, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Washington, and that I will faithfully discharge the duties of the office of judge of the municipal court of the city of (naming such city) according to the best of my ability." The oath shall be filed in the office of the county auditor. The judge shall also give such bonds to the state and city for the faithful performance of the judge's duties as may be by law or ordinance directed.

Sec. 111. Section 57, chapter 299, Laws of 1961 and RCW 3.50.080 are each amended to read as follows:

((The salary of the)) Salaries of municipal court ((judge or)) judges((-together with)) shall be fixed by ordinance. All costs of operating the municipal court, including but not limited to salaries of judges and court employees, dockets, books of records, forms, furnishings, and supplies, shall be paid wholly out of the funds of the city or town ((and the compensation of the municipal court judge and)). The city shall provide a suitable place for holding court and pay all expenses of maintaining it.

All employees of the municipal court shall, for all purposes, be deemed employees of the city or town. They shall be appointed by and serve at the pleasure of the court.

Sec. 112. Section 58, chapter 299, Laws of 1961 and RCW 3.50.090 are each amended to read as follows:

The mayor shall, in writing, appoint judges pro tem who shall act in the absence or disability of the regular judge of a municipal court or subsequent to the filing of an affidavit of prejudice. The judges pro tem shall be qualified to hold the position of judge of the municipal court as provided herein. The municipal court judges pro tem shall receive such compensation as shall be fixed by the ordinances of the legislative body of the city or town wherein the municipal court is located. The term of the appointment shall be specified in writing but in any event shall not extend beyond the term of the appointing mayor.

NEW SECTION. Sec. 113. There is added to chapter 3.50 RCW a new section to read as follows:

Any vacancy in the municipal court due to a death, disability, or resignation of a municipal court judge shall be filled by the mayor, for the remainder of the unexpired term. The appointment shall be subject to confirmation by the legislative authority of the city or town if the legislative authority has the general power of confirmation over mayoral appointments. The appointed judge shall be qualified to hold the position of judge of the municipal court as provided in this chapter.

Sec. 114. Section 60, chapter 299, Laws of 1961 and RCW 3.50.110 are each amended to read as follows:

The municipal court shall be open and shall hold such regular and special sessions as may be prescribed by the legislative body of the city or town: PROVIDED, That ~~((such))~~ the municipal court shall not be open on nonjudicial days.

Sec. 115. Section 79, chapter 299, Laws of 1961 as amended by section 1, chapter 84, Laws of 1969 and RCW 3.50.300 are each amended to read as follows:

In all cases of conviction, unless otherwise provided in chapters 3.30 through 3.74 RCW as now or hereafter amended, where a jail sentence is given to the defendant, execution shall issue accordingly and where the judgment of the court is that the defendant pay a fine and costs, ~~((he))~~ the defendant may be committed to jail ~~((to be placed at hard labor))~~ until the judgment is paid in full.

A defendant who has been committed shall be discharged upon the payment for such part of the fine and costs as remains unpaid after deducting from the whole amount any previous payment, and after deducting the amount allowed for each day of imprisonment, which amount shall be the same and computed in the same manner as provided for superior court cases in RCW 10.82.030 and 10.82.040, as now or hereafter amended. In addition, all other proceedings in respect of such fine and costs shall be the same as in like cases in the superior court.

Sec. 116. Section 81, chapter 299, Laws of 1961 as amended by section 5, chapter 156, Laws of 1983 and RCW 3.50.320 are each amended to read as follows:

After a conviction, the court may defer sentencing ~~((the defendant))~~ and place ~~((him))~~ the defendant on probation and prescribe the conditions thereof, but in no case shall it extend for more than two years from the date of conviction. During the time of the deferral, the court may, for good cause shown, permit a defendant to withdraw ~~((his))~~ the plea of guilty, permit ~~((him))~~ the defendant to enter a plea of not guilty, and dismiss the charges ~~((against him))~~.

Sec. 117. Section 82, chapter 299, Laws of 1961 as amended by section 6, chapter 156, Laws of 1983 and RCW 3.50.330 are each amended to read as follows:

For a period not to exceed two years after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of ~~((ts))~~ the sentence upon stated terms, including installment payment of fines.

Sec. 118. Section 83, chapter 299, Laws of 1961 as amended by section 7, chapter 156, Laws of 1983 and RCW 3.50.340 are each amended to read as follows:

Deferral of sentence and suspension of execution of sentence may be revoked if the defendant violates or fails to carry out any of the conditions of the deferral or suspension. Upon the revocation of the deferral or suspension, the court shall impose the sentence previously suspended or any unexecuted portion thereof. In no case shall the court impose a sentence greater than the original sentence, with credit given for time served and money paid on fine and costs.

Any time before entering an order terminating probation, the court may revoke or modify its order suspending the imposition or execution of the sentence. ~~((Whenever))~~ If the ends of justice will be served and when warranted by the reformation of the probationer, the court may terminate the period of probation and discharge the person so held.

Sec. 119. Section 92, chapter 299, Laws of 1961 and RCW 3.50.430 are each amended to read as follows:

All criminal prosecutions for the violation of ~~((any))~~ a city ordinance shall be conducted in the name of the city and may be upon the complaint of any person.

Sec. 120. Section 93, chapter 299, Laws of 1961 and RCW 3.50.440 are each amended to read as follows:

Every person convicted by the municipal court of a violation of the criminal provisions of an ordinance for which no punishment is specifically prescribed in the ordinance shall be punished by a fine of not more than five ~~((hundred))~~ thousand dollars or imprisonment in the city jail for a period not to exceed ~~((ninety days))~~ one year, or both such fine and imprisonment.

Sec. 121. Section 94, chapter 299, Laws of 1961 and RCW 3.50.450 are each amended to read as follows:

Pleadings, practice and procedure in cases not governed by statutes or rules specifically applicable to municipal courts shall, insofar as applicable, be governed by the statutes and rules now existing or hereafter adopted governing pleadings, practice and procedure applicable to ~~((justice))~~ district courts.

NEW SECTION. Sec. 122. There is added to chapter 3.50 RCW a new section to read as follows:

A transfer of a case from the municipal court to either another municipal judge of the same city or to a judge pro tempore appointed in the manner prescribed by this chapter shall be allowed in accordance with RCW 3.66.090 in all civil and criminal proceedings.

NEW SECTION. Sec. 123. There is added to chapter 3.50 RCW a new section to read as follows:

The municipal court shall have a seal which shall be the vignette of George Washington, with the words "Seal of The Municipal Court of (name of city), State of Washington," surrounding the vignette.

NEW SECTION. Sec. 124. There is added to chapter 3.50 RCW a new section to read as follows:

A municipal judge shall be removed only upon conviction of misconduct or malfeasance in office, or because of physical or mental disability rendering the judge incapable of performing the duties of the office.

NEW SECTION. Sec. 125. There is added to chapter 3.50 RCW a new section to read as follows:

"Mayor," as used in this chapter, means the chief administrative officer of the city.

NEW SECTION. Sec. 126. There is added to chapter 3.50 RCW a new section to read as follows:

In all civil cases, the plaintiff or defendant may demand a jury, which shall consist of six citizens of the state who shall be impaneled and sworn as in cases before district courts, or the trial may be by a judge of the municipal court: PROVIDED, That no jury trial may be held on a proceeding involving a traffic infraction. A party requesting a jury shall pay to the court a fee which shall be the same as that for a jury in district court. If more than one party requests a jury, only one jury fee shall be collected by the court. The fee shall be apportioned among the requesting parties. Each juror may receive up to twenty-five dollars but in no case less than ten dollars for each day in attendance upon the municipal court, and in addition thereto shall receive mileage at the rate determined under RCW 43.03.060: PROVIDED, That the compensation paid jurors shall be determined by the legislative authority of the city and shall be uniformly applied. Jury trials shall be allowed in all criminal cases unless waived by the defendant.

NEW SECTION. Sec. 127. There is added to chapter 3.50 RCW a new section to read as follows:

All criminal process issued by the municipal court shall be in the name of the state of Washington and run throughout the state, and be directed to and served by the chief of police, marshal, or other police officer of any city or to any sheriff in the state.

NEW SECTION. Sec. 128. The enactment of sections 101 through 139 of this act shall not affect any case, proceeding, appeal, or other matter pending in any court operating under Title 35 or 35A RCW on the effective date of this act. The enactment of sections 101 through 139 of this act shall not have the effect of terminating or in any way modifying any right or liability, civil or criminal, which may be in existence on the effective date of this act.

NEW SECTION. Sec. 129. RCW 35A.20.150 is recodified as a section in chapter 35A.21 RCW.

NEW SECTION. Sec. 130. The following acts or parts of acts are each repealed:

- (1) Section 61, chapter 299, Laws of 1961 and RCW 3.50.120;
- (2) Section 62, chapter 299, Laws of 1961 and RCW 3.50.130;
- (3) Section 63, chapter 299, Laws of 1961 and RCW 3.50.140;
- (4) Section 64, chapter 299, Laws of 1961 and RCW 3.50.150;
- (5) Section 65, chapter 299, Laws of 1961 and RCW 3.50.160;
- (6) Section 66, chapter 299, Laws of 1961 and RCW 3.50.170;
- (7) Section 67, chapter 299, Laws of 1961 and RCW 3.50.180;
- (8) Section 68, chapter 299, Laws of 1961 and RCW 3.50.190;
- (9) Section 69, chapter 299, Laws of 1961 and RCW 3.50.200;
- (10) Section 70, chapter 299, Laws of 1961 and RCW 3.50.210;
- (11) Section 71, chapter 299, Laws of 1961 and RCW 3.50.220;
- (12) Section 72, chapter 299, Laws of 1961 and RCW 3.50.230;
- (13) Section 73, chapter 299, Laws of 1961 and RCW 3.50.240;
- (14) Section 74, chapter 299, Laws of 1961 and RCW 3.50.250;
- (15) Section 75, chapter 299, Laws of 1961 and RCW 3.50.260;
- (16) Section 76, chapter 299, Laws of 1961 and RCW 3.50.270;
- (17) Section 77, chapter 299, Laws of 1961, section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280;
- (18) Section 78, chapter 299, Laws of 1961 and RCW 3.50.290;
- (19) Section 80, chapter 299, Laws of 1961 and RCW 3.50.310;
- (20) Section 84, chapter 299, Laws of 1961 and RCW 3.50.350;
- (21) Section 85, chapter 299, Laws of 1961 and RCW 3.50.360;
- (22) Section 86, chapter 299, Laws of 1961 and RCW 3.50.370;
- (23) Section 87, chapter 299, Laws of 1961 and RCW 3.50.380;
- (24) Section 88, chapter 299, Laws of 1961 and RCW 3.50.390;
- (25) Section 89, chapter 299, Laws of 1961 and RCW 3.50.400;

(26) Section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410;

(27) Section 91, chapter 299, Laws of 1961 and RCW 3.50.420;

(28) Section 95, chapter 299, Laws of 1961 and RCW 3.50.460; and

(29) Section 96, chapter 299, Laws of 1961 and RCW 3.50.470.

NEW SECTION, Sec. 131. The following acts or parts of acts are each repealed:

(1) Section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040;

(2) Section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050;

(3) Section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060;

(4) Section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070;

(5) Section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080;

(6) Section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; and

(7) Section 35.21.170, chapter 7, Laws of 1965 and RCW 35.21.170.

NEW SECTION, Sec. 132. The following acts or parts of acts are each repealed:

(1) Section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420;

(2) Section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430;

(3) Section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440;

(4) Section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460;

(5) Section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480;

(6) Section 5, chapter 241, Laws of 1967 and RCW 35.22.485;

(7) Section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490;

(8) Section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500;

(9) Section 35.22.510, chapter 7, Laws of 1965, section 26, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.510;

(10) Section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520;

(11) Section 35.22.530, chapter 7, Laws of 1965, section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530;

(12) Section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540;

(13) Section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; and

(14) Section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560.

NEW SECTION, Sec. 133. The following acts or parts of acts are each repealed:

(1) Section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590;

(2) Section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600;

(3) Section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610;

(4) Section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620;

(5) Section 6, chapter 241, Laws of 1967 and RCW 35.23.625;

(6) Section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630;

(7) Section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640;

(8) Section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650;

(9) Section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660; and

(10) Section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670.

NEW SECTION, Sec. 134. The following acts or parts of acts are each repealed:

(1) Section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section 11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450;

(2) Section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess., section 29, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.460;

(3) Section 8, chapter 241, Laws of 1967 and RCW 35.24.465;

(4) Section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess., section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470;

(5) Section 11, chapter 108, Laws of 1965 and RCW 35.24.480;

(6) Section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520;

(7) Section 2, chapter 108, Laws of 1965 and RCW 35.27.525;

(8) Section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess., section 31, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.530;

(9) Section 9, chapter 241, Laws of 1967 and RCW 35.27.535; and

(10) Section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess., section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 35A.20.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010;
- (2) Section 35A.20.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.020;
- (3) Section 35A.20.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.030;
- (4) Section 35A.20.040, chapter 119, Laws of 1967 ex. sess., section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040;
- (5) Section 35A.20.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.050;
- (6) Section 35A.20.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.060;
- (7) Section 35A.20.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.070;
- (8) Section 35A.20.080, chapter 119, Laws of 1967 ex. sess., section 34, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.080;
- (9) Section 35A.20.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.090;
- (10) Section 35A.20.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.100;
- (11) Section 35A.20.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.110;
- (12) Section 35A.20.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.120; and
- (13) Section 35A.20.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.130.

Sec. 136. Section 46.08.190, chapter 12, Laws of 1961 and RCW 46.08.190 are each amended to read as follows:

Every (~~justice of the peace and police~~) district and municipal court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor.

Sec. 137. Section 6, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 221, Laws of 1983 and RCW 46.63.040 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as traffic infractions in RCW 46.63.020 may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal (~~or police~~) court has the authority to hear and determine traffic infractions pursuant to this chapter.

(3) Any city or town with a municipal (~~or police~~) court may contract with the county to have traffic infractions committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine traffic infractions pursuant to this chapter.

(5) The boards of regents of the state universities, and the boards of trustees of the regional universities and of The Evergreen State College have the authority to hear and determine traffic infractions under RCW 28B.10.560.

Sec. 138. Section 46.83.050, chapter 12, Laws of 1961 and RCW 46.83.050 are each amended to read as follows:

Every (~~police~~) municipal court, (~~justice~~) district court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

Sec. 139. Section 3, page 121, Laws of 1890 and RCW 78.12.030 are each amended to read as follows:

Upon the filing of the notice, as provided in RCW 78.12.020, the (~~justice of the peace or judge of the police~~) district or municipal court shall issue an order, directed to the sheriff of the county or to any constable or city marshal therein, directing such officer to serve a notice in manner and form as is prescribed by law for service of summons upon any person or persons or the authorized agent or agents of any company or corporation named in the notice on file, as provided in RCW 78.12.020.

Sec. 201. Section 35.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010 are each amended to read as follows:

(1) There is hereby created and established in each incorporated city of this state having a population of more than four hundred thousand inhabitants, as shown by the federal or state census, whichever is the later, a municipal court, which shall be styled "The Municipal Court of (name of city)," hereinafter designated and referred to as the municipal court, which court shall have jurisdiction and shall exercise all the powers by this chapter declared to be vested in such municipal court, together with such powers and jurisdiction as is generally conferred in this state either by common law or statute.

(2) A municipality operating a municipal court under this section may terminate that court if the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the

agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 202. There is added to chapter 3.50 RCW a new section to read as follows:

(1) If a municipality has, prior to the effective date of this section, repealed in its entirety that portion of its municipal code defining crimes but continues to hear and determine traffic infraction cases under chapter 46.63 RCW in a municipal court, the municipality and the appropriate county shall, prior to January 1, 1985, enter into an agreement under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs incurred after January 1, 1985, associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. If the municipality and the county cannot come to an agreement within the time prescribed by this section, they shall be deemed to have entered into an agreement to submit the issue to arbitration pursuant to chapter 7.04 RCW. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(2) The agreement between the municipality and the county shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 203. There is added to chapter 3.50 RCW a new section to read as follows:

(1) A municipality operating a municipal court under this chapter shall not terminate that court unless the municipality has reached an agreement with the appropriate county or another municipality under chapter 39.34 RCW under which the county or municipality is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district or municipal court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county or municipality are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county or municipality have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW. A municipality that has entered into agreements with other municipalities that have terminated their municipal courts may not thereafter terminate its court unless each municipality has reached an agreement with the appropriate county in accordance with this section.

(2) A municipality operating a municipal court under this chapter may not repeal in its entirety that portion of its municipal code defining crimes while retaining the court's authority to hear and determine traffic infractions under chapter 46.63 RCW unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

(3) A municipality operating a municipal court under this chapter may not repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 204. There is added to chapter 35.22 RCW a new section to read as follows:

A city of the first class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 205. There is added to chapter 35.23 RCW a new section to read as follows:

A city of the second class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 206. There is added to chapter 35.24 RCW a new section to read as follows:

A city of the third class operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 207. There is added to chapter 35.27 RCW a new section to read as follows:

A town operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes or repeal a provision of its municipal code which defines a crime equivalent to an offense listed in RCW 46.63.020 unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 208. There is added to chapter 35.30 RCW a new section to read as follows:

A city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The

municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 209. There is added to chapter 35A.11 RCW a new section to read as follows:

A code city operating a municipal court may not repeal in its entirety that portion of its municipal code defining crimes unless the municipality has reached an agreement with the appropriate county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the repeal. The agreement shall include provisions for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

Sec. 210. Section 49, chapter 299, Laws of 1961 and RCW 3.46.150 are each amended to read as follows:

Any city, having established a municipal department as provided in this chapter may, by written notice to the ~~((board of county commissioners))~~ county legislative authority not less than thirty days prior to February 1st of any year, require the ~~((abolition))~~ termination of the municipal department created pursuant to this chapter. However, the city may not give the written notice required by this section unless the city has reached an agreement with the county under chapter 39.34 RCW under which the county is to be paid a reasonable amount for costs associated with prosecution, adjudication, and sentencing in criminal cases filed in district court as a result of the termination. The agreement shall provide for periodic review and renewal of the terms of the agreement. If the municipality and the county are unable to agree on the terms for renewal of the agreement, they shall be deemed to have entered into an agreement to submit the issue to arbitration under chapter 7.04 RCW. Pending conclusion of the arbitration proceeding, the terms of the agreement shall remain in effect. The municipality and the county have the same rights and are subject to the same duties as other parties who have agreed to submit to arbitration under chapter 7.04 RCW.

NEW SECTION. Sec. 301. It is the intent of the legislature to assure accountability, uniformity, economy, and efficiency in the collection and distribution by superior, district, and municipal courts of fees, fines, forfeitures, and penalties assessed and collected for violations of state statutes, and county, city, and town ordinances.

Sec. 302. Section 22, chapter 299, Laws of 1961 as last amended by section 19 of this 1984 act and RCW 3.34.130 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid for each day he or she holds a session one-two hundred fiftieth of the annual salary of a full time district judge. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary: PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money ~~((from the judiciary education account to the administrator for the courts pursuant to RCW 2.56.100))~~ for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

Sec. 303. Section 46, chapter 299, Laws of 1961 as amended by section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120 are each amended to read as follows:

(1) All ~~((revenue))~~ money received by the clerk of a municipal department including penalties, fines, bail forfeitures, fees and costs assessed and collected in whole or in part by the court shall be paid by the clerk to the city treasurer ~~((for the use of the city)).~~

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 304. Section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100 are each amended to read as follows:

(1) Costs in civil and criminal actions may be imposed as provided in district court. All fees, costs, fines, forfeitures and other money((s)) imposed by any municipal court for the violation of any municipal or town ordinances shall be collected by the court clerk and, together with any other revenues received by the clerk, shall be deposited with the city or town treasurer as a part of the general fund of the city or town, or deposited in such other fund of the city or town, or deposited in such other funds as may be designated by the laws of the state of Washington.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 305. Section 105, chapter 299, Laws of 1961 and RCW 3.62.010 are each amended to read as follows:

The district court may at the time of sentencing or at any time thereafter suspend a portion or all of a fine or penalty ~~((except that costs of the action shall not be suspended: PROVIDED: That the court may suspend costs in the case of juvenile or indigent defendants. "Costs" for the purpose of this section, does not include jury fees, witness fees or sheriff's fees))~~.

Sec. 306. Section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all fees, fines, forfeitures and penalties assessed and collected in whole or in part by district courts, except fines, forfeitures and penalties assessed and collected, in whole or in part, because of the violation of city ordinances, shall be ~~((collected and))~~ remitted by the clerk of the district court to the county treasurer at least monthly, together with a financial statement as required by the division of municipal corporations, noting the information necessary for crediting of such funds as required by law. ~~((The county treasurer shall place these moneys into the justice court suspense fund:))~~

(2) The county treasurer shall remit thirty-five percent of the money received under subsection (1) of this section to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received by the county treasurer under subsection (1) of this section shall be deposited in the county current expense fund.

(4) All money collected for county parking infractions shall be remitted by the clerk of the district court at least monthly, with the information required under subsection (1) of this section, to the county treasurer for deposit in the county current expense fund.

Sec. 307. Section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040 are each amended to read as follows:

(1) Except as provided in subsection (4) of this section, all costs, fines, forfeitures and penalties assessed and collected, in whole or in part, by district courts because of violations of city ordinances shall be ~~((collected and))~~ remitted by the clerk of the district court at least monthly directly to the treasurer of the city wherein the violation occurred.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

(4) All money collected for city parking infractions shall be remitted by the clerk of the district court at least monthly to the city treasurer for deposit in the city's general fund.

Sec. 308. Section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050 are each amended to read as follows:

~~((Quarterly, the county treasurer shall determine))~~ The total expenditures of the justice courts, including the cost of providing courtroom and office space, the cost of probation and parole services and any personnel employment therefor, and the cost of providing services necessary for the preparation and presentation of a defense at public expense, except costs of defense to be paid by a city pursuant to RCW 3.62.070 ~~((The treasurer shall then transfer an amount, equal to the total expenditures, from the justice court suspense fund to)), shall be paid from the county current expense fund. ~~((The treasurer shall then, using the percentages established as in RCW 3.62.015 provided remit the appropriate amounts of the remaining balance in the justice court suspense fund to the state general fund and to the appropriate city treasurer(s):~~~~

~~The final remaining balance of the justice court suspense fund shall then be remitted as specified by the county commissioners.))~~

Sec. 309. Section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 330, Laws of 1981 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a (~~justice~~) district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of twenty dollars. (~~Fees for the support of county law libraries provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section.))~~ No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

~~(Three dollars of the filing fee collected under this section shall be transmitted each month to the state treasurer for deposit in the general fund.))~~

Sec. 310. Section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 126, Laws of 1979 and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the (~~clerk of the superior court shall pay from each fee collected for the filing in his office of~~) county treasurer shall deposit in the county or regional law library fund a sum equal to seven dollars for every new probate or civil matter, including appeals. ((the sum of seven dollars) filed with the clerk of the superior court and three dollars for every civil action commenced in district court for the support of the law library in that county or the regional law library to which the county belongs (-which shall be paid to the county treasurer to be credited to the county or regional law library fund)); PROVIDED, That upon a showing of need the seven dollar (~~fee~~) contribution may be increased up to nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. (~~There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is three hundred dollars or more, in addition to the other fees required by law the sum of three dollars as fees for the support of the law library in that county or for the regional law library which are to be taxed as part of costs in each case.~~

~~The justice of the peace shall pay such fees so collected to the county treasurer to be credited to the county or regional law library fund.))~~

Sec. 311. Section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 239, Laws of 1983 and RCW 7.68.035 are each amended to read as follows:

(1) Whenever any person is found guilty in any superior court (~~of competent jurisdiction~~) of having committed a crime, except as provided in subsection (2) of this section, there shall be imposed by the court upon such convicted person a penalty assessment. The assessment shall be in addition to any other penalty or fine imposed by law and shall be fifty dollars for each case or cause of action that includes one or more convictions of a felony or gross misdemeanor and twenty-five dollars for any case or cause of action that includes convictions of only one or more misdemeanors.

(2) The assessment imposed by subsection (1) of this section shall not apply to motor vehicle crimes defined in Title 46 RCW except those defined in the following sections: RCW 46.61-520, 46.61.522, 46.61.024, 46.52.090, 46.70.140, 46.65.090, 46.61.502, 46.61.504, 46.52.100, 46.20.410, 46.52.020, 46.10.130, 46.09.130, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015, 46.52.010, 46.44.180, 46.10.090(2), and 46.09.120(2).

(3) Whenever any person accused of having committed a crime posts bail in superior court pursuant to the provisions of chapter 10.19 RCW and such bail is forfeited, there shall be deducted from the proceeds of such forfeited bail a penalty assessment, in addition to any other penalty or fine imposed by law, equal to the assessment which would be applicable under subsection (1) of this section if the person had been convicted of the crime.

(4) (~~Except as provided in subsection (5) of this section.))~~ Such penalty assessments shall be paid by the clerk of the superior court to the ((city or) county treasurer((-as the case may be.)) who shall monthly transmit ((eighty percent of such penalty assessments to the state treasurer. The state treasurer shall deposit such assessments in an account within the state general fund to be known as the crime victims compensation account, hereby created, and all moneys placed in the account shall be used exclusively for the administration of this chapter, after appropriation by statute. Except as provided in subsection (5) of this section, the remaining twenty percent of such assessments shall be provided to the county prosecuting attorney to be used exclusively for) the money as provided in RCW 10.82.070. Until June 30, 1987, each county shall deposit not less than one and seventy-five one-hundredths percent of the money it retains under RCW 10.82.070 and chapter 3.62 RCW and all money it receives under subsection (8) of this section into a fund maintained exclusively for the support of comprehensive programs to encourage and facilitate testimony by the victims of crimes and witnesses to crimes. After that date, each county shall continue to provide for such comprehensive programs. A program shall be considered "comprehensive" only after approval of the department upon application by the county prosecuting attorney. The department shall approve as comprehensive only programs which:

(a) Provide comprehensive services to victims and witnesses of all types of crime with particular emphasis on serious crimes against persons and property. It is the intent of the legislature to make funds available only to programs which do not restrict services to victims or witnesses of a particular type or types of crime and that such funds supplement, not supplant, existing local funding levels;

(b) Are administered by the county prosecuting attorney either directly through the prosecuting attorney's office or by contract between the county and agencies providing services to victims of crime;

(c) Make a reasonable effort to inform the known victim or his surviving dependents of the existence of this chapter and the procedure for making application for benefits;

(d) Assist victims in the restitution and adjudication process; and

(e) Assist victims of violent crimes in the preparation and presentation of their claims to the department of labor and industries under this chapter.

Before a program in any county west of the Cascade mountains is submitted to the department for approval, it shall be submitted for review and comment to each city within the county with a population of more than one hundred fifty thousand. The department will consider if the county's proposed comprehensive plan meets the needs of crime victims in cases adjudicated in municipal, district or superior courts and of crime victims located within the city and county.

(5) Upon submission to the department of a letter of intent to adopt a comprehensive program ~~((by a prosecuting attorney, the city or county treasurer, as the case may be, may transmit monthly eighty percent of such penalty assessments to the state treasurer and provide the remaining twenty percent of such assessments to the county prosecuting attorney to be used exclusively for a comprehensive program for victims and witnesses, and)),~~ the prosecuting attorney ~~((may))~~ shall retain ~~((such twenty percent))~~ the money deposited by the county under subsection (4) of this section until such time as the county prosecuting attorney has obtained approval of a program from the department. Approval of the comprehensive plan by the department must be obtained within one year of the date of the letter of intent to adopt a comprehensive program. The county prosecuting attorney shall not make any expenditures from the ~~((twenty percent penalty assessments))~~ money deposited under subsection (4) of this section until approval of a comprehensive plan by the department. If a county prosecuting attorney has failed to obtain approval of a program from the department under subsection (4) of this section or failed to obtain approval of a comprehensive program within one year after submission of a letter of intent under this section, the ~~((city or))~~ county treasurer ~~((--as the case may be--))~~ shall monthly transmit one hundred percent of ~~((such penalty assessments and shall transmit all previously retained penalty assessments and interest, if any,))~~ the money deposited by the county under subsection (4) of this section to the state treasurer for deposit in the ~~((crime victims compensation account within the state general fund))~~ public safety and education account established under section 338 of this 1984 act.

(6) County prosecuting attorneys are responsible to make every reasonable effort to insure that the penalty assessments of this chapter are imposed and collected.

(7) Penalty assessments under this section shall also be imposed in juvenile offense dispositions under Title 13 RCW. Upon motion of a party and a showing of good cause, the court may modify the penalty assessment in the disposition of juvenile offenses under Title 13 RCW.

(8) Until June 30, 1987, every city and town shall transmit monthly one and seventy-five one-hundredths percent of all money, other than money received for parking infractions, retained under RCW 3.46.120, 3.50.100, and 35.20.220 to the county treasurer for deposit as provided in subsection (4) of this section. After that date, every city and town shall transmit to the county a percentage of such money, up to one and seventy-five one-hundredths percent, which matches the percentage of court revenue the county provides under subsection (4) of this section.

Sec. 312. Section 16, chapter 172, Laws of 1935 as last amended by section 11, chapter 232, Laws of 1983 and RCW 9.41.160 are each amended to read as follows:

Any violation of any provision of this chapter, except as otherwise provided, shall be a misdemeanor and punishable accordingly. ~~((There shall be levied and paid into the general fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all violations of this chapter:))~~

Sec. 313. Section 3, page 421, Laws of 1873 as last amended by section 11, chapter 199, Laws of 1969 ex. sess. and RCW 10.82.070 are each amended to read as follows:

~~((Except as otherwise provided by law:))~~ (1) All sums of money derived from costs, fines, penalties, and forfeitures imposed or collected, in whole or in part, by a superior court for violation of orders of injunction, mandamus and other like writs, ((or) for contempt of court, ((and the net proceeds of all fines collected within the several counties of the state)) or for breach of the penal laws~~((--and all funds arising from the sale of lost goods and estrays, and from penalties and forfeitures:))~~ shall be paid in cash by the person collecting the same, within twenty days after the collection, to the county treasurer of the county in which the same have

accrued(~~and shall be by him transmitted to the state treasurer, for deposit in the general fund-PROVIDED-That~~)).

(2) The county treasurer shall remit monthly thirty-five percent of the money received under this section to the state treasurer for deposit as provided under section 338 of this 1984 act and shall deposit the remainder as provided by law.

(3) All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. All fees, fines, forfeitures, and penalties collected or assessed by a superior court in cases on appeal from a lower court shall be remitted to the municipal or district court from which the cases were appealed.

Sec. 314. Section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as amended by section 55, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.010 are each amended to read as follows:

Any person who shall insult or abuse a teacher anywhere on the school premises while such teacher is carrying out his official duties, shall be guilty of a misdemeanor, the penalty for which shall be a fine of not less than ten dollars nor more than one hundred dollars(~~;-said fine shall be turned over to the county treasurer and by him remitted to the state treasurer who shall place the same to the credit of the current school fund of the state-PROVIDED-That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended~~)).

Sec. 315. Section 28A.87.060, chapter 223, Laws of 1969 ex. sess. as amended by section 57, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.060 are each amended to read as follows:

Any person who shall willfully create a disturbance on school premises during school hours or at school activities or school meetings shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not more than fifty dollars. (~~Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state-PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.~~)

Sec. 316. Section 28A.87.070, chapter 223, Laws of 1969 ex. sess. as amended by section 58, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.070 are each amended to read as follows:

Any person having access to any question or questions prepared for the examination of teachers or common school pupils, who shall directly or indirectly disclose the same before the time appointed for the use of the questions in the examination of such teachers or pupils, or who shall directly or indirectly assist any person to answer any question submitted, shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not less than one hundred nor more than five hundred dollars. (~~Said fine shall be turned over to the county treasurer of the county in which it is collected and shall be by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state-PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.~~)

Sec. 317. Section 28A.87.130, chapter 223, Laws of 1969 ex. sess. as amended by section 60, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.130 are each amended to read as follows:

Any school district official or employee who shall refuse or fail to deliver to his qualified successor all books, papers, and records pertaining to his position, or who shall willfully mutilate or destroy any such property, or any part thereof, shall be guilty of a misdemeanor, the penalty for which shall be a fine not to exceed one hundred dollars: PROVIDED, That for each day there is a refusal or failure to deliver to a successor books, papers and records, a separate offense shall be deemed to have occurred(~~;-said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer, who shall place the same to the credit of the current school fund of the state-PROVIDED FURTHER, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended~~)).

Sec. 318. Section 28A.87.140, chapter 223, Laws of 1969 ex. sess. as amended by section 61, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.140 are each amended to read as follows:

Any teacher who shall maltreat or abuse any pupil by administering any unreasonable punishment, or who shall inflict punishment on the head of a pupil, upon conviction thereof shall be guilty of a misdemeanor, the penalty for which shall be a fine in any sum not exceeding one hundred dollars. (~~Said fine, when collected, shall be turned over to the county treasurer and by him transmitted to the state treasurer who shall place the same to the credit of the current school fund of the state-PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.~~)

Sec. 319. Section 35.20.220, chapter 7, Laws of 1965 as amended by section 5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220 are each amended to read as follows:

(1) The chief clerk, under the supervision and direction of the court administrator of the municipal court, shall have the custody and care of the books, papers and records of said court; he shall be present by himself or deputy during the session of said court, and shall have the power to swear all witnesses and jurors, and administer oaths and affidavits, and take acknowledgments. He shall keep the records of said court, and shall issue all process under his hand and the seal of said court, and shall do and perform all things and have the same powers pertaining to his office as the clerks of the superior courts have in their office. He shall receive all fines, penalties and fees of every kind, and keep a full, accurate and detailed account of the same; and shall on each day pay into the city treasury all ~~((moneys))~~ money received for said city during the day previous, with a detailed account of the same, and taking the treasurer's receipt therefor.

(2) The city treasurer shall remit monthly thirty-five percent of the money received under this section, other than for parking infractions, to the state treasurer. Money remitted under this subsection to the state treasurer shall be deposited as provided in section 338 of this 1984 act.

(3) The balance of the money received under this section shall be retained by the city and deposited as provided by law.

Sec. 320. Section 35A.42.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.010 are each amended to read as follows:

In addition to authority granted and duties imposed upon code city treasurers by this title, code city treasurers, or the officers designated by charter or ordinance to perform the duties of a treasurer, shall have the duties and the authority to perform the following: (1) As provided in RCW 8.12.500 relating to bonds and compensation payments in eminent domain proceedings; (2) as provided in RCW 68.12.050 relating to cemetery improvement funds; (3) as provided in RCW 41.28.080 relating to custody of employees' retirement funds; (4) as provided in RCW 47.08.100 relating to the use of city street funds; (5) as provided in RCW 46.68.080 relating to motor vehicle funds; (6) ~~((as provided in RCW 46.61.050 relating to fines and bail forfeitures and additional assessments for driver education; (7)))~~ as provided in RCW 41.16.020 and chapter 41.20 RCW relating to police and firemen's relief and pension boards; ~~((8))~~ (7) as provided in chapter 42.20 RCW relating to misappropriation of funds; and ~~((9))~~ (8) as provided in chapter 39.60 RCW relating to investment of municipal funds. The treasurer shall be subject to the penalties imposed for the violation of any of such provisions. Where a provision of this title, or the general law, names the city treasurer as an officer of a board or other body, or assigns duties to a city treasurer, such position shall be filled, or such duties performed, by the officer of a code city who is performing the duties usually performed by a city treasurer, although he may not have that designation.

Sec. 321. Section 35A.47.030, chapter 119, Laws of 1967 ex. sess. as amended by section 69, chapter 3, Laws of 1983 and RCW 35A.47.030 are each amended to read as follows:

The provisions of Title 47 RCW shall apply to code cities, its officers and employees to the same extent as such provisions are applicable to any other class of city within the state, including, without limitation, the following: (1) The acquisition by the state of municipal lands and the exchange of state highway and municipal lands, as provided in chapter 47.12 RCW; (2) the dedication of public land for city streets as provided by RCW 36.34.290 and 36.34.300; (3) ~~((the allocation of fines and forfeitures for highway violations as provided in RCW 46.68.050 and 47.08.630; (4)))~~ city contributions to finance toll facilities as provided in RCW 47.56.250; ~~((5))~~ (4) contracts with the department of transportation, as provided in RCW 47.01.210; ~~((6))~~ (5) the construction, maintenance, jurisdiction, and control of city streets, as provided in chapter 47.24 RCW; ~~((7))~~ (6) agreements between the department of transportation and a city for the benefit or improvement of highways, roads, or streets, as provided in RCW 47.28.140; ~~((8))~~ (7) sales, leases, or transfers as authorized by RCW 47.12.063, 47.12.066, and 47.12.080; ~~((9))~~ (8) the erection of information signs as regulated by RCW 47.42.050 and 47.42.060; ~~((10))~~ (9) provisions relating to limited access highways under chapter 47.52 RCW; ~~((11))~~ (10) the acquisition and abandonment for state highways as provided by RCW 36.75.090 and 90.28.020; and ~~((12))~~ (11) the sharing of maintenance of streets and alleys as an extension of county roads as provided by RCW 35.77.020.

Sec. 322. Section 2, chapter 20, Laws of 1972 ex. sess. and RCW 36.18.025 are each amended to read as follows:

~~((An amount equal to seven dollars from each filing fee))~~ Thirty-five percent of the money received from filing fees paid pursuant to ((subsections (1); (2); (11) and (12) of) RCW 36.18.020, as now or hereafter amended, ((shall be allocated to the payment of the monthly salaries of the judges of the superior courts, the court of appeals and the supreme court in the following manner:

(1) Three dollars of each such amount shall be paid into the county treasury and allocated to payment of the salaries of judges of the superior courts in the county; and

(2) Four dollars of each such amount shall be collected by the county treasurer and) shall be transmitted by ((him)) the county treasurer each month to the state treasurer for deposit ((in the state general fund to aid in the payment of salaries of the judges of the superior courts, the court of appeals and the supreme court)) in the public safety and education account established under section 338 of this 1984 act.

Sec. 323. Section 1, chapter 158, Laws of 1963 and RCW 46.08.172 are each amended to read as follows:

There is hereby established an account within the general fund of the state treasury to be known as the "state capitol vehicle parking account". All unpledged parking rental income ~~((and fines))~~ collected by the department of general administration from rental of parking space ~~((and the enforcement of traffic regulations))~~ on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol.

Sec. 324. Section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 16, chapter 165, Laws of 1983 and RCW 46.20.285 are each amended to read as follows:

The department shall forthwith revoke the license of any driver for the period of one ~~((calendar))~~ calendar year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:

- (1) For vehicular homicide the period of revocation shall be two years;
- (2) Vehicular assault;
- (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the second such conviction for the driver within a period of five years. Upon a showing that the conviction is the third such conviction for the driver within a period of five years, the period of revocation shall be two years. A revocation imposed under this subsection shall run concurrently with any corresponding revocation which may be imposed by the department pursuant to RCW 46.20.610 or 46.61.515~~((5))~~~~(3)~~ arising out of the same arrest;
- (4) Any felony in the commission of which a motor vehicle is used;
- (5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- (6) Perjury or the making of a false affidavit or statement under oath to the department under Title 46 RCW or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.

Sec. 325. Section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311 are each amended to read as follows:

(1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342 or 46.61.515. Whenever the license of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, or pursuant to RCW 46.20.291, the suspension shall remain in effect and the department shall not issue to the person any new, duplicate, or renewal license until the person pays a reinstatement fee of twenty dollars and gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504 or was imposed under RCW 46.20.610(1) (a) or (b), the reinstatement fee shall be fifty dollars.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (a) After the expiration of one year from the date on which the revoked license was surrendered to and received by the department; (b) after the expiration of the applicable revocation period provided by RCW 46.61.515~~((5))~~~~(3)~~ (b) or (c); (c) after the expiration of two years for persons convicted of vehicular homicide; (d) after the expiration of one year in cases of revocation for the first refusal within five years to submit to a chemical test under RCW 46.20.308; or (e) after the expiration of two years in cases of revocation for the second refusal within five years to submit to a chemical test under RCW 46.20.308. After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reinstatement fee in the amount of twenty dollars, but if the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reinstatement fee shall be fifty dollars. The department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. A resident without a license or permit whose license or permit was denied under RCW 46.20.610 shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(3) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020, the suspension shall remain in effect and the

department shall not issue to the person any new or renewal license until the person pays a reinstatement fee of twenty dollars. If the suspension is the result of a violation of the laws of another state, province, or other jurisdiction involving (a) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (b) the refusal to submit to a chemical test of the driver's blood alcohol content, the reinstatement fee shall be fifty dollars.

Sec. 326. Section 11, chapter 165, Laws of 1983 and RCW 46.20.680 are each amended to read as follows:

When the department is required to suspend, revoke, or deny a person's license, permit, or nonresident privilege to drive under either RCW 46.20.610 or under RCW 46.61.515((5))~~(3)~~, and (1) the department has earlier imposed a suspension, revocation, or denial under the other of those two provisions or is preparing to do so, and (2) each of those two sanctions has been required as the result of civil or criminal proceedings arising from the same arrest, the department shall proceed as follows:

(a) If the civil and criminal sanctions imposed or to be imposed are for the same minimum length of time, the suspension, revocation, or denial imposed by the department is limited to that first imposed and fully effective under one of those provisions:

(b) If the civil and criminal sanctions are of different minimum lengths of time, the department shall impose the sanction of longer duration. If the sanction with the shorter minimum duration has earlier been imposed by the department, the department shall reduce the minimum duration of the longer revocation by the number of days the license, permit, or privilege to drive was actually under suspension, revocation, or denial pursuant to the earlier action by the department.

If a suspension, revocation, or denial of a person's license, permit, or nonresident privilege to drive would have been imposed by the department under RCW 46.20.610 but for the operation of this section, the suspension, revocation, or denial shall be treated as if it had been imposed for the purposes of determining the minimum duration of subsequent suspensions or revocations required under that section.

Sec. 327. Section 23, chapter 64, Laws of 1975-76 2nd ex. sess. as last amended by section 58, chapter 7, Laws of 1984 and RCW 46.44.105 are each amended to read as follows:

(1) Violation of any of the provisions of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, and 46.44.041, or failure to obtain a permit as provided by RCW 46.44.090 and 46.44.095, or misrepresentation of the size or weight of any load or failure to follow the requirements and conditions of a permit issued hereunder is a traffic infraction, and upon the first finding thereof shall be assessed a basic penalty of not less than fifty dollars; and upon a second finding thereof shall be assessed a basic penalty of not less than seventy-five dollars; and upon a third or subsequent finding shall be assessed a basic penalty of not less than one hundred dollars.

(2) In addition to the penalties imposed in subsection (1) of this section, any person violating RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 shall be assessed three cents for each pound of excess weight. Upon a first violation in any calendar year, the court may suspend the penalty for five hundred pounds of excess weight for each axle on any vehicle or combination of vehicles, not to exceed a two thousand pound suspension. In no case may the basic penalty assessed in subsection (1) of this section be suspended.

(3) Whenever any vehicle or combination of vehicles is involved in two violations of RCW 46.44.042, 46.44.047, 46.44.090, 46.44.091, 46.44.095, or 46.44.041 during any twelve-month period, the court may suspend the certificate of license registration of the vehicle or combination of vehicles for not less than thirty days. Upon a third or succeeding violation in any twelve-month period, the court shall suspend the certificate of license registration for not less than thirty days. Whenever the certificate of license registration is suspended, the court shall secure such certificate and immediately forward the same to the director with information concerning the suspension.

(4) Any person found to have violated any posted limitations of a highway or section of highway shall be assessed a monetary penalty of not less than one hundred and fifty dollars, and the court shall in addition thereto upon second violation within a twelve-month period involving the same power unit, suspend the certificate of license registration for not less than thirty days.

(5) Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing either by means of a portable or stationary scale and may require that the vehicle be driven to the nearest public scale. Whenever a police officer, upon weighing a vehicle and load, determines that the weight is unlawful, the officer may require the driver to stop the vehicle in a suitable location and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of the vehicle to the limit permitted by law.

Any vehicle whose driver or owner represents that the vehicle is disabled or otherwise unable to proceed to a weighing location shall have its load sealed or otherwise marked by any police officer. The owner or driver shall be directed that upon completion of repairs, the vehicle shall submit to weighing with the load and markings and/or seal intact and undisturbed. Failure to report for weighing, appearing for weighing with the seal broken or the

markings disturbed, or removal of any cargo prior to weighing is unlawful. Any person so convicted shall be fined five hundred dollars, and in addition the certificate of license registration shall be suspended for not less than thirty days.

(6) Any other provision of law to the contrary notwithstanding, justice courts having venue have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(7) For the purpose of determining additional penalties as provided by subsection (2) of this section, "excess weight" means the poundage in excess of the maximum gross weight prescribed by RCW 46.44.042 and 46.44.041 plus the weights allowed by RCW 46.44.047, 46.44.091, and 46.44.095.

(8) ~~The ((basic penalty)) penalties provided in subsections (1) and (2) of this section ((shall be distributed as prescribed in RCW 46.68.050. However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law)) shall be remitted as provided in chapter 3.62 RCW or RCW 10.82.070. For the purpose of computing the basic penalties and additional penalties to be imposed under the provisions of subsections (1) and (2) of this section the convictions shall be on the same vehicle or combination of vehicles within a twelve-month period under the same ownership.~~

~~(9) ((The additional penalty for excess poundage provided in subsection (2) of this section shall be transmitted by the court to the county treasurer and transmitted by him to the state treasurer for deposit in the motor vehicle fund. However, all fees, fines, forfeitures, and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68.100.~~

~~((10)) Any state patrol officer or any weight control officer who finds any person operating a vehicle or a combination of vehicles in violation of the conditions of a permit issued under RCW 46.44.037, 46.44.090, and 46.44.095 may confiscate the permit and forward it to the state department of transportation which may return it to the permittee or revoke, cancel, or suspend it without refund. The department of transportation shall keep a record of all action taken upon permits so confiscated, and if a permit is returned to the permittee the action taken by the department of transportation shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the department of transportation or person designated by that department. After the hearing the department of transportation may reinstate any permit or revise its previous action.~~

Every permit issued as provided for in this chapter shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer or authorized agent of any authority granting such a permit.

Upon the third finding within a calendar year of a violation of the requirements and conditions of a permit issued under RCW 46.44.095 as now or hereafter amended, the permit shall be canceled, and the canceled permit shall be immediately transmitted by the court or the arresting officer to the department of transportation. The vehicle covered by the canceled permit is not eligible for a new permit for a period of thirty days.

~~((11))~~ (10) For the purposes of determining gross weights the actual scale weight taken by the arresting officer is prima facie evidence of the total gross weight.

The chief of the state patrol, with the advice of the department, may adopt reasonable rules to aid in the enforcement of this section.

Sec. 328. Section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515 are each amended to read as follows:

(1) Every person who is convicted of a violation of RCW 46.61.502 or 46.61.504 shall be punished by imprisonment for not less than twenty-four consecutive hours nor more than one year, and by a fine of not more than seven hundred fifty dollars. Twenty-four consecutive hours of the jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. The court may impose conditions of probation that may include nonpetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The convicted person shall, in addition, be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services, as determined by the court. A diagnostic evaluation and treatment recommendation shall be prepared under the direction of the court by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. A copy of the report shall be forwarded to the department of licensing. Based on the diagnostic evaluation, the court shall determine whether the convicted person shall be required to complete a course in an alcohol information school approved by the department of social and health services or more intensive treatment in a program approved by the department of social and health services. Standards for approval

for alcohol treatment programs shall be prescribed by rule under the administrative procedure act, chapter 34.04 RCW. The courts shall periodically review the costs of alcohol information schools and treatment programs within their jurisdictions.

(2) On a second or subsequent conviction for driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs within a five-year period a person shall be punished by imprisonment for not less than seven days nor more than one year and by a fine of not more than one thousand five hundred dollars. District courts and courts organized under chapter 35.20 RCW are authorized to impose such fine. The jail sentence shall not be suspended or deferred unless the judge finds that the imposition of the jail sentence will pose a risk to the defendant's physical or mental well-being. Whenever the mandatory jail sentence is suspended or deferred, the judge must state, in writing, the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. If, at the time of a second or subsequent conviction, the driver is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended or deferred. The person shall, in addition, be required to complete a diagnostic evaluation by an alcoholism agency approved by the department of social and health services or a qualified probation department approved by the department of social and health services. The report shall be forwarded to the department of licensing. If the person is found to have an alcohol or drug problem requiring treatment, the person shall complete treatment at an approved alcoholism treatment facility or approved drug treatment center.

In addition to any nonsuspendable and nondeferrable jail sentence required by this subsection, the court shall sentence a person to a term of imprisonment not exceeding one hundred eighty days and shall suspend but shall not defer the sentence for a period not exceeding two years. The suspension of the sentence may be conditioned upon nonrepetition, alcohol or drug treatment, supervised probation, or other conditions that may be appropriate. The sentence may be imposed in whole or in part upon violation of a condition of suspension during the suspension period.

(3) ~~((There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor. All funds derived from the penalty assessment are in addition to and exclusive of assessments made under RCW 46.81.030 and are for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. The penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.~~

(4) ~~Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62, or 35.20 RCW, or any other section of law, the penalty assessment provided for in subsection (3) of this section shall not be suspended, waived, modified, or deferred in any respect, and all moneys derived from the penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (3) of this section.~~

(5)) The license or permit to drive or any nonresident privilege of any person convicted of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs shall:

(a) On the first conviction under either offense, be suspended by the department until the person reaches age nineteen or for ninety days, whichever is longer. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified;

(b) On a second conviction under either offense within a five-year period, be revoked by the department for one year. The department of licensing shall determine the person's eligibility for licensing based upon the reports provided by the designated alcoholism agency or probation department and shall deny reinstatement until satisfactory progress in an approved program has been established and the person is otherwise qualified;

(c) On a third or subsequent conviction of driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor or drugs, vehicular homicide, or vehicular assault, or any combination thereof within a five-year period, be revoked by the department for two years.

((6)) (4) In any case provided for in this section, where a driver's license is to be revoked or suspended, the revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case the conviction is sustained on appeal the revocation or suspension takes effect as of the date that the conviction becomes effective for other purposes.

Sec. 329. Section 6, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 57, Laws of 1977 and RCW 46.61.587 are each amended to read as follows:

Any violation of RCW 43.51.320 or 46.61.585 or any rule promulgated by the parks and recreation commission to enforce the provisions thereof shall be punished by a fine of not more than twenty-five dollars (~~plus court costs, and said fine shall be deposited in the winter recreational parking account. Upon payment of the fine, a special winter recreational parking permit for the calendar year in which the violation occurs shall be issued by the commission to the owner of the vehicle subject to compliance with the rules and regulations governing the issuance of such permit~~)).

Sec. 330. Section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110 are each reenacted and amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body. ~~(Any monetary penalty imposed under this subsection is not subject to the statutory assessments applicable to traffic offenses, including but not limited to the assessments required by RCW 46.61.030, 43.101.210, 2.56.100, 3.62.080, and 13.40.260.)~~

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

~~((6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court.))~~

Sec. 331. Section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070 are each amended to read as follows:

(1) ~~((Subject to RCW 46.81.060))~~ Each school district shall be reimbursed from ~~((the traffic safety education account))~~ funds appropriated for traffic safety education: PROVIDED, That the state superintendent shall determine the per pupil reimbursement amount for the traffic safety education course to be funded by the state. Each school district offering an approved standard traffic safety education course shall be reimbursed or granted an amount up to the level established by the superintendent of public instruction as may be ~~((provided from the traffic safety education account))~~ appropriated.

(2) The board of directors of any school district or combination of school districts may establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in any such school district prior to or while enrolled in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course.

Sec. 332. Section 75.08.230, chapter 12, Laws of 1955 as last amended by section 23, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.230 are each amended to read as follows:

(1) Except as provided in this section, state and county officers receiving the following moneys shall deposit them in the state general fund:

- (a) The sale of licenses required under this title;
- (b) The sale of property seized or confiscated under this title;
- (c) Fines and forfeitures collected under this title;
- (d) The sale of real or personal property held for department purposes;
- (e) Rentals or concessions of the department;
- (f) Moneys received for damages to food fish, shellfish or department property; and
- (g) Gifts.

(2) The director shall make weekly remittances to the state treasurer of moneys collected by the department.

(3) ~~((The courts may retain fifty percent of fines, forfeitures, and all costs collected under this title. The courts shall remit the remainder of the fines and forfeitures to the state treasurer monthly. Where a portion of a fine assessed by a court is suspended, deferred, or otherwise not collected, the entire amount collected shall be remitted to the state treasurer.))~~ All fines and forfeitures collected or assessed by a justice court for a violation of this title or rule of the director shall be remitted as provided in chapter 3.62 RCW.

(4) Proceeds from the sale of food fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

(5) Proceeds from the sale of salmon and salmon eggs by the department, to the extent these proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal.

(6) Moneys received by the director under RCW 75.08.045, to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

Sec. 333. Section 15, chapter 2, Laws of 1983 and RCW 69.50.505 are each amended to read as follows:

(a) The following are subject to seizure and forfeiture:

(1) All controlled substances which have been manufactured, distributed, dispensed, or acquired in violation of this chapter;

(2) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;

(3) All property which is used, or intended for use, as a container for property described in paragraphs (1) or (2);

(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraphs (1) or (2), but:

(i) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(ii) No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his knowledge or consent;

(iii) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(d);

(iv) A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(v) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest;

(5) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;

(6) All drug paraphernalia; and

(7) All moneys, negotiable instruments, securities, or other intangible property of value furnished or intended to be furnished by any person in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this chapter: PROVIDED, That no property may be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission which that owner establishes was committed or omitted without the owner's knowledge or consent.

(b) Property subject to forfeiture under this chapter may be seized by any board inspector or law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(1) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(2) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(3) A board inspector or law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(4) The board inspector or law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(c) In the event of seizure pursuant to subsection (b), proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(d) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the item seized shall be deemed forfeited.

(e) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of items specified in subsection (a)(4) or (a)(7) of this section within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before the chief law enforcement officer of the seizing agency or the chief law enforcement officer's designee, except where the seizing agency is a state agency as defined in RCW 34.12.020(4), the hearing shall be before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. A hearing before the seizing agency and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of items specified in subsection (a)(4) or (a)(7) of this section. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof of items specified in subsection (a)(4) or (a)(7) of this section.

(f) When property is forfeited under this chapter the board or seizing law enforcement agency may:

(1) Retain it for official use or upon application by any law enforcement agency of this state release such property to such agency for the exclusive use of enforcing the provisions of this chapter;

(2) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this title shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of such expenses (~~shall be deposited in the criminal justice training account established under RCW 43-101-210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent~~) shall be deposited in the general fund of the state, county, and/or city of the seizing law enforcement agency, and fifty percent shall be remitted to the state treasurer for deposit in the public safety and education account established in section 338 of this 1984 act:

(3) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law; or

(4) Forward it to the Bureau for disposition.

(g) Controlled substances listed in Schedule I, II, III, IV, and V that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state. Controlled substances listed in Schedule I, II, III, IV, and V, which are seized or come into the possession of the board, the owners of which are unknown, are contraband and shall be summarily forfeited to the board.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the board.

(i) The failure, upon demand by a board inspector or law enforcement officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored to produce an appropriate registration or proof that he is the holder thereof constitutes authority for the seizure and forfeiture of the plants.

Sec. 334. Section 77.12.170, chapter 36, Laws of 1955 as amended by section 1, chapter 284, Laws of 1983 and by section 2, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.12.170 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state game fund which consists of moneys received from:

- (a) Rentals or concessions of the department;
- (b) The sale of real or personal property held for department purposes;
- (c) The sale of licenses, permits, tags, stamps, and punchcards required by this title;
- (d) Fees for informational materials published by the department;
- (e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;
- (f) Articles or wildlife sold by the commission under this title;
- (g) ~~((Penalty assessments collected under RCW 77.21.050;~~
- ~~(h) Compensation for wildlife losses or gifts or grants received under RCW 77.12.320; and~~
- ~~((f) Fines, forfeitures, and costs collected under this title for violations of law or rules of the commission;~~
- ~~(j) Excise tax on anadromous game fish collected under chapter 82.27 RCW (and~~
- ~~(k) Reimbursements collected under RCW 77.21.070).)~~

~~(2) ((Courts shall collect fines, forfeitures, and reimbursements and deposit them within fifteen days after the end of each quarter in the state treasury. Except as provided in RCW 77.12.201, the treasurer shall credit fifty percent of these fines and forfeitures to the state game fund and shall return the remainder to the county in which it was collected.~~

~~(3) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state game fund.~~

~~((4) The term "fines and forfeitures" includes amounts, by whatever name known, levied by courts for violations of this title or rules of the commission but does not include penalty assessments under RCW 77.21.050, actual court costs, or reimbursements required under RCW 77.21.070.))~~

Sec. 335. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands equal to that which would be paid on similar parcels of real property situated in the county. ((Upon the election, all fines and forfeitures received by the county during that year under RCW 77.12.170 shall be deposited in the state treasury to be credited to the state game fund.)) Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules of the commission and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the public safety and education account established under section 338 of this 1984 act. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 336. Section 3, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.21.070 are each amended to read as follows:

(1) Whenever a person is convicted of illegal hunting or possession of wildlife listed in this subsection, the convicting court shall order the person to reimburse the state in the following amounts for each animal killed or possessed:

- (a) Moose, antelope, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the commission \$1,000
- (b) Elk, deer, black bear, and cougar \$500

(2) For the purpose of this section, the term "convicted" includes a plea of guilty, a finding of guilt regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, and the payment of a fine.

(3) If two or more persons are convicted of illegally hunting or possessing wildlife listed in this section, the reimbursement amount shall be imposed upon them jointly and separately.

(4) The reimbursement amount provided in this section shall be imposed in addition to and regardless of any penalty, including fines, or costs, that is provided for violating any provision of Title 77 RCW. The reimbursement required by this section shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. Nothing in this section may be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(5) A defaulted reimbursement or any installment payment thereof may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including vacation of a deferral of sentencing or of a suspension of sentence.

~~((6) All moneys derived from reimbursements required under this section shall be remitted within fifteen days after the end of each fiscal quarter to the state treasurer to the credit of the state game fund.))~~

NEW SECTION. Sec. 337. There is added to chapter 3.62 RCW a new section to read as follows:

There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

NEW SECTION. Sec. 338. There is added to chapter 43.08 RCW a new section to read as follows:

The money received by the state treasurer from fees, fines, forfeitures, penalties, reimbursements or assessments by any court organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be deposited in the public safety and education account which is hereby created in the state general fund. The legislature shall appropriate the funds in the account to promote traffic safety education, highway safety, criminal justice training, crime victims' compensation, judicial education, the judicial information system, winter recreation parking, and state game programs.

NEW SECTION. Sec. 339. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 132, Laws of 1981, section 1, chapter 9, Laws of 1983 1st ex. sess. and RCW 2.56.100;

(2) Section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess., section 129, chapter 78, Laws of 1980 and RCW 3.62.015;

(3) Section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055;

(4) Section 2, chapter 330, Laws of 1981 and RCW 3.62.080;

(5) Section 4, chapter 330, Laws of 1981 and RCW 13.40.260;

(6) Section 2, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.026;

(7) Section 2, chapter 70, Laws of 1980, section 6, chapter 330, Laws of 1981 and RCW 36.18.027;

(8) Section 3, chapter 212, Laws of 1977 ex. sess., section 1, chapter 164, Laws of 1979 ex. sess., section 8, chapter 4, Laws of 1981, section 1, chapter 127, Laws of 1981 and RCW 43.101.210;

(9) Section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518;

(10) Section 46.68.050, chapter 12, Laws of 1961, section 10, chapter 99, Laws of 1969, section 23, chapter 199, Laws of 1969 ex. sess. and RCW 46.68.050;

(11) Section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030;

(12) Section 5, chapter 39, Laws of 1963 and RCW 46.81.040;

(13) Section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050;

(14) Section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060;

(15) Section 47.08.030, chapter 13, Laws of 1961, section 26, chapter 199, Laws of 1969 ex. sess. and RCW 47.08.030; and

(16) Section 1, chapter 57, Laws of 1975, section 31, chapter 78, Laws of 1980 and RCW 77.21.050.

NEW SECTION. Sec. 340. All money which represents fines, fees, forfeitures, or penalties collected before July 1, 1985, under the sections amended or repealed in this act and held in trust by courts on July 1, 1985, shall be transferred to the appropriate county, city, and town treasurers no later than July 15, 1985. All unexpended money contained in the accounts abolished by this act shall be transferred to the account established in section 338 of this act.

NEW SECTION. Sec. 401. There is added to chapter 2.04 RCW a new section to read as follows:

The annual salary of justices of the supreme court shall be prescribed by the legislature in the biennial omnibus appropriations act. No salary warrant may be issued to a justice of the supreme court until the justice files with the state treasurer an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided for more than six months.

NEW SECTION. Sec. 402. There is added to chapter 2.06 RCW a new section to read as follows:

The annual salary of the judges of the court of appeals shall be prescribed by the legislature in the biennial omnibus appropriations act. No salary warrant may be issued to any judge until the judge files with the state treasurer an affidavit that no matter referred to the judge for opinion or decision has been uncompleted for more than six months.

NEW SECTION. Sec. 403. There is added to chapter 2.08 RCW a new section to read as follows:

The annual salary of the judges of the superior court shall be prescribed by the legislature in the biennial omnibus appropriations act.

NEW SECTION. Sec. 404. The following acts or parts of acts are each repealed, including any amendments enacted during 1984:

(1) Section 1, chapter 144, Laws of 1953, section 1, chapter 260, Laws of 1957, section 1, chapter 127, Laws of 1965 ex. sess., section 1, chapter 100, Laws of 1972 ex. sess., section 2, chapter 106, Laws of 1973, section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No.

282), section 2, chapter 263, Laws of 1975 1st ex. sess., section 2, chapter 318, Laws of 1977 ex. sess., section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090;

(2) Section 6, chapter 221, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1972 ex. sess., section 3, chapter 106, Laws of 1973, section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 3, chapter 263, Laws of 1975 1st ex. sess., section 3, chapter 318, Laws of 1977 ex. sess., section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060;

(3) Section 2, chapter 144, Laws of 1953, section 2, chapter 260, Laws of 1957, section 2, chapter 127, Laws of 1965 ex. sess., section 1, chapter 65, Laws of 1967, section 3, chapter 100, Laws of 1972 ex. sess., section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 4, chapter 263, Laws of 1975 1st ex. sess., section 4, chapter 318, Laws of 1977 ex. sess., section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; and

(4) Section 1, chapter 259, Laws of 1957, section 1, chapter 93, Laws of 1969, section 1, chapter 156, Laws of 1974 ex. sess., section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010.

NEW SECTION, Sec. 405. There is added to chapter 2.56 RCW a new section to read as follows:

There shall be a state office to be known as the office of administrator for the courts who shall be appointed by the supreme court of this state from a list of five persons submitted by the governor, and shall hold office at the pleasure of the appointing power. The administrator for the courts shall receive a salary prescribed by the legislature in the biennial omnibus appropriations act.

NEW SECTION, Sec. 501. (1) The legislature finds and declares that:

(a) The resolution of many disputes can be costly and complex in a judicial setting where the parties involved are necessarily in an adversary posture and subject to formalized procedures; and

(b) Alternative dispute resolution centers can meet the needs of Washington's citizens by providing forums in which persons may voluntarily participate in the resolution of disputes in an informal and less adversarial atmosphere.

(2) It is the intent of the legislature that programs established pursuant to this chapter:

(a) Stimulate the establishment and use of dispute resolution centers to help meet the need for alternatives to the courts for the resolution of certain disputes.

(b) Encourage continuing community participation in the development, administration, and oversight of local programs designed to facilitate the informal resolution of disputes between and among members of the community.

(c) Offer structures for dispute resolution which may serve as models for resolution centers in other communities.

(d) Serve a specific community or locale and resolve disputes that arise within that community or locale.

(e) Educate the community on ways of using the services of the neighborhood dispute resolution center directly and in a preventive capacity.

NEW SECTION, Sec. 502. (1) A dispute resolution center may be created and operated by a municipality, county, or by a corporation organized exclusively for the resolution of disputes or for charitable or educational purposes. The corporation shall not be organized for profit, and no part of the net earnings may inure to the benefit of any private shareholders or individuals. The majority of the directors of such a corporation shall not consist of members of any single profession.

(2) A dispute resolution center may not begin operation under this chapter until a plan for establishing a center for the mediation and settlement of disputes has been approved by the legislative authority of the municipality or county creating the center or, in the case of a center operated by a nonprofit corporation, by the legislative authority of the municipality or county within which the center will be located. A plan for a dispute resolution center shall not be approved and the center shall not begin operation until the legislative authority finds that the plan adequately prescribes:

(a) Procedures for filing requests for dispute resolution services with the center and for scheduling mediation sessions participated in by the parties to the dispute;

(b) Procedures to ensure that each dispute mediated by the center meets the criteria for appropriateness for mediation set by the legislative authority and for rejecting disputes which do not meet the criteria;

(c) Procedures for giving notice of the time, place, and nature of the mediation session to the parties, and for conducting mediation sessions that comply with the provisions of this chapter;

(d) Procedures which ensure that participation by all parties is voluntary;

(e) Procedures for obtaining referrals from public and private bodies;

(f) Procedures for meeting the particular needs of the participants, including, but not limited to, providing services at times convenient to the participants, in sign language, and in languages other than English;

(g) Procedures for providing trained and certified mediators who, during the dispute resolution process, shall make no decisions or determinations of the issues involved, but who shall

facilitate negotiations by the participants themselves to achieve a voluntary resolution of the issues; and

(h) Procedures for informing and educating the community about the dispute resolution center and encouraging the use of the center's services in appropriate cases.

(3) A dispute resolution center established under this chapter annually shall provide to the administrator for the courts such data regarding its operation as the administrator requires. The administrator shall report annually beginning January 1, 1986, to the governor, the supreme court, and the legislature regarding the operation of centers established under this chapter.

NEW SECTION, Sec. 503. A dispute resolution center established under this chapter shall provide dispute resolution services either without charge to the participants or for a fee which is based on the participant's ability to pay.

NEW SECTION, Sec. 504. (1) In conducting a dispute resolution process, a center established under this chapter shall require:

(a) That the disputing parties enter into a written agreement which expresses the method by which they shall attempt to resolve the issues in dispute; and

(b) That at the conclusion of the dispute resolution process, the parties enter into a written agreement which sets forth the settlement of the issues and the future responsibilities, if any, of each party.

(2) A written agreement entered into with the assistance of a center at the conclusion of the written dispute resolution process is admissible as evidence in any judicial or administrative proceeding.

NEW SECTION, Sec. 505. All memoranda, work notes or products, or case files of centers established under this chapter are confidential and privileged and are not subject to disclosure in any judicial or administrative proceeding unless the court or administrative tribunal determines that the materials were submitted by a participant to the center for the purpose of avoiding discovery of the material in a subsequent proceeding. Any communication relating to the subject matter of the resolution made during the resolution process by any participant, mediator, or any other person is a privileged communication and is not subject to disclosure in any judicial or administrative proceeding unless all parties to the communication waive the privilege. The foregoing privilege and limitation on evidentiary use does not apply to any communication of a threat that injury or damage may be inflicted on any person or on the property of a party to the dispute, to the extent the communication may be relevant evidence in a criminal matter.

NEW SECTION, Sec. 506. Any person who voluntarily enters a dispute resolution process at a center established under this chapter may revoke his or her consent, withdraw from dispute resolution, and seek judicial or administrative redress prior to reaching a written resolution agreement. The withdrawal shall be in writing. No legal penalty, sanction, or restraint may be imposed upon the person.

NEW SECTION, Sec. 507. A dispute resolution center established under this chapter may seek and accept contributions from counties and municipalities, agencies of the state and federal governments, private sources, and any other available funds, and may expend the funds to carry out the purposes of this chapter.

NEW SECTION, Sec. 508. Any applicable statute of limitations shall be tolled as to participants in dispute resolution at a center established under this chapter during the period which begins with the date of the participants' execution of the written agreement required by section 504(1)(a) of this act and ends on the date that a written agreement at the conclusion of the dispute resolution process is executed under section 504(1)(b) of this act or a participant's written notice of withdrawal from the dispute resolution process is executed under section 506 of this act.

NEW SECTION, Sec. 509. Nothing in this chapter precludes any person or persons not operating under section 502 of this act from providing dispute resolution services. However, the provisions of section 505 of this act, relating to confidentiality, and section 508 of this act, relating to statutes of limitation, apply only to proceedings conducted by a dispute resolution center established under this chapter.

NEW SECTION, Sec. 510. Sections 501 through 509 of this act shall constitute a new chapter in Title 7 RCW.

Sec. 511. Section 1, chapter 103, Laws of 1979 and RCW 7.06.010 are each amended to read as follows:

In counties of the second class and larger, the superior court of ((the)) the county, by majority vote of the judges thereof, or the county legislative authority may authorize mandatory arbitration of civil actions under this chapter. In all other counties, the superior court of the county, by a majority vote of the judges thereof, may authorize mandatory arbitration of civil actions under this chapter.

Sec. 512. Section 206, page 168, Laws of 1854 as amended by section 248, Code of 1881 and RCW 4.48.010 are each amended to read as follows:

The court shall order all or any of the issues in ((the)) a civil action, whether of fact or law, or both, ((may be)) referred to a referee upon the written consent of the parties((but either)) which is filed with the clerk. Any party shall have the right in an action at law, upon an issue of

fact, to demand a trial by jury. No referee appointed under this chapter may preside over a jury trial. The written consent of the parties constitutes a waiver of the right of trial by jury by any party having the right.

Sec. 513. Section 207, page 168, Laws of 1854 as last amended by section 249, Code of 1881 and RCW 4.48.020 are each amended to read as follows:

Where the parties do not consent, the court ~~((or judge))~~ may upon the application of either party, direct a reference in all cases formerly cognizable in chancery in which reference might be made:

(1) When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue, or to report upon any specific question of fact involved therein; or,

(2) When the taking of an account shall be necessary for the information of the court, before judgment upon an issue of law, or for carrying a judgment or order into effect; or,

(3) When a question of fact other than upon the pleadings shall arise, upon motion or otherwise, in any stage of the action; or,

(4) When it is necessary for the information of the court in a special proceeding.

Sec. 514. Section 208, page 168, Laws of 1854 as last amended by section 250, Code of 1881 and RCW 4.48.030 are each amended to read as follows:

A reference may be ordered to any person or persons not exceeding three, agreed upon by the parties. If the ~~((parties do not agree))~~ reference is not agreed to by the parties, the court ~~((or judge))~~ may appoint one or more persons, not exceeding three.

Sec. 515. Section 209, page 169, Laws of 1854 as last amended by section 251, Code of 1881 and RCW 4.48.040 are each amended to read as follows:

~~((When the appointment of referees is made by the court or judge, each referee))~~ A person appointed by the court as a referee or who serves as a referee with the consent of the parties shall be:

(1) Qualified as a juror as provided by statute.

(2) Competent as juror between the parties.

(3) A duly admitted and practicing attorney.

Sec. 516. Section 256, page 61, Laws of 1869 as last amended by section 252, Code of 1881 and RCW 4.48.050 are each amended to read as follows:

~~((When the))~~ If a referee ~~((s are chosen))~~ is appointed by the court, each party shall have the same right ~~((of))~~ to challenge ~~((as to such referees, which))~~ the appointment. Challenges shall be made and determined in the same manner and with like effect as in the formation of juries, except that neither party shall be entitled to a peremptory challenge.

Sec. 517. Section 210, page 169, Laws of 1854 as last amended by section 253, Code of 1881 and RCW 4.48.060 are each amended to read as follows:

(1) Subject to the limitations and directions prescribed in the order of reference, the trial conducted by a referee ~~((s))~~ shall be conducted in the same manner as a trial by the court. ~~((They))~~ Unless waived in whole or in part, the referee shall apply the rules of pleading, practice, procedure, and evidence used in the superior courts of this state. The referee shall have the same power to grant adjournments, administer oaths, preserve order, punish all violations thereof upon such trial, compel the attendance of witnesses, and to punish them for nonattendance or refusal to be sworn or testify, as is possessed by the court.

(2) A referee appointed under RCW 4.48.010 shall provide clerical personnel necessary for the conduct of the proceeding, including a court reporter.

Sec. 518. Section 210, page 169, Laws of 1854 as last amended by section 254, Code of 1881 and RCW 4.48.070 are each amended to read as follows:

The report of ~~((the))~~ a referee ~~((s))~~ appointed by the court under RCW 4.48.020 shall state the facts found, and when the order of reference includes an issue of law, it shall state the conclusions of law separately from the facts. The referee ~~((s))~~ shall file with ~~((their))~~ the report the evidence received upon the trial. If evidence offered by either party shall not be admitted on the trial and the party offering the same excepts to the decision rejecting such evidence at the time, the exceptions shall be noted by the referees and they shall take and receive such testimony and file it with the report. Whatever judgment the court may give upon the report, it shall, when it appears that such evidence was frivolous and inadmissible, require the party at whose instance it was taken and reported, to pay all costs and disbursements thereby incurred.

Sec. 519. Section 259, page 62, Laws of 1869 as last amended by section 3, chapter 9, Laws of 1957 and RCW 4.48.080 are each amended to read as follows:

The report of a referee appointed by the court under RCW 4.48.020 shall be filed with the clerk within twenty days after the trial concludes. Either party may, within such time as may be prescribed by the rules of ~~((the))~~ court, or by special order, move to set the same aside, or for judgment thereon, or such order or proceeding as the nature of the case may require.

Sec. 520. Section 260, page 62, Laws of 1869 as last amended by section 256, Code of 1881 and RCW 4.48.090 are each amended to read as follows:

The court may affirm or set aside the report of a referee appointed under RCW 4.48.020 either in whole or in part. If it affirms the report it shall give judgment accordingly. If the report be set aside, either in whole or in part, the court may make another order of reference as to all

or so much of the report as is set aside, to the original referees or others, or it may find the facts and determine the law itself and give judgment accordingly. Upon a motion to set aside a report, the conclusions thereof shall be deemed and considered as the verdict of the jury.

NEW SECTION. Sec. 521. There is added to chapter 4.48 RCW a new section to read as follows:

(1) Within twenty days after the conclusion of a trial before a referee appointed under RCW 4.48.010, unless a later time is agreed to by the parties, the referee shall mail to each party a copy of the referee's proposed written report. The proposed report shall contain the findings of fact and conclusions of law by the referee and the judgment of the referee.

(2) Within ten days after receipt of the copy of the proposed report, any party may serve written objections and suggested modifications or corrections to the proposed report on the referee and the other parties. The referee shall without delay consider the objections and suggestions and prepare a final written report. If requested by any party, the referee shall conduct a hearing on the proposed report and any suggested corrections or modifications before preparing the final written report.

(3) Upon completion of the final written report, the referee shall file with the clerk of the superior court:

(a) Copies of all original papers in the action filed with the referee;

(b) Exhibits offered and received or rejected during the trial;

(c) The transcript of the proceedings in the trial; and

(d) The final written report containing the findings of fact and conclusions of law by the referee and the judgment of the referee.

(4) The presiding judge of the superior court may allow the referee to file the final written report under subsection (3) of this section without any of the items listed in subsection (3) (a) through (c) of this section. However, the presiding judge shall require the referee to file those items if a timely notice of appeal of the judgment is filed.

(5) When the referee files the written report under subsection (3) of this section, the referee shall also mail to each party a copy of the report.

NEW SECTION. Sec. 522. There is added to chapter 4.48 RCW a new section to read as follows:

(1) Upon receipt by the clerk of the court of the final written report filed under section 521 of this act, the referral of the action shall terminate and the presiding judge of the superior court shall order the judgment contained in the report entered as the judgment of the court in the action. Subsequent motions and other post trial proceedings in the action may be conducted and disposed of by the referee upon order of the presiding judge, in the discretion of the presiding judge, or may otherwise be assigned by the presiding judge.

(2) The decision of a referee entered as provided in this section may be reviewed in the same manner as if the decision was made by the court.

NEW SECTION. Sec. 523. There is added to chapter 4.48 RCW a new section to read as follows:

(1) If an action is to be tried by a referee appointed under RCW 4.48.010, at least five days before the date set for the trial the referee shall advise the clerk of the court of the time and place set for the trial. The clerk shall post in a conspicuous place in the courthouse a notice that includes the names of the parties to the action, the time and place set for the trial, the name of the referee, and a statement that the proceeding is being held before a referee agreed to by the parties under chapter 4.48 RCW.

(2) A person interested in attending a trial before a referee appointed under RCW 4.48.010 is entitled to do so as in a trial of a civil action in superior court. Upon request by any person, the referee shall give the person notice of the time and place set for the trial.

Sec. 524. Section 376, page 202, Laws of 1854 as last amended by section 514, Code of 1881 and RCW 4.48.100 are each amended to read as follows:

(1) The ((fees)) compensation of a referee(s) appointed under RCW 4.48.020 shall be ((five dollars to each, for every day necessarily spent in the business of the reference and twenty cents per folio for writing testimony; but the parties may agree in writing upon any rate of compensation, and thereupon such rate shall be allowed)) the same as that established for a superior court judge pro tempore under RCW 2.08.180.

(2) If a referee is appointed pursuant to RCW 4.48.010, the referee's compensation shall be at the rate prescribed by subsection (1) of this section, unless otherwise agreed to by the parties.

(3) Payment of the compensation of a referee appointed under RCW 4.48.010 and the expense of the trial before the referee shall be the obligation of the parties. The obligation shall be borne equally unless the parties agree to a different allocation.

NEW SECTION. Sec. 601. (1) There is created a commission on judicial administration to study Washington's courts and report its findings and recommendations to the legislature, the governor, and the supreme court in accordance with section 603 of this act.

(2) The chief justice of the supreme court shall chair the commission. The commission shall be composed of members appointed in accordance with this section.

(3) The following members shall be appointed by the chief justice from a list of nominees submitted by the appropriate organization:

- (a) A county clerk from a list submitted by the Washington association of county clerks;
- (b) A district or municipal court administrator from a list submitted by the Washington state association for court administration;
- (c) A superior court administrator from a list submitted by the Washington association of superior court administrators;
- (d) A judge of the court of appeals from lists submitted by the chief judge of each division of that court;
- (e) A superior court judge from a list submitted by the association of superior court judges;
- (f) A district judge and a municipal court judge from a list submitted by the Washington state magistrates association;
- (g) A prosecuting attorney or deputy prosecuting attorney from a list submitted by the Washington association of prosecuting attorneys;
- (h) Two attorneys, one of whom practices primarily as a criminal defense lawyer, from a list submitted by the Washington state bar association;
- (i) A juvenile court director from a list submitted by the association of juvenile court directors;
- (j) An elected member of a county legislative authority from a list submitted by the Washington state association of counties;
- (k) An elected member of a municipal legislative authority from a list submitted by the Washington association of cities;
- (l) A law enforcement officer from a list submitted by the Washington association of sheriffs and police chiefs; and
- (m) A shorthand court reporter from a list submitted by the Washington shorthand reporters association.

(4) The chief justice shall appoint three persons to the commission who have demonstrated a significant interest in the administration of justice in this state and who are not affiliated with any of the organizations submitting nominees under subsection (3) of this section.

(5) The president of the senate shall appoint two members of the senate, one each from the majority and minority party, to the commission. The speaker of the house of representatives shall appoint two members of the house of representatives, one each from the majority and minority party, to the commission.

(6) Commission members shall serve without compensation. Commission members appointed under subsection (4) of this section shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 602. The administrator for the courts shall provide technical and administrative assistance to the commission on judicial administration in the performance of its duties.

NEW SECTION. Sec. 603. (1) The commission on judicial administration shall evaluate the existing structure of Washington's judicial system, the jurisdiction of each level of courts, and the existing means of administering and financing the state's courts and related court services, including probation, family court, court reporting, and juvenile court services.

(2) The commission shall report its findings and any recommendations for improvements in the structure, administration, and funding of the state's court system, including changes in court rule, statute, or the state Constitution, to the legislature, the governor, and the supreme court. The commission shall provide the legislature, the governor, and the supreme court with an interim report on its activities on January 1, 1985. The commission shall issue its final report by October 1, 1985, and the commission shall terminate on July 1, 1986.

NEW SECTION. Sec. 604. There is added to chapter 2.56 RCW a new section to read as follows:

(1) The office of the administrator for the courts, in cooperation with appropriate legislative committees and legislative staff, shall establish a procedure for the provision of judicial impact notes on the effect legislative bills will have on the workload and administration of the courts of this state. The administrator for the courts and the office of financial management shall coordinate the development of judicial impact notes with the preparation of fiscal notes under chapters 43.88A and 43.132 RCW.

(2) The administrator for the courts shall provide a judicial impact note on any legislative proposal at the request of any legislator. The note shall be provided to the requesting legislator and copies filed with the appropriate legislative committees in accordance with subsection (3) of this section when the proposed legislation is introduced in either house.

(3) When a judicial impact note is prepared and approved by the administrator for the courts, copies of the note shall be filed with:

- (a) The chairperson of the committee to which the bill was referred upon introduction in the house of origin;
- (b) The senate committee on ways and means;
- (c) The house of representatives committee on ways and means;

- (d) The senate judiciary committee;
- (e) The house of representatives judiciary committee;
- (f) The legislative budget committee; and
- (g) The office of financial management.

(4) This section shall not prevent either house of the legislature from acting on any bill before it as otherwise provided by the state Constitution, by law, and by the rules and joint rules of the senate and house of representatives, nor shall the lack of any judicial impact note as provided in this section or any error in the accuracy thereof affect the validity of any measure otherwise duly passed by the legislature.

Sec. 701. Section 121, chapter 299, Laws of 1961 and RCW 3.66.100 are each amended to read as follows:

(1) Every ((justice)) district judge having authority to hear a particular case may issue ((civil process in and to any place in the county or counties in which his district is located; and)) criminal process in and to any place in the state.

(2) Notwithstanding any provision in the justice court civil rules to the contrary, every district judge having authority to hear a particular case may issue civil process in and to any place in the state.

NEW SECTION. Sec. 702. There is added to chapter 12.16 RCW a new section to read as follows:

Any person may be compelled to attend as a witness before a district court in accordance with chapter 5.56 RCW.

NEW SECTION. Sec. 703. The following acts or parts of acts are each repealed:

(1) Section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010;

(2) Section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100;

(3) Section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; and

(4) Section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120.

Sec. 801. Section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030 are each amended to read as follows:

The municipal court shall have ~~((exclusive original))~~ jurisdiction to try violations of all city ordinances and all other actions brought to enforce or recover license penalties or forfeitures declared or given by any such ordinances. It is empowered to forfeit cash bail or bail bonds and issue execution thereon, to hear and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five ~~((hundred))~~ thousand dollars or imprisonment in the city jail not to exceed ~~((six months))~~ one year, or both such fine and imprisonment. All civil and criminal proceedings in municipal court, and judgments rendered therein, shall be subject to review in the superior court by writ of review or on appeal: PROVIDED, That an appeal from the court's determination or order in a traffic infraction proceeding may be taken only in accordance with RCW 46.63.090(5). Costs in civil and criminal cases may be taxed as provided in ~~((justice of the peace))~~ district courts.

Sec. 802. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 20, chapter 316, Laws of 1977 ex. sess. and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to

regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five (~~hundred~~) thousand dollars or imprisonment in the city jail for (~~six months~~) one year, or both such fine and imprisonment;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 803, Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 28, chapter 136, Laws of 1979 ex. sess. and RCW 35.23.440 are each amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the

execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participants; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Auctioneers' licenses: To license and regulate auctioneers for the purposes of revenue and regulation.

(5) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tippling houses, dram shops, saloons, bars, and barrooms.

(6) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(7) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(8) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(9) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(10) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(11) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(12) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(13) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(14) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(15) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(16) Markets: To establish and regulate markets and market places.

(17) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(18) City commons: To provide for and regulate the commons of the city.

(19) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(20) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(21) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(22) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(23) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

- (24) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.
- (25) House numbers: To provide for the numbering of houses.
- (26) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.
- (27) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.
- (28) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.
- (29) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.
- (30) Penalty for violation of ordinances: To determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five ~~((hundred))~~ thousand dollars or ~~((six months))~~ imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.
- (31) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.
- (32) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.
- (33) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.
- (34) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.
- (35) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.
- (36) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.
- (37) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.
- (38) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.
- (39) Franchises: To permit the use of the streets for railroad or other public service purposes.

(40) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(41) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(42) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(43) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(44) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(45) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(46) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(47) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(48) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(49) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(50) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(51) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(52) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(53) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(54) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(55) To provide for the general welfare.

Sec. 804. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 23, chapter 316, Laws of 1977 ex. sess. and RCW 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five (~~hundred~~) thousand dollars nor the term of such imprisonment exceed the term of (~~six months~~) one year;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to

maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 805. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 25, chapter 316, Laws of 1977 ex. sess. and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for strays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables:

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five (~~hundred~~) thousand dollars, nor the term of imprisonment exceed (~~six months~~) one year:

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service:

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 806. Section 35.30.010, chapter 7, Laws of 1965 and RCW 35.30.010 are each amended to read as follows:

The council, or other legislative body, of all cities within the state of Washington which were created by special charter prior to the adoption of the state Constitution, and which have not since reincorporated under any general statute, shall have, in addition to the powers specially granted by the charter of such cities, the following powers:

(1) To construct, establish and maintain drains and sewers.

(2) To impose and collect an annual license not exceeding two dollars on every dog owned or harbored within the limits of the city.

(3) To levy and collect annually a property tax on all property within such city.

(4) To license all shows, exhibitions and lawful games carried on therein; and to fix the rates of license tax upon the same, and to provide for the collection of the same by suit or otherwise.

(5) To permit, under such restrictions as they may deem proper, the construction and maintenance of telephone, telegraph and electric light lines therein.

(6) To impose fines, penalties and forfeitures for any and all violations of ordinances; and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment or both, but no such fine shall exceed (~~three hundred~~) five thousand dollars nor the term of imprisonment exceed (~~three months~~) one year.

(7) To cause all persons imprisoned for violation of any ordinance to labor on the streets or other public property or works within the city.

(8) To make all such ordinances, bylaws and regulations, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the city, and to do and perform any and all other acts and things necessary and proper to carry out the purposes of the municipal corporation.

Sec. 807. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five (~~hundred~~) thousand dollars or imprisonment for any term not exceeding (~~six months~~) one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational,

governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, RCW 82.36.440, RCW 48.14.020, and RCW 48.14.080.

Sec. 808. Section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010 are each amended to read as follows:

(1) Classified Felonies. (a) The particular classification of each felony defined in Title 9A RCW is expressly designated in the section defining it.

(b) For purposes of sentencing, classified felonies are designated as one of three classes, as follows:

(i) Class A felony; or

(ii) Class B felony; or

(iii) Class C felony.

(2) Misdemeanors and Gross Misdemeanors. (a) Any crime punishable by a fine of not more than ~~(five hundred)~~ one thousand dollars, or by imprisonment in a county jail for not more than ninety days, or by both such fine and imprisonment is a misdemeanor. Whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, the committing of such act shall be a misdemeanor.

(b) All crimes other than felonies and misdemeanors are gross misdemeanors.

NEW SECTION. Sec. 901. There is appropriated from the general fund to the administrator for the courts for the biennium ending June 30, 1985, the sum of eight thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of section 601(6) of this act.

NEW SECTION. Sec. 902. (1) Sections 1 through 210, 511, 601 through 808, and 901 of this act shall take effect on July 1, 1984.

(2) Sections 501 through 510 and 512 through 524 of this act shall take effect on January 1, 1985.

(3) Sections 301 through 405 of this act shall take effect on July 1, 1985.

NEW SECTION. Sec. 903. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "courts;" strike the remainder of the title and insert "amending section 1, chapter 299, Laws of 1961 as last amended by section 1, chapter 151, Laws of 1979 and RCW 3.30.010; amending section 3, chapter 299, Laws of 1961 as amended by section 1, chapter 73, Laws of 1971 and RCW 3.30.030; amending section 4, chapter 299, Laws of 1961 and RCW 3.30.040; amending section 5, chapter 299, Laws of 1961 as amended by section 2, chapter 73, Laws of 1971 and RCW 3.30.050; amending section 8, chapter 299, Laws of 1961 and RCW 3.30.080; amending section 11, chapter 299, Laws of 1961 as last amended by section 1, chapter 29, Laws of 1982 and RCW 3.34.020; amending section 12, chapter 299, Laws of 1961 as amended by section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; amending section 13, chapter 299, Laws of 1961 as last amended by section 1, chapter 195, Laws of 1983 and RCW 3.34.040; amending section 14, chapter 299, Laws of 1961 as amended by section 8, chapter 120, Laws of 1975-'76 2nd ex. sess. and RCW 3.34.050; amending section 15, chapter 299, Laws of 1961 and RCW 3.34.060; amending section 16, chapter 299, Laws of 1961 and RCW 3.34.070; amending section 17, chapter 299, Laws of 1961 and RCW 3.34.080; amending section 18, chapter 299, Laws of 1961 as amended by section 5, chapter 73, Laws of 1971 and RCW 3.34.090; amending section 19, chapter 299, Laws of 1961 and RCW 3.34.100; amending section 20, chapter 299, Laws of 1961 and RCW 3.34.110; amending section 21, chapter 299, Laws of 1961 and RCW 3.34.120; amending section 22, chapter 299, Laws of 1961 as last amended by section 2, chapter 195, Laws of 1983 and RCW 3.34.130; amending section 23, chapter 299, Laws of 1961 as amended by section 5, chapter 186, Laws of 1981 and RCW 3.34.140; amending section 24, chapter 299, Laws of 1961 and RCW 3.34.150; amending section 25, chapter 299, Laws of 1961 and RCW 3.38.010; amending section 26, chapter 299, Laws of 1961 as amended by section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; amending section 1, chapter 213, Laws of 1963 and RCW 3.38.022; amending section 27, chapter 299, Laws of 1961 as amended by section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; amending section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; amending section 28, chapter 299, Laws of 1961 as amended by section 3, chapter 66, Laws of 1969 ex. sess. and RCW 3.38.040; amending section 29, chapter 299, Laws of 1961 and RCW 3.38.050; amending section 30, chapter 299, Laws of 1961 and RCW 3.38.060; amending section 31, chapter 299, Laws of 1961 as amended by section 7, chapter 162, Laws of 1980 and RCW 3.42.010; amending section 32, chapter 299, Laws of 1961 as amended by section 16, chapter 136, Laws of 1979 ex. sess. and RCW 3.42.020; amending section 33, chapter 299, Laws of 1961 and RCW 3.42.030; amending section 34, chapter 299,

Laws of 1961 as amended by section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; amending section 98, chapter 299, Laws of 1961 as amended by section 6, chapter 73, Laws of 1971 and RCW 3.54.010; amending section 101, chapter 299, Laws of 1961 as last amended by section 2, chapter 29, Laws of 1982 and RCW 3.58.020; amending section 102, chapter 299, Laws of 1961 and RCW 3.58.030; amending section 103, chapter 299, Laws of 1961 as amended by section 3, chapter 3, Laws of 1983 and RCW 3.58.040; amending section 104, chapter 299, Laws of 1961 as amended by section 3, chapter 213, Laws of 1963 and RCW 3.58.050; amending section 111, chapter 299, Laws of 1961 as last amended by section 14, chapter 128, Laws of 1980 and RCW 3.62.070; amending section 112, chapter 299, Laws of 1961 as amended by section 20, chapter 136, Laws of 1979 ex. sess. and RCW 3.66.010; amending section 113, chapter 299, Laws of 1961 as last amended by section 7, chapter 331, Laws of 1981 and RCW 3.66.020; amending section 115, chapter 299, Laws of 1961 and RCW 3.66.040; amending section 116, chapter 299, Laws of 1961 and RCW 3.66.050; amending section 117, chapter 299, Laws of 1961 as last amended by section 176, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.66.060; amending section 7, chapter 110, Laws of 1965 ex. sess. as amended by section 1, chapter 29, Laws of 1975 and RCW 3.66.065; amending section 1, chapter 75, Laws of 1969 as amended by section 1, chapter 156, Laws of 1983 and RCW 3.66.067; amending section 118, chapter 299, Laws of 1961 as amended by section 32, chapter 165, Laws of 1983 and RCW 3.66.070; amending section 119, chapter 299, Laws of 1961 and RCW 3.66.080; amending section 120, chapter 299, Laws of 1961 as amended by section 1, chapter 241, Laws of 1967 and RCW 3.66.090; amending section 123, chapter 299, Laws of 1961 and RCW 3.70.010; amending section 124, chapter 299, Laws of 1961 and RCW 3.70.020; amending section 125, chapter 299, Laws of 1961 and RCW 3.70.030; amending section 126, chapter 299, Laws of 1961 as amended by section 10, chapter 162, Laws of 1980 and RCW 3.70.040; amending section 130, chapter 299, Laws of 1961 and RCW 3.74.010; amending section 131, chapter 299, Laws of 1961 and RCW 3.74.020; amending section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; amending section 1, chapter 187, Laws of 1919 as last amended by section 10, chapter 331, Laws of 1981 and RCW 12.40.010; amending section 2, chapter 187, Laws of 1919 and RCW 12.40.020; amending section 2, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.025; amending section 3, chapter 187, Laws of 1919 as last amended by section 3, chapter 330, Laws of 1981 and RCW 12.40.030; amending section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 194, Laws of 1981 and RCW 12.40.040; amending section 5, chapter 187, Laws of 1919 and RCW 12.40.050; amending section 6, chapter 187, Laws of 1919 as amended by section 11, chapter 331, Laws of 1981 and RCW 12.40.060; amending section 7, chapter 187, Laws of 1919 and RCW 12.40.070; amending section 8, chapter 187, Laws of 1919 as amended by section 12, chapter 331, Laws of 1981 and RCW 12.40.080; amending section 9, chapter 187, Laws of 1919 and RCW 12.40.090; amending section 10, chapter 187, Laws of 1919 as amended by section 1, chapter 254, Laws of 1983 and RCW 12.40.100; amending section 11, chapter 187, Laws of 1919 as last amended by section 3, chapter 254, Laws of 1983 and RCW 12.40.110; amending section 4, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.120; amending section 680, page 171, Laws of 1869 as last amended by section 738, Code of 1881 and RCW 7.20.140; amending section 35.20.100, chapter 7, Laws of 1965 as last amended by section 1, chapter 32, Laws of 1972 ex. sess. and RCW 35.20.100; amending section 35, chapter 299, Laws of 1961 and RCW 3.46.010; amending section 36, chapter 299, Laws of 1961 and RCW 3.46.020; amending section 38, chapter 299, Laws of 1961 and RCW 3.46.040; amending section 40, chapter 299, Laws of 1961 and RCW 3.46.060; amending section 41, chapter 299, Laws of 1961 and RCW 3.46.070; amending section 42, chapter 299, Laws of 1961 and RCW 3.46.080; amending section 43, chapter 299, Laws of 1961 as amended by section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; amending section 44, chapter 299, Laws of 1961 and RCW 3.46.100; amending section 1, chapter 84, Laws of 1973 as amended by section 1, chapter 94, Laws of 1980 and RCW 4.84.250; amending section 85, page 237, Laws of 1854 as last amended by section 1, chapter 30, Laws of 1975-76 2nd ex. sess. and RCW 12.20.060; amending section 4, chapter 221, Laws of 1969 ex. sess. as amended by section 1, chapter 41, Laws of 1971 and RCW 2.06.040; amending section 367, page 201, Laws of 1854 as last amended by section 7, chapter 45, Laws of 1983 1st ex. sess. and RCW 4.84.010; amending section 4, chapter 254, Laws of 1983 and RCW 12.24.135; amending section 4, page 404, Laws of 1854 as last amended by section 1, chapter 186, Laws of 1983 and RCW 26.04.050; amending section 50, chapter 299, Laws of 1961 and RCW 3.50.010; amending section 51, chapter 299, Laws of 1961 as amended by section 17, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.020; amending section 52, chapter 299, Laws of 1961 as amended by section 18, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.030; amending section 53, chapter 299, Laws of 1961 as amended by section 1, chapter 35, Laws of 1975-76 2nd ex. sess. and RCW 3.50.040; amending section 54, chapter 299, Laws of 1961 and RCW 3.50.050; amending section 55, chapter 299, Laws of 1961 and RCW 3.50.060; amending section 56, chapter 299, Laws of 1961 and RCW 3.50.070; amending section 57, chapter 299, Laws of 1961 and RCW 3.50.080; amending section 58, chapter 299, Laws of 1961 and RCW 3.50.090; amending section 60, chapter 299, Laws of 1961 and RCW 3.50.110; amending section 79, chapter 299, Laws of 1961 as amended by section 1, chapter 84, Laws of 1969 and RCW 3.50.300; amending section 81, chapter 299, Laws of 1961 as amended by section 5, chapter 156, Laws of 1983 and RCW 3.50.320; amending section 82,

chapter 299, Laws of 1961 as amended by section 6, chapter 156, Laws of 1983 and RCW 3.50-.330; amending section 83, chapter 299, Laws of 1961 as amended by section 7, chapter 156, Laws of 1983 and RCW 3.50.340; amending section 92, chapter 299, Laws of 1961 and RCW 3.50.430; amending section 93, chapter 299, Laws of 1961 and RCW 3.50.440; amending section 94, chapter 299, Laws of 1961 and RCW 3.50.450; amending section 46.08.190, chapter 12, Laws of 1961 and RCW 46.08.190; amending section 6, chapter 136, Laws of 1979 ex. sess. as amended by section 2, chapter 221, Laws of 1983 and RCW 46.63.040; amending section 46.83-.050, chapter 12, Laws of 1961 and RCW 46.83.050; amending section 3, page 121, Laws of 1890 and RCW 78.12.030; amending section 35.20.010, chapter 7, Laws of 1965 as amended by section 4, chapter 33, Laws of 1975 and RCW 35.20.010; amending section 49, chapter 299, Laws of 1961 and RCW 3.46.150; amending section 22, chapter 299, Laws of 1961 as last amended by section 19 of this 1984 act and RCW 3.34.130; amending section 46, chapter 299, Laws of 1961 as amended by section 4, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.46.120; amending section 59, chapter 299, Laws of 1961 as amended by section 3, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.50.100; amending section 105, chapter 299, Laws of 1961 and RCW 3.62.010; amending section 106, chapter 299, Laws of 1961 as last amended by section 8, chapter 73, Laws of 1971 and RCW 3.62.020; amending section 108, chapter 299, Laws of 1961 as amended by section 2, chapter 241, Laws of 1975 1st ex. sess. and RCW 3.62.040; amending section 109, chapter 299, Laws of 1961 as last amended by section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; amending section 110, chapter 299, Laws of 1961 as last amended by section 1, chapter 330, Laws of 1981 and RCW 3.62.060; amending section 1, chapter 249, Laws of 1953 as last amended by section 1, chapter 126, Laws of 1979 and RCW 27.24.070; amending section 10, chapter 302, Laws of 1977 ex. sess. as last amended by section 1, chapter 239, Laws of 1983 and RCW 7.68.035; amending section 16, chapter 172, Laws of 1935 as last amended by section 11, chapter 232, Laws of 1983 and RCW 9.41.160; amending section 3, page 421, Laws of 1873 as last amended by section 11, chapter 199, Laws of 1969 ex. sess. and RCW 10.82.070; amending section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as amended by section 55, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.010; amending section 28A.87.060, chapter 223, Laws of 1969 ex. sess. as amended by section 57, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87-.060; amending section 28A.87.070, chapter 223, Laws of 1969 ex. sess. as amended by section 58, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.070; amending section 28A.87.130, chapter 223, Laws of 1969 ex. sess. as amended by section 60, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.130; amending section 28A.87.140, chapter 223, Laws of 1969 ex. sess. as amended by section 61, chapter 199, Laws of 1969 ex. sess. and RCW 28A.87.140; amending section 35.20.220, chapter 7, Laws of 1965 as amended by section 5, chapter 147, Laws of 1969 ex. sess. and RCW 35.20.220; amending section 35A.42.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.42.010; amending section 35A.47.030, chapter 119, Laws of 1967 ex. sess. as amended by section 69, chapter 3, Laws of 1983 and RCW 35A.47.030; amending section 2, chapter 20, Laws of 1972 ex. sess. and RCW 36.18.025; amending section 1, chapter 158, Laws of 1963 and RCW 46.08.172; amending section 24, chapter 121, Laws of 1965 ex. sess. as last amended by section 16, chapter 165, Laws of 1983 and RCW 46.20.285; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 18, chapter 165, Laws of 1983 and RCW 46.20.311; amending section 11, chapter 165, Laws of 1983 and RCW 46.20.680; amending section 23, chapter 64, Laws of 1975-'76 2nd ex. sess. as last amended by section 58, chapter 7, Laws of 1984 and RCW 46.44.105; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 21, chapter 165, Laws of 1983 and RCW 46.61.515; amending section 6, chapter 209, Laws of 1975 1st ex. sess. as amended by section 1, chapter 57, Laws of 1977 and RCW 46.61.587; reenacting and amending section 13, chapter 10, Laws of 1982 as amended by section 1, chapter 12, Laws of 1982 1st ex. sess. and by section 4, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.110; amending section 8, chapter 39, Laws of 1963 as last amended by section 4, chapter 76, Laws of 1977 and RCW 46.81.070; amending section 75.08-.230, chapter 12, Laws of 1955 as last amended by section 23, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.08.230; amending section 15, chapter 2, Laws of 1983 and RCW 69.50.505; reenacting and amending section 77.12.170, chapter 36, Laws of 1955 as amended by section 1, chapter 284, Laws of 1983 and by section 2, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.12.170; amending section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201; amending section 3, chapter 8, Laws of 1983 1st ex. sess. and RCW 77.21.070; amending section 1, chapter 103, Laws of 1979 and RCW 7.06.010; amending section 206, page 168, Laws of 1854 as amended by section 248, Code of 1881 and RCW 4.48.010; amending section 207, page 168, Laws of 1854 as last amended by section 249, Code of 1881 and RCW 4.48.020; amending section 208, page 168, Laws of 1854 as last amended by section 250, Code of 1881 and RCW 4.48.030; amending section 209, page 169, Laws of 1854 as last amended by section 251, Code of 1881 and RCW 4.48.040; amending section 256, page 61, Laws of 1869 as last amended by section 252, Code of 1881 and RCW 4.48-.050; amending section 210, page 169, Laws of 1854 as last amended by section 253, Code of 1881 and RCW 4.48.060; amending section 210, page 169, Laws of 1854 as last amended by section 254, Code of 1881 and RCW 4.48.070; amending section 259, page 62, Laws of 1869 as last amended by section 3, chapter 9, Laws of 1957 and RCW 4.48.080; amending section 260,

page 62, Laws of 1869 as last amended by section 256, Code of 1881 and RCW 4.48.090; amending section 376, page 202, Laws of 1854 as last amended by section 514, Code of 1881 and RCW 4.48.100; amending section 121, chapter 299, Laws of 1961 and RCW 3.66.100; amending section 35.20.030, chapter 7, Laws of 1965 as amended by section 23, chapter 136, Laws of 1979 ex. sess. and RCW 35.20.030; amending section 35.22.280, chapter 7, Laws of 1965 as last amended by section 20, chapter 316, Laws of 1977 ex. sess. and RCW 35.22.280; amending section 35.23.440, chapter 7, Laws of 1965 as last amended by section 28, chapter 136, Laws of 1979 ex. sess. and RCW 35.23.440; amending section 35.24.290, chapter 7, Laws of 1965 as last amended by section 23, chapter 316, Laws of 1977 ex. sess. and RCW 35.24.290; amending section 35.27.370, chapter 7, Laws of 1965 as last amended by section 25, chapter 316, Laws of 1977 ex. sess. and RCW 35.27.370; amending section 35.30.010, chapter 7, Laws of 1965 and RCW 35.30.010; amending section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 29, Laws of 1969 ex. sess. and RCW 35A.11.020; amending section 9A.20.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.20.010; adding a new section to chapter 2.04 RCW; adding a new section to chapter 2.06 RCW; adding new sections to chapter 2.08 RCW; adding new sections to chapter 2.56 RCW; adding a new section to chapter 3.30 RCW; adding new sections to chapter 3.50 RCW; adding a new section to chapter 3.62 RCW; adding new sections to chapter 4.48 RCW; adding a new chapter to Title 7 RCW; adding a new section to chapter 12.16 RCW; adding a new section to chapter 35.22 RCW; adding a new section to chapter 35.23 RCW; adding a new section to chapter 35.24 RCW; adding a new section to chapter 35.27 RCW; adding a new section to chapter 35.30 RCW; adding a new section to chapter 35A.11 RCW; adding a new section to chapter 43.08 RCW; creating new sections; recodifying RCW 35A.20.150; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1955 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881, and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of 1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1 chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3, 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and

RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965, section 2, chapter 102, Laws of 1979, section 6, chapter 331, Laws of 1981 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909, section 175, chapter 46, Laws of 1983 1st ex. sess. and RCW 3.20.040; repealing section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section 3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020; repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923 and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 128, chapter 299, Laws of 1961 and RCW 3.74.910; repealing section 129, chapter 299, Laws of 1961 and RCW 3.74.920; repealing section 211, chapter 249, Laws of 1909, section 1, chapter 100, Laws of 1917 and RCW 9.04.020; repealing section 7, chapter 84, Laws of 1973 and RCW 4.84.310; repealing section 61, chapter 299, Laws of 1961 and RCW 3.50.120; repealing section 62, chapter 299, Laws of 1961 and RCW 3.50.130; repealing section 63, chapter 299, Laws of 1961 and RCW 3.50.140; repealing section 64, chapter 299, Laws of 1961 and RCW 3.50.150; repealing section 65, chapter 299, Laws of 1961 and RCW 3.50.160; repealing section 66, chapter 299, Laws of 1961 and RCW 3.50.170; repealing section 67, chapter 299, Laws of 1961 and RCW 3.50.180; repealing section 68, chapter 299, Laws of 1961 and RCW 3.50.190; repealing section 69, chapter 299, Laws of 1961 and RCW 3.50.200; repealing section 70, chapter 299, Laws of 1961 and RCW 3.50.210; repealing section 71, chapter 299, Laws of 1961 and RCW 3.50.220; repealing section 72, chapter 299, Laws of 1961 and RCW 3.50.230; repealing section 73, chapter 299, Laws of 1961 and RCW 3.50.240; repealing section 74, chapter 299, Laws of 1961 and RCW 3.50.250; repealing section 75, chapter 299, Laws of 1961 and RCW 3.50.260; repealing section 76, chapter 299, Laws of 1961 and RCW 3.50.270; repealing section 77, chapter 299, Laws of 1961, section 19, chapter 136, Laws of 1979 ex. sess. and RCW 3.50.280; repealing section 78, chapter 299, Laws of 1961 and RCW 3.50.290; repealing section 80, chapter 299, Laws of 1961 and RCW 3.50.310; repealing section 84, chapter 299, Laws of 1961 and RCW 3.50.350; repealing section 85, chapter 299, Laws of 1961 and RCW 3.50.360; repealing section 86, chapter 299, Laws of 1961 and RCW 3.50.370; repealing section 87, chapter 299, Laws of 1961 and RCW 3.50.380; repealing section 88, chapter 299, Laws of 1961 and RCW 3.50.390; repealing section 89, chapter 299, Laws of 1961 and RCW 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing section 91, chapter 299, Laws of 1961 and RCW 3.50.420;

repealing section 95, chapter 299, Laws of 1961 and RCW 3.50.460; repealing section 96, chapter 299, Laws of 1961 and RCW 3.50.470; repealing section 35.20.040, chapter 7, Laws of 1965 and RCW 35.20.040; repealing section 35.20.050, chapter 7, Laws of 1965 and RCW 35.20.050; repealing section 35.20.060, chapter 7, Laws of 1965 and RCW 35.20.060; repealing section 35.20.070, chapter 7, Laws of 1965, section 88, chapter 81, Laws of 1971 and RCW 35.20.070; repealing section 35.20.080, chapter 7, Laws of 1965 and RCW 35.20.080; repealing section 35.20.900, chapter 7, Laws of 1965, section 5, chapter 33, Laws of 1975 and RCW 35.20.900; repealing section 35.21.170, chapter 7, Laws of 1965 and RCW 35.21.170; repealing section 35.22.420, chapter 7, Laws of 1965, section 3, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.420; repealing section 35.22.430, chapter 7, Laws of 1965 and RCW 35.22.430; repealing section 35.22.440, chapter 7, Laws of 1965 and RCW 35.22.440; repealing section 35.22.460, chapter 7, Laws of 1965, section 4, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.460; repealing section 35.22.480, chapter 7, Laws of 1965, section 5, chapter 116, Laws of 1965 ex. sess. and RCW 35.22.480; repealing section 5, chapter 241, Laws of 1967 and RCW 35.22.485; repealing section 35.22.490, chapter 7, Laws of 1965 and RCW 35.22.490; repealing section 35.22.500, chapter 7, Laws of 1965 and RCW 35.22.500; repealing section 35.22.510, chapter 7, Laws of 1965, section 26, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.510; repealing section 35.22.520, chapter 7, Laws of 1965 and RCW 35.22.520; repealing section 35.22.530, chapter 7, Laws of 1965, section 27, chapter 136, Laws of 1979 ex. sess. and RCW 35.22.530; repealing section 35.22.540, chapter 7, Laws of 1965 and RCW 35.22.540; repealing section 35.22.550, chapter 7, Laws of 1965 and RCW 35.22.550; repealing section 35.22.560, chapter 7, Laws of 1965, section 89, chapter 81, Laws of 1971 and RCW 35.22.560; repealing section 35.23.590, chapter 7, Laws of 1965 and RCW 35.23.590; repealing section 35.23.600, chapter 7, Laws of 1965, section 8, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.600; repealing section 35.23.610, chapter 7, Laws of 1965 and RCW 35.23.610; repealing section 35.23.620, chapter 7, Laws of 1965, section 7, chapter 241, Laws of 1967 and RCW 35.23.620; repealing section 6, chapter 241, Laws of 1967 and RCW 35.23.625; repealing section 35.23.630, chapter 7, Laws of 1965 and RCW 35.23.630; repealing section 35.23.640, chapter 7, Laws of 1965 and RCW 35.23.640; repealing section 35.23.650, chapter 7, Laws of 1965, section 1, chapter 35, Laws of 1969 and RCW 35.23.650; repealing section 35.23.660, chapter 7, Laws of 1965 and RCW 35.23.660; repealing section 35.23.670, chapter 7, Laws of 1965 and RCW 35.23.670; repealing section 35.24.450, chapter 7, Laws of 1965, section 1, chapter 94, Laws of 1965, section 11, chapter 116, Laws of 1965 ex. sess. and RCW 35.24.450; repealing section 35.24.460, chapter 7, Laws of 1965, section 2, chapter 94, Laws of 1965, section 12, chapter 116, Laws of 1965 ex. sess., section 29, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.460; repealing section 8, chapter 241, Laws of 1967 and RCW 35.24.465; repealing section 35.24.470, chapter 7, Laws of 1965, section 13, chapter 116, Laws of 1965 ex. sess., section 30, chapter 136, Laws of 1979 ex. sess. and RCW 35.24.470; repealing section 1, chapter 108, Laws of 1965 and RCW 35.24.480; repealing section 35.27.520, chapter 7, Laws of 1965, section 16, chapter 116, Laws of 1965 ex. sess., section 1, chapter 28, Laws of 1969 and RCW 35.27.520; repealing section 2, chapter 108, Laws of 1965 and RCW 35.27.525; repealing section 35.27.530, chapter 7, Laws of 1965, section 17, chapter 116, Laws of 1965 ex. sess., section 31, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.530; repealing section 9, chapter 241, Laws of 1967 and RCW 35.27.535; repealing section 35.27.540, chapter 7, Laws of 1965, section 18, chapter 116, Laws of 1965 ex. sess., section 32, chapter 136, Laws of 1979 ex. sess. and RCW 35.27.540; repealing section 35A.20.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.010; repealing section 35A.20.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.020; repealing section 35A.20.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.030; repealing section 35A.20.040, chapter 119, Laws of 1967 ex. sess., section 33, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.040; repealing section 35A.20.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.050; repealing section 35A.20.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.060; repealing section 35A.20.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.070; repealing section 35A.20.080, chapter 119, Laws of 1967 ex. sess., section 34, chapter 136, Laws of 1979 ex. sess. and RCW 35A.20.080; repealing section 35A.20.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.090; repealing section 35A.20.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.100; repealing section 35A.20.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.110; repealing section 35A.20.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.120; repealing section 35A.20.130, chapter 119, Laws of 1967 ex. sess. and RCW 35A.20.130; repealing section 7, chapter 132, Laws of 1981, section 1, chapter 9, Laws of 1983 1st ex. sess. and RCW 2.56.100; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess., section 129, chapter 78, Laws of 1980 and RCW 3.62.015; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 2, chapter 330, Laws of 1981 and RCW 3.62.080; repealing section 4, chapter 330, Laws of 1981 and RCW 13.40.260; repealing section 2, chapter 107, Laws of 1977 ex. sess. and RCW 36.18.026; repealing section 2, chapter 70, Laws of 1980, section 6, chapter 330, Laws of 1981 and RCW 36.18.027; repealing section 3, chapter 212, Laws of 1977 ex. sess., section 1, chapter 164, Laws of 1979 ex. sess., section 8, chapter 4, Laws of 1981, section 1, chapter 127, Laws of 1981 and RCW 43.101.210; repealing section 3, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.518;

repealing section 46.68.050, chapter 12, Laws of 1961, section 10, chapter 99, Laws of 1969, section 23, chapter 199, Laws of 1969 ex. sess. and RCW 46.68.050; repealing section 2, chapter 9, Laws of 1970 ex. sess., section 1, chapter 26, Laws of 1971 ex. sess., section 97, chapter 136, Laws of 1979 ex. sess. and RCW 46.81.030; repealing section 5, chapter 39, Laws of 1963 and RCW 46.81.040; repealing section 3, chapter 9, Laws of 1970 ex. sess. and RCW 46.81.050; repealing section 7, chapter 39, Laws of 1963, section 5, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.060; repealing section 47.08.030, chapter 13, Laws of 1961, section 26, chapter 199, Laws of 1969 ex. sess. and RCW 47.08.030; repealing section 1, chapter 57, Laws of 1975, section 31, chapter 78, Laws of 1980 and RCW 77.21.050; repealing section 1, chapter 144, Laws of 1953, section 1, chapter 260, Laws of 1957, section 1, chapter 127, Laws of 1965 ex. sess., section 1, chapter 100, Laws of 1972 ex. sess., section 2, chapter 106, Laws of 1973, section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 2, chapter 263, Laws of 1975 1st ex. sess., section 2, chapter 318, Laws of 1977 ex. sess., section 4, chapter 255, Laws of 1979 ex. sess. and RCW 2.04.090; repealing section 6, chapter 221, Laws of 1969 ex. sess., section 2, chapter 100, Laws of 1972 ex. sess., section 3, chapter 106, Laws of 1973, section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 3, chapter 263, Laws of 1975 1st ex. sess., section 3, chapter 318, Laws of 1977 ex. sess., section 5, chapter 255, Laws of 1979 ex. sess. and RCW 2.06.060; repealing section 2, chapter 144, Laws of 1953, section 2, chapter 260, Laws of 1957, section 2, chapter 127, Laws of 1965 ex. sess., section 1, chapter 65, Laws of 1967, section 3, chapter 100, Laws of 1972 ex. sess., section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282), section 4, chapter 263, Laws of 1975 1st ex. sess., section 4, chapter 318, Laws of 1977 ex. sess., section 6, chapter 255, Laws of 1979 ex. sess. and RCW 2.08.090; repealing section 1, chapter 259, Laws of 1957, section 1, chapter 93, Laws of 1969, section 1, chapter 156, Laws of 1974 ex. sess., section 7, chapter 255, Laws of 1979 ex. sess. and RCW 2.56.010; repealing section 57, page 233, Laws of 1854, section 168, page 370, Laws of 1873, section 1869, Code of 1881 and RCW 12.16.010; repealing section 66, page 234, Laws of 1854, section 177, page 371, Laws of 1873, section 1878, Code of 1881 and RCW 12.16.100; repealing section 67, page 234, Laws of 1854, section 178, page 371, Laws of 1873, section 1879, Code of 1881 and RCW 12.16.110; repealing section 68, page 234, Laws of 1854, section 179, page 372, Laws of 1873, section 1880, Code of 1881 and RCW 12.16.120; making an appropriation; and providing effective dates;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

Senator Talmadge moved that the Senate do concur in the House amendments to Substitute Senate Bill No. 4430.

On motion of Senator Pullen, further consideration of Substitute Senate Bill No. 4430 was deferred.

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4852 with the following amendments:

On page 2, line 2 after "point for" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 2, line 15 after "attract" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 2, line 35 after "assistance to" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 3, line 3 after "interested" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 3, line 4 after "analyze" strike "foreign" and insert "international"

On page 3, line 9 after "between" strike "foreign" and after "nations" insert "nations other than the United States of America"

On page 3, line 16 after "assistance to" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 4, line 3 after "number of" strike "foreign" and after "investors" insert "from nations other than the United States of America"

On page 4, line 4 after "number of" strike "foreign" and after "businesses" insert "owned or controlled by investors who are citizens of nations other than the United States of America".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4852.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4852, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4852, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Newhouse - 1.

ENGROSSED SENATE BILL NO. 4852, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 14, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3868 with the following amendments:

On page 4, after line 1, insert the following:

"Sec. 5, Section 1, chapter 62, Laws of 1981 and RCW 87.03.018 are each amended to read as follows:

Two or more irrigation districts may create a separate legal authority to carry out any or all of the powers described in RCW 87.03.015. To enable such a legal authority to carry out its delegated powers, the irrigation districts creating the authority may assign, convey, or otherwise transfer to it any or all of their respective property, rights, or obligations, including, without limitation, the power to issue revenue obligations and the power of condemnation. Such a legal authority shall be created and organized by contract in the manner described in chapter 39.34 RCW and shall be a separate legal entity.

A separate legal authority shall only have power to incur indebtedness that is repayable from rates, tolls, charges, or contract payments for services or electricity provided by the authority and to pledge such revenues for the payment and retirement of indebtedness issued for the construction or acquisition of hydroelectric facilities. An authority shall not have power to levy taxes or to impose assessments for the payment of obligations of the authority. Every bond or other evidence of indebtedness issued by an authority shall provide (1) that repayment shall be limited solely to the revenues of the authority; and (2) that no member of the authority shall be obligated to repay directly or indirectly any obligation of the authority except to the extent of fair value for services actually received from the authority. No member may pledge its revenues to support the issuance of revenue bonds or other indebtedness of an authority."

On page 1, on line 6 of the title, after "87.03.460;" insert "; amending section 1, chapter 62, Laws of 1981 and RCW 87.03.018;";

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3868.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3868, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3868, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Loe, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 43.

Absent: Senators Haley, Metcalf, Quigg, Zimmerman - 4.

Excused: Senators Kiskaddon, Newhouse - 2.

SUBSTITUTE SENATE BILL NO. 3868, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator McDermott, the Senate reverted to the first order of business.

REPORTS OF STANDING COMMITTEES

February 27, 1984

ESHB 1156 Prime Sponsor, Committee on Ways and Means: Adopting the supplemental budget. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Hold.

GUBERNATORIAL APPOINTMENTS

February 29, 1984

GA 135 RALPH E. MACKEY, to the position of Member of the Interagency Committee for Outdoor Recreation, appointed by the Governor on August 9, 1983, for the term ending December 31, 1985, succeeding Virgil E. Magruder. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, Pullen.

Passed to Committee on Rules.

February 29, 1984

GA 136 VIRGINIA W. WARDEN, to the position of Member of the Interagency Committee for Outdoor Recreation, appointed by the Governor on August 9, 1983, for the term ending December 31, 1985, succeeding Ida Jo Simmons. Reported by Committee on Parks and Ecology

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hughes, Chairman; Talmadge, Vice Chairman; Hansen, Hurley, Kiskaddon, Lee, Pullen.

Passed to Committee on Rules.

MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 1156 was advanced to second reading and placed on the second reading calendar.

MOTION

At 11:56 a.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4489 with the following amendments:

- On page 1, line 14, after "lien" insert "of record"
- On page 3, line 13, after "lien" insert "of record"
- On page 3, line 15, after "lien" insert "of record"
- On page 3, line 19, after "lien" insert "of record".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 4489.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4489, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4489, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 08; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Patterson, Peterson, Pullen, Rasmussen, Shinpoch, Talmadge, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Haley, McManus, Owen, Quigg, Rinehart, Sellar, Thompson, Warnke - 8.

Excused: Senators Kiskaddon, Newhouse - 2.

SUBSTITUTE SENATE BILL NO. 4489, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

INTRODUCTION OF SPECIAL GUEST

Senator "Barney" Goltz introduced two special guests who were present in the Senate Chamber; the Honorable Dr. Avard Fairbanks, an internationally renowned artist, who, today, presented his sculpture of George Washington to be permanently located in the state reception room, and accompanying Dr. Fairbanks was his son, Dr. Eugene Fairbanks, a Bellingham physician.

With permission of the Senate, business was suspended to permit Dr. Avard Fairbanks and Dr. Eugene Fairbanks to address the Senate.

MOTION

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156, by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Adopting the supplemental budget.

The bill was read the second time.

MOTION

Senator McDermott moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A supplemental budget as set forth in this 1984 act is hereby adopted and, subject to the provisions set forth in this 1984 act, the several amounts specified in this 1984 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes

for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

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PART I

GENERAL GOVERNMENT

Sec. 101. Section 2, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ~~((22,425,000))~~
22,387,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the purposes of the production of an environmental study on the state-leased low-level radioactive waste site at Hanford, Washington.

Sec. 102. Section 3, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ~~((20,111,000))~~
20,044,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the environmental study described in section 2(2) of this act.

Sec. 103. Section 4, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ~~((1,387,000))~~

1,458,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000 is provided solely for a peer review of the state auditor's office.

(2) ~~((The legislative budget committee shall conduct a performance audit of the common school preschool handicapped program with respect to staffing and severity ratios and shall submit a report to the legislature before January 1, 1984))~~ \$73,000 is provided solely to conduct or have conducted a performance audit of the state's tourism promotion program. The performance audit should include, but not be limited to, identification of:

(a) The number of jobs actually created by and retained due to the state's promotion activities;

(b) The number of additional travelers who vacationed in the state due to the state's promotional activities;

(c) Who benefits from the expenditure of state tourism dollars; and

(d) The actual additional tax revenues collected that are directly attributable to the state's promotional activities. The completed audit shall be submitted to the legislature before January 1, 1985.

Sec. 104. Section 5, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation \$ ~~((1,531,000))~~
1,523,000

Sec. 105. Section 6, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation \$ ~~((346,000))~~
344,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.

(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level funding methods which may be used for the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.

(3) \$35,000 of the appropriation in this section shall be used solely for the process of filling the vacancy of the state actuary.

Sec. 106. Section 7, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation \$ ~~((5,120,000))~~
5,094,000

Sec. 107. Section 8, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation \$ ~~((7,126,000))~~
7,075,000

General Fund—Judiciary Education Account Appropriation \$ 1,378,000

Total Appropriation \$ ~~((8,504,000))~~
8,453,000

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

Sec. 108. Section 9, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation \$ ~~((2,036,000))~~
2,030,000

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

Sec. 109. Section 10, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation \$ ~~((9,030,000))~~
8,999,000

Sec. 110. Section 11, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((21,555,000))
		21,680,000
General Fund—Judiciary Education Account Appropriation	\$	1,310,000
Total Appropriation	\$	((22,865,000))
		22,990,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~\$((8,524,000))~~ 8,654,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; ~~\$((300,000))~~ 430,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) \$610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) \$195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

(5) \$280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts' office.

(6) \$75,000 of the general fund is provided solely for the limited practice board. The board shall report to the committees on judiciary of the senate and house of representatives no later than January 15, 1985, regarding its activities during the biennium. The report shall include, but not be limited to: (a) information regarding revenues received to date, including their sources and amounts; (b) expenditures to date, including their purposes and amounts; (c) the number of applications for certification; (d) the number of applicants certified; (e) the educational courses and programs accredited by the board; (f) the number and scope of complaints received, investigations initiated, grievance hearings held, and disciplinary actions taken; (g) the standardized forms approved by the board; (h) the regulations adopted by the board; and (i) anticipated board activities in the ensuing biennium.

Sec. 111. Section 12, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation	\$	((426,000))
		424,000

Sec. 112. Section 13, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	((3,441,000))
		3,425,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$209,000 shall be used solely for extradition expenses to carry out the provisions of RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(2) \$154,000 shall be used solely for mansion maintenance.

(3) ~~\$((3,070,000))~~ 3,062,000 shall be used solely for executive operations.

Sec. 113. Section 14, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((249,000))
		248,000

Sec. 114. Section 15, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((4,942,000))
		6,685,000

General Fund—Archives and Records Management Account		
Appropriation	\$	1,310,000
Total Appropriation	\$	((6,252,000))
		7,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((920,000))~~ 789,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures: PROVIDED, That the secretary of state review, audit and approve as accurate the costs incurred by the counties.

(2) \$1,912,000 is provided solely to reimburse counties for the state's share of election costs attributable under RCW 29.13.045 to the 1983 special primary and vacancy election for the

office of United States Senator: PROVIDED, That the secretary of state review, audit, and approve as accurate the costs incurred by the counties.

(3) \$1,558,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

Sec. 115. Section 20, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	((512,000))
		<u>514,000</u>
General Fund Appropriation—Federal	\$	398,000
Motor Vehicle Fund Appropriation	\$	290,000
Municipal Revolving Fund Appropriation	\$	13,293,000
Auditing Services Revolving Fund Appropriation	\$	7,083,000
Total Appropriation	\$	((21,576,000))
		<u>21,578,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by \$196,000 and the municipal revolving fund appropriation shall be reduced by \$196,000.

(2) \$3,000 of the general fund—state appropriation is provided solely for the payment of assessments by weed districts on state lands in accordance with RCW 17.04.180.

Sec. 116. Section 21, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	((4,288,000))
		<u>4,282,000</u>
Legal Services Revolving Fund Appropriation	\$	25,683,000
Total Appropriation	\$	((29,971,000))
		<u>29,965,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended for the support of the crime watch program.

(2) No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

(3) A maximum of \$313,000 is provided solely for the criminal litigation unit.

(4) \$24,000 of the general fund appropriation is provided solely for a consumer protection hotline within the consumer protection division.

Sec. 117. Section 22, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	((11,616,000))
		<u>12,353,000</u>
General Fund Appropriation—Federal	\$	50,000
Medical Aid Fund Appropriation—State	\$	100,000
Data Processing Revolving Fund Appropriation	\$	1,368,000
Total Appropriation	\$	((13,134,000))
		<u>13,871,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

~~((3))~~ (2) \$20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(3) \$775,000 of the general fund—state appropriation is provided solely for the Washington state patrol criminal history information system.

(4) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

Sec. 118. Section 24, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Fund Appropriation	\$	((8,625,000)) 8,753,000
State Employees' Insurance Fund Appropriation	\$	1,542,000
Total Appropriation	\$	((10,167,000)) 10,295,000

The appropriations in this section are subject to the following conditions and limitations: ~~((If House Bill No. 134 is enacted before July 1, 1983, the department of personnel service fund appropriation shall be reduced by \$275,000;))~~ \$45,000 from the department of personnel service fund is provided solely for a comparative study, jointly funded with the department of retirement systems and the higher education personnel board, of part-time employee policy and benefits. This study shall be directed to other states and representative private colleges and universities and private sector service-related enterprises as to their practices and policies for shared work, phased retirement, health care benefits, retirement allowances, and other related issues. A report shall be made to the legislature not later than December 21, 1984, containing findings and recommendations.

Sec. 119. Section 27, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((43,164,000)) 43,054,000
General Fund—State Timber Tax Reserve Account Appropriation	\$	2,851,000
Motor Vehicle Fund Appropriation	\$	115,000
Total Appropriation	\$	((46,130,000)) 46,020,000

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

Sec. 120. Section 28, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((999,000)) 997,000
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Sec. 121. Section 29, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	((6,038,000)) 5,992,000
General Fund Appropriation—Private/Local	\$	58,000
General Fund—Motor Transport Account Appropriation	\$	6,858,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	16,180,000
Total Appropriation	\$	((29,134,000)) 29,088,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

Sec. 122. Section 30, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	((7,902,000)) 7,925,000
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The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely for the insurance commissioner to conduct a survey of, but not limited to, mandated health benefits and offerings by insurance carriers, health care service contractors, and health maintenance organizations that includes the cost and premiums charged, and the expense and claims experience incurred, by line of coverage for such offerings or benefits. A report containing such data shall be delivered to the legislature by December 1, 1985.

Sec. 123. Section 31, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION
 General Fund Appropriation \$ ~~((976,000))~~
971,000

Sec. 124. Section 32, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS
 Department of Retirement Systems Expense Fund Appropriation \$ ~~((10,458,000))~~
10,478,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) \$20,000 is provided for the department of retirement systems to join with the department of personnel in conducting a study of part-time employee policy and benefits.

Sec. 125. Section 34, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY
 General Fund Appropriation \$ ~~((294,000))~~
292,000
 Certified Public Accountant Examination Account Appropriation \$ 351,000
 Total Appropriation \$ ~~((645,000))~~
643,000

((The appropriations in this section are subject to the following conditions and limitations: if Substitute House Bill No. 646 is not enacted by July 1, 1983, the general fund appropriation shall be increased by \$317,000.))

Sec. 126. Section 37, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION
 Horse Racing Commission Fund Appropriation \$ ~~((2,836,000))~~
3,480,000

The appropriation in this section is subject to the following conditions and limitations: If there are more than seven hundred two racing days during the fiscal biennium ending June 30, 1985, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

Sec. 127. Section 38, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM, AND THE LICENSING AND ENFORCEMENT PROGRAM
 Liquor Revolving Fund Appropriation \$ ~~((14,491,000))~~
14,676,000

The appropriation in this section is subject to the following conditions and limitations: \$185,000 is provided solely for beginning the development and implementation of a computerized data processing regulatory system.

Sec. 128. Section 39, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD—MERCHANDISING PROGRAM
 Liquor Revolving Fund Appropriation \$ ~~((70,397,000))~~
70,212,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall maintain a minimum productivity of 43,821 bottles sold adjusted to retail per FTE staff year. However, The board may, without regard to this productivity standard, utilize funds included in this section equal to three percent of lottery ticket sales in liquor stores for direct labor in the stores. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board's budget request for the fiscal biennium ending June 30, 1985. The board shall not permit a productivity less than that specified in this section for any reason, including ((but not limited to the sale of lottery tickets or)) decreases in the demand for liquor.

(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.

(3) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.

(4) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1985.

Sec. 129. Section 40, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PHARMACY BOARD

General Fund Appropriation	\$	((1,072,000))
		1,033,000
Health Professions Account Appropriation	\$	200,000
<u>Total Appropriation</u>	<u>\$</u>	<u>1,233,000</u>

The appropriations in this section are subject to the following conditions and limitations: The health professions account appropriation is provided solely for the purpose of conducting drug-related investigations involving those licensed health care practitioners who are not licensed pharmacists. Nothing herein shall affect the authority of the department of licensing to adjust revenues from licensure fees proportionally by profession pursuant to RCW 43.24.086 to effectuate the purposes of this section.

Sec. 130. Section 41, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State	\$	((17,351,000))
		17,832,000
Public Service Revolving Fund Appropriation—Federal	\$	452,000
Grade Crossing Protective Fund Appropriation	\$	516,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((18,319,000))</u>
		18,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the grade crossing protective fund appropriation shall be expended for obligations incurred in previous biennia.

(2) Not more than \$110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.

(3) \$150,000 from the public service revolving fund appropriation is provided solely for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.

(4) \$700,000 is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

(5) \$481,000 of the public service revolving fund appropriation is provided solely for the following purposes:

(a) To implement chapter 3, Laws of 1984;

(b) To conduct a study of local exchange costs, pricing, and investment;

(c) To conduct a study of rates of drop-off and bypass of telephone service;

(d) For six additional FTE staff units: Two utility service examiners and four research analysts 4; and

(e) For the citizens' advisory committee on utilities and telecommunications.

Sec. 131. Section 43, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	((766,000))
		882,000
General Fund Appropriation—Federal	\$	3,862,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((4,628,000))</u>
		4,744,000

Sec. 132. Section 44, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	((6,931,000))
		6,892,000
General Fund Appropriation—Federal	\$	1,723,000
<u>Total Appropriation</u>	<u>\$</u>	<u>((8,654,000))</u>
		8,615,000

Sec. 133. Section 45, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	((1,422,000))
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1,560,000

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 1219 or similar legislation is not enacted prior to July 1, 1984, \$141,000 of the appropriation in this section shall lapse.

Sec. 134. Section 49, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation \$ ~~(768,000)~~
766,000

(The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.)

NEW SECTION. Sec. 135. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE DEFERRED COMPENSATION COMMITTEE

Deferred Compensation Revolving Fund \$ 650,000

The appropriation in this section is subject to the following conditions and limitations:

(1) In order to implement the appropriation in this section, the deferred compensation committee is authorized to enter into an agreement with the state treasurer, with the consent of the state finance committee, under the authority of RCW 43.84.100. Repayment of any interfund loan agreed to shall be repaid, with appropriate interest, by June 30, 1989.

(2) The appropriation in this section shall revert to the deferred compensation revolving fund if Substitute Senate Bill No. 3926 is enacted into law.

PART II

HUMAN SERVICES

Sec. 201. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$~~(51,863,000)~~ 51,573,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$~~(25,458,000)~~ 25,344,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$~~(4,054,000)~~ 4,036,000 is provided for intensive parole.

(v) \$~~(16,952,000)~~ 16,876,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$~~(4,026,000)~~ 4,008,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$~~(877,000)~~ 873,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State \$ ~~(206,860,000)~~
210,292,000

General Fund Appropriation—Federal \$ 700,000

Total Appropriation \$ ~~(207,560,000)~~
210,992,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW ~~(72.01.050)~~ 72.65.010 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, and the administrators of work release facilities shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution or work release

facility. The superintendents and administrators shall encourage groups conducting such programs outside the institutions or work release facilities to participate in such programs inside the institution or work release facility. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) ~~((The department shall))~~ \$1,370,000 of the general fund—state appropriation is provided solely for the department to contract with appropriate counties for the use of up to ~~((200))~~ 100 additional beds in county jails for state inmates. ~~((Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.))~~

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$	((13,270,000))
		13,983,000
General Fund—Institutional Impact Account Appropriation	\$	865,000
Total Appropriation	\$	((14,143,000))
		14,848,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(b) \$631,000 of the general fund—state appropriation is provided solely for the development of an offender-based information system.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	((5,463,000))
		5,439,000

The appropriation in this subsection is subject to the following conditions and limitations: \$13,500 may be used to develop a proprietary accounting system.

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections. However, moneys provided under subsection (2)(a) of this section may be transferred to the community services division for use in drug and alcohol rehabilitation programs in work release facilities.

Sec. 202. Section 52, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

~~((2))~~ The department of social and health services shall not initiate any services which will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on July 1, 1983. The department of social and health services may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of the amounts anticipated in this act. Any federal moneys not anticipated in this act and state general fund moneys made available as a result of unanticipated federal moneys shall not be spent to provide new services or programs without prior consultation with the ways and means committees of the senate and house of representatives.

Sec. 203. Section 53, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((25,444,000))
		25,410,000
General Fund Appropriation—Federal	\$	54,000
Total Appropriation	\$	((25,498,000))
		25,464,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,329,000 of the general fund—state appropriation is provided solely for consolidated juvenile services. The department shall use these moneys to reduce commitments to the department and promote alternatives to institutional bed usage. The department shall submit a report to the legislature by December 1, 1984, on the success of these services in preventing institutionalization and reducing recidivism.

(b) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((40,000,000))
		39,871,000
General Fund Appropriation—Federal	\$	788,000
Total Appropriation	\$	((40,796,000))
		40,659,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection shall be initially allotted as follows:

- (a) \$11,763,000, of which \$11,507,000 is from the general fund—state appropriation, and 390.0 FTE staff years for the Echo Glen Children's Center to operate at least eleven cottages.
- (b) \$9,836,000, of which \$9,638,000 is from the general fund—state appropriation, and 320.0 FTE staff years for the Maple Lane School to operate at full bed capacity.
- (c) \$10,356,000, of which \$10,212,000 is from the general fund—state appropriation, and 310.4 FTE staff years for the Green Hill School to operate at full bed capacity.
- (d) \$5,436,000, of which \$5,318,000 is from the general fund—state appropriation, and 159.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity.
- (e) \$3,405,000, of which \$3,333,000 is from the general fund—state appropriation, and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	((2,207,000))
		2,195,000

(4) The appropriations in subsections (1), (2), and (3) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 204, Section 54, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((85,128,000))
		82,621,000
General Fund Appropriation—Federal	\$	((14,095,000))
		26,596,000
General Fund Appropriation—Local	\$	264,000
Total Appropriation	\$	((99,487,000))
		109,481,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, ~~((1984))~~ 1985, describing its progress in complying with this requirement.

(b) \$436,000 of the general fund—state appropriation is provided solely for pilot school-based early intervention projects in at least three school districts. The department shall issue a request for proposals no later than September 1, 1983, and shall contract with school districts no later than January 1, 1984. School districts shall be required to provide in-kind matching equal in value to at least 43% of the funding provided in this subsection. At least 85% of children served in each participating district shall be in grades kindergarten through three. Parental consent shall be required before any child is involved in screening or accepted into a project. Each project staff shall include a children's mental health professional and a paraprofessional coordinator. The department shall plan and administer the projects in consultation with the superintendent of public instruction, local school districts, licensed community mental health providers, and other community representatives. Of the amount provided in this subsection, up to \$70,000 may be expended for administration, training, and consultation by the department.

(c) \$465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:

- (i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;
- (ii) Technical assistance to the department of social and health services; and
- (iii) Continuing educational opportunities for mental health professionals state-wide.

(d) \$3,300,000 of the general fund—federal appropriation is provided for continuation grants to previously directly federally funded operations grants to mental health agencies.

(e) \$2,600,000 of the general fund—federal appropriation is provided for community support project grants.

(f) \$2,900,000 of the general fund—federal appropriation is provided for transitional grants to mental health agencies to serve general assistance—unemployable clients.

(g) \$600,000 of the general fund—federal appropriation is provided for enhancement of services for minority clients of mental health agencies who meet priority group definitions.

(h) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((107,845,000))
		107,530,000
General Fund Appropriation—Federal	\$	3,493,000
Total Appropriation	\$	((111,338,000))
		111,023,000

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	((2,854,000))
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	2,845,000
General Fund Appropriation—Federal	\$ 584,000
General Fund Appropriation—Local	\$ 14,000
Total Appropriation	\$ ((3,452,000))
	<u>3,443,000</u>

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$ 38,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 205, Section 55, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$ ((51,390,000))
	51,386,000
General Fund Appropriation—Federal	\$ ((41,765,000))
	49,265,000
Total Appropriation	\$ ((93,155,000))
	<u>100,651,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation is provided solely for a contract marketing project to ensure greater access for small agencies providing long-term employment to individuals with severe developmental disabilities. The department shall determine the criteria for small agencies that will benefit from this marketing project and enlist the support of business, industry, and government in developing work opportunities. The department shall monitor the contract and submit a report to the legislature by December 1, 1984. The report shall include changes in the workers' wages and commercial revenue of the agencies involved during the period of the project.

(b) The appropriations in this subsection shall be initially allotted as follows:

(i) \$14,664,000 of the general fund—state appropriation for group homes to serve an average monthly caseload of 936 clients.

(ii) \$24,759,000, of which \$2,772,000 is from the general fund—state appropriation, for county services to serve an average monthly caseload of 3,837 clients.

(iii) \$8,390,000, of which \$6,922,000 is from the general fund—state appropriation, for field services to serve an average monthly caseload of 9,575 clients.

(iv) \$2,652,000, of which \$536,000 is from the general fund—state appropriation, for home aid to serve an average monthly caseload of 1,066 clients.

(v) \$33,036,000, of which \$16,842,000 is from the general fund—state appropriation, for title XIX residential services to serve an average monthly caseload of 965 clients.

(vi) \$956,000 of the general fund—state appropriation for alternative living to serve an average monthly caseload of 322 clients.

(vii) \$8,423,000 of the general fund—state appropriation for tenant support to serve an average monthly caseload of 541 clients.

(c) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(d) \$175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(e) \$2,226,000 of the general fund—state appropriation made available as a result of implementation of the community alternatives program—Title XIX medicaid waiver shall be placed in a reserve account. No expenditure may be made from this reserve account unless specifically authorized by law. The department shall report not later than December 1, 1984, to the ways and means committees of the senate and house of representatives on its implementation of the community alternatives program—Title XIX medicaid waiver. The report shall include the number of clients covered and served, the types of services provided, and the costs and savings associated with the waiver. The department shall not expend any state funds made available through the waiver to create new programs except the developmental disabilities adult dental care program.

(f) A maximum of \$1,274,000 of the general fund—state appropriation made available as a result of implementation of the community alternatives program—Title XIX medicaid waiver may be spent to increase employee compensation in community residential facilities serving developmentally disabled persons.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ ((166,012,000))
	99,735,000
General Fund Appropriation—Federal	\$ 62,045,000

Total Appropriation \$ ~~((162,057,000))~~
161,780,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection shall be initially allotted as follows:

- (a) \$40,686,000 and 1,584.2 FTE staff years for the Fircrest School to operate at a biennial average daily population of 496.
- (b) \$18,178,000 and 745.4 FTE staff years for the Interlake School to operate at a biennial average daily population of 250.
- (c) \$43,959,000 and 1,670.4 FTE staff years for the Rainier School to operate at a biennial average daily population of 512.5.
- (d) \$29,668,000 and 1,219.0 FTE staff years for the Lakeland Village School to operate at a biennial average daily population of 350.
- (e) \$12,266,000 and 475.2 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 150.
- (f) \$4,773,000 and 191.6 FTE staff years for the Frances Haddon Morgan Children's Center to operate at a biennial average daily population of 54.
- (g) \$4,562,000 and 151.8 FTE staff years for the School for the Blind to operate at a biennial average daily population of 63.
- (h) \$7,965,000 and 235.8 FTE staff years for the School for the Deaf to operate at a biennial average daily population of 205.

(3) PROGRAM SUPPORT

General Fund Appropriation—State \$ ~~((3,742,000))~~
3,732,000
 General Fund Appropriation—Federal \$ 864,000
 Total Appropriation \$ ~~((4,606,000))~~
4,596,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State \$ ~~((911,000))~~
908,000
 General Fund Appropriation—Federal \$ 1,152,000
 Total Appropriation \$ ~~((2,063,000))~~
2,060,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 206. Section 56, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State \$ ~~((217,004,000))~~
217,073,000
 General Fund Appropriation—Federal \$ 211,341,000
 Total Appropriation \$ ~~((428,425,000))~~
428,414,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department shall provide a coherent system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources.
- (2) \$323,831,000, of which \$162,984,000 is from the general fund—state appropriation, is provided for nursing home services.

~~((a)) Of the amounts provided in this subsection (2), \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate Bill No. 3780 or Senate Bill No. 3920 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 and Senate Bill No. 3920 fail to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of \$6,000,000, of which \$3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.~~

~~(b)) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.~~

~~(3) \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, ((shall be placed in a reserve account. The department shall report not later than January 1, 1984, to the ways and means committees of the senate and house of representatives on efforts to divert clients from unnecessary nursing home placements through the use of the community options program entry system federal waiver. The report shall include data on the number of clients so diverted, the types of care and/or services provided to such clients as alternatives to nursing home placement, and the costs and savings associated with such diversions. No expenditure may be made from the reserve account established in this subsection unless specifically authorized by law)) is released from reserve status. These moneys are provided solely for the chore services program.~~

(4) \$85,869,000, of which \$44,159,000 is from the general fund—state appropriation, is provided solely for community-based long-term care services including congregate care,

adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) \$452,000 of the general fund—state appropriation is provided solely for increased rates and respite care payments for adult family homes to promote participation in the program.

(b) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) \$14,112,000 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program and shall not be transferred or used for any other purpose.

(d) \$41,095,000, of which \$18,277,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, ~~((1983))~~ 1984, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(e) \$30,210,000, of which \$11,318,000 is from the general fund—state appropriation, is provided for the services outlined in subsections (4) (e) (i) through (v) of this section and shall be initially allotted as follows:

(i) \$18,301,000 from federal funds is provided for the federal older Americans act.

(ii) \$1,193,000, of which \$602,000 is from the general fund—state appropriation, is provided for adult day health services.

(iii) \$51,000 is provided for nursing home discharge payments.

(iv) \$8,454,000 is provided for congregate care services.

(v) \$2,211,000 is provided for adult family home services.

(5) ~~\$(10,725,000))~~ 10,714,000, of which ~~\$(5,941,000))~~ 5,930,000 is from the general fund—state appropriation, is provided for the administration of long-term care services and shall be initially allotted as follows:

(a) ~~\$(2,618,000))~~ 2,613,000, of which ~~\$(1,755,000))~~ 1,750,000 is from the general fund—state appropriation, is provided for the bureau of aging and adult services.

(b) ~~\$(8,107,000))~~ 8,101,000, of which ~~\$(4,186,000))~~ 4,180,000 is from the general fund—state appropriation, is provided for the bureau of nursing home affairs.

Sec. 207. Section 57, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((359,127,000))
		374,252,000
General Fund Appropriation—Federal	\$	((314,381,000))
		329,502,000
Total Appropriation	\$	((673,508,000))
		703,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of the opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient incapacitated.

~~((3))~~ (2) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

~~((4))~~ (3) ~~\$(25,536,000))~~ 55,782,000, of which ~~\$(12,768,400))~~ 27,893,000 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, ~~((1984))~~ 1985. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

~~((5))~~ (4) \$2,982,000 of the general fund—state appropriation is provided solely for general assistance to pregnant women under the 1983 amendments to RCW 74.04.005.

~~((6))~~ (5) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

((7)) (6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$21	27	32	39	44	50	59	64	

((8)) (7) The appropriations in this section shall be initially allotted as follows:

- (a) \$18,133,000 from federal funds for refugee assistance.
- (b) \$509,490,000, of which \$236,082,000 is from the general fund—state appropriation, for aid to families with dependent children—regular.
- (c) \$25,536,000, of which \$12,768,000 is from the general fund—state appropriation, for aid to families with dependent children—employable.
- (d) \$32,361,000 of the general fund—state appropriation for supplemental security income payments.
- (e) \$66,332,000, of which \$65,127,000 is from the general fund—state appropriation, for general assistance to unemployable persons.
- (f) \$2,982,000 of the general fund—state appropriation for general assistance to pregnant women.
- (g) \$10,954,000, of which \$5,477,000 is from the general fund—state appropriation, for the consolidated emergency assistance program.
- (h) \$3,061,000 of the general fund—state appropriation for burial assistance.
- (i) \$1,871,000, of which \$990,000 is from the general fund—state appropriation, for employment and training support.
- (j) \$2,788,000, of which \$279,000 is from the general fund—state appropriation, for work incentive payments.

Sec. 208. Section 59, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((358,388,000)) 368,391,000
General Fund Appropriation—Federal	\$	((231,464,000)) 241,426,000
Total Appropriation	\$	((589,852,000)) 609,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$((13,355,000))~~ 33,321,000, of which ~~\$((6,677,900))~~ 16,681,000 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, ~~((1984))~~ 1985. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The legislature finds and declares that rising hospital costs are a vital concern. Therefore, it is essential that an effective cost control program be pursued. The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) \$7,000,000 of the general fund—state appropriation (~~((shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law))~~) is released from reserve status. These funds are provided solely for fiscal year 1985 hospital payments.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(8) The department shall reimburse health care providers licensed under chapters 18.53, 18.71, 18.22, and 18.57 RCW for comparable services at equal rates.

Sec. 209. Section 60, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

General Fund Appropriation—State	\$	((38,988,000))
		<u>39,188,000</u>
General Fund Appropriation—Federal	\$	53,161,000
General Fund Appropriation—Local	\$	5,016,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$	20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reapportionation	\$	21,826,000
Total Appropriation	\$	((138,991,000))
		<u>139,191,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

(2) \$1,261,000 is provided solely for poison control centers.

(3) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(4) \$250,000 of the general fund—state appropriation is provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research.

Sec. 210. Section 61, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM

General Fund Appropriation—State	\$	((14,051,000))
		<u>14,028,000</u>
General Fund Appropriation—Federal	\$	25,602,000
Total Appropriation	\$	((39,653,000))
		<u>39,630,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund—state appropriation is provided solely for rehabilitation services to income assistance clients who are not severely disabled. Such services shall be provided through the use of available, unmatched state funds. The division of vocational rehabilitation shall facilitate rapid referral and eligibility determination and provide services to appropriate income assistance clients who do not meet federal regulations for priority services.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

Sec. 211. Section 62, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State	\$	((55,494,000))
		<u>55,118,000</u>
General Fund Appropriation—Federal	\$	41,060,000
General Fund—Institutional Impact Account Appropriation	\$	75,000
Total Appropriation	\$	((96,629,000))
		<u>96,253,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$4,667,000, of which \$1,780,000 is from the general fund—state appropriation, is provided solely for the information resource management plan. This plan shall include among its top priorities continuing development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and health services. Under this plan, the department of social and health services shall:

(1) Maintain the capability to provide the legislature with reports that analyze client, services delivery, and service cost data across all systems containing common client identifier information and provide unduplicated recipient counts and service histories;

(2) Incorporate the medicaid management information system into the common client identifier format;

(3) Develop rapid, flexible, and efficient data extraction and report generation; and

(4) Give priority to the following projects: (a) Community service management and operations system; (b) developmental disabilities management information system; (c) support enforcement management system; (d) automated birth certification system; and (e) mental health accounting system.

Sec. 212. Section 63, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State	\$	((135,516,000))
		134,317,000
General Fund Appropriation—Federal	\$	((146,640,000))
		143,550,000
General Fund Appropriation—Local	\$	100,000
Total Appropriation	\$	((276,256,000))
		277,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the general fund—state appropriation is provided solely for the victims of sexual assault program.

(2) \$608,000 of the general fund—state appropriation is provided solely for additional child protective service workers. These moneys shall be used to provide an additional 12.5 full time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984, and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal year ending June 30, 1985. ~~((Not later than December 1, 1983, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives describing its compliance with the requirements of this subsection; indicating the average caseload of child protective service workers by region and state-wide; and indicating what level of funds would be required to achieve an average caseload of 30 cases per worker.))~~

(3) \$100,000 of the general fund—state appropriation is provided solely for grants to pay operating expenses of community-based private nonprofit social agencies that provide services to indigent families and senior citizens whose needs are not adequately met by government programs.

(4) \$427,000 of the general fund—state appropriation is provided solely for an increase in current staffing for family reconciliation services.

(5) \$2,181,000, of which \$1,283,000 is from the general fund—state appropriation, is provided solely for contracted training.

(6) \$235,000 of the general fund—state appropriation is provided solely for the council on child abuse prevention under chapter 43.121 RCW.

Sec. 213. Section 64, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	((11,867,000))
		11,801,000
General Fund Appropriation—Federal	\$	23,094,000
Total Appropriation	\$	((34,961,000))
		34,895,000

Sec. 214. Section 65, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Appropriation—State	\$	31,857,000
General Fund Appropriation—Federal	\$	((16,875,000))
		21,875,000
General Fund Appropriation—Local	\$	66,000
Total Appropriation	\$	((48,798,000))
		53,798,000

The appropriations in this section are subject to the following conditions and limitations: These general fund reapropriations shall be for services and supplies not in excess of the unexpended balances of the 1981-1983 appropriations for such purposes.

Sec. 215. Section 66, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	((15,040,000)) 15,902,000
General Fund Appropriation—Federal	\$	2,237,000
General Fund Appropriation—Local	\$	3,336,000
Total Appropriation	\$	((21,413,000)) 21,475,000

The appropriations in this section are subject to the following conditions and limitations: ~~((5200,000))~~ Not more than \$400,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

Sec. 216, Section 67, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	((2,735,000)) 6,488,000
General Fund Appropriation—Federal	\$	((53,568,000)) 107,217,000
Total Appropriation	\$	((56,303,000)) 113,705,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((The appropriations in this section are for fiscal year 1984. Contingent on the provisions of chapter ... (ESHB 796), Laws of 1983 and chapter 43.88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.~~

~~((2))~~ (2) Not more than ~~\$((419,000))~~ 856,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

~~((3))~~ (2) \$65,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ~~((... (SSB 3035)))~~ 231, Laws of 1983.

~~((4))~~ (3) ~~\$((292,000))~~ 584,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

~~((5))~~ (4) ~~\$((125,000))~~ 250,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

(5) \$176,000 of the general fund—state appropriation is provided solely for the purposes of an urban development action grant program.

(6) \$117,000 of the general fund—state appropriation is provided solely for the purposes of establishment of a community development finance program.

(7) \$92,000 of the general fund—state appropriation is provided solely for the administration of the weatherization program.

(8) \$30,000 of the general fund—state appropriation is provided solely for the start-up costs related to the housing program established under the housing and urban-rural recovery act of 1983.

(9) \$30,000 of the general fund—state appropriation is provided for a study of the feasibility of retaining branch-line and other rail services by a county or counties desiring to conduct an election pursuant to chapter 36.60 RCW prior to December 31, 1984.

(10) \$90,000 of the general fund—state appropriation is provided solely for a grant for the establishment of a state-wide coordinating center to provide training and technical support for city governments and business organizations involved in the community and economic revitalization and redevelopment of older downtown neighborhoods using the techniques developed by the National Trust for Historic Preservation National Main Street Center. Not later than December 1, 1985, the agency shall report to the legislature on current and anticipated economic benefits of the revitalization program assisted under this appropriation. Special attention shall be given to the amount of new investment in the building rehabilitation projects, the participants' capacity to match funds, the number of new businesses locating in participating downtown areas, and other factors reflecting the economic health of the business communities involved.

(11) \$500,000 is provided solely for the establishment of a local economic assistance program in fiscal year 1985.

(12) The 1984 amendments to this section are contingent on the enactment of Senate Bill No. 3238.

Sec. 217, Section 68, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	((2,968,000)) 2,957,000
General Fund Appropriation—Federal	\$	941,000

Total Appropriation \$ ~~((3,909,000))~~
 3,898,000

The appropriations in this section are subject to the following conditions and limitations:
Funds appropriated in this section may be expended to carry out the purposes of chapter ...
Laws of 1984 (Substitute Senate Bill No. 4623).

Sec. 218. Section 70, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account Appropriation \$ ~~((6,054,000))~~
 6,354,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$161,000 is provided solely for the crime watch program.
- (2) \$170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

(3) \$300,000 is provided solely for transmission to the Washington state patrol, to be distributed by the state patrol to local law enforcement agencies for the purchase of controlled substances in connection with undercover investigations by the local law enforcement agencies.

Sec. 219. Section 71, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State \$ ~~((5,770,000))~~
 5,749,000

General Fund—Crime Victims Compensation Account Appropriation \$ 7,345,000
 Accident Fund Appropriation—State \$ 50,539,000
 Accident Fund Appropriation—Federal \$ 51,000
 Electrical License Fund Appropriation \$ 5,347,000
 Medical Aid Fund Appropriation \$ 48,354,000
 Plumbing Certificate Fund Appropriation \$ 255,000
 Pressure Systems Safety Fund Appropriation \$ 758,000
 Total Appropriation \$ ~~((18,419,000))~~
 118,398,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) Not more than \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation shall be expended for a study of the feasibility of consolidating the department's Olympia-area offices in one building, including the options of leasing, acquiring, or constructing such building. No state general fund moneys may be expended for this study. ~~((The department shall report to the legislature on the findings of the study by January 15, 1984.))~~

Sec. 220. Section 72, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation \$ ~~((2,975,000))~~
 2,966,000

Sec. 221. Section 73, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State \$ ~~((357,000))~~
 356,000

General Fund—Hospital Commission Account Appropriation \$ 1,086,000
 Total Appropriation \$ ~~((1,443,000))~~
 1,442,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, ~~((1983))~~ 1984, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

Sec. 222. Section 74, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	((2,654,000)) 2,650,000
General Fund Appropriation—Federal	\$	133,049,000
General Fund Appropriation—Local	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,638,000
Unemployment Compensation Administration Fund Appropriation	\$	92,543,000
Total Appropriation	\$	((252,043,000)) 252,039,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of \$605 per participant.

(2) \$313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of \$844 per participant.

(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

(4) \$600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter ~~((255B-3624))~~ 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

Sec. 223. Section 75, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((COMMISSION))~~ DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	((1,682,000)) 1,676,000
General Fund Appropriation—Federal	\$	3,415,000
Total Appropriation	\$	((5,097,000)) 5,091,000

The appropriations in this section are subject to the following conditions and limitations: The ~~((commission))~~ department of services for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

Sec. 224. Section 76, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	((512,000)) 770,000
General Fund—Local Jail Improvement and Construction Account		
Appropriation	\$	113,124,000
Total Appropriation	\$	((13,636,000)) 113,894,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation is provided solely for a one-time grant to the King County department of public safety for a text management system to be used by the Green River task force homicide investigation. The text management system shall be made available for use by law enforcement agencies of the state through interagency agreements.

Sec. 225. Section 77, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation \$ ~~(551,000)~~
548,000

PART III
 NATURAL RESOURCES

Sec. 301. Section 78, chapter 76, Laws of 1983 1st ex. sess. (uncodified) 57 is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State \$ ~~(1,104,000)~~
1,103,000
 General Fund Appropriation—Federal \$ 13,032,000
 General Fund Appropriation—Private/Local \$ 60,000
 General Fund—Geothermal Account Appropriation \$ 76,000
 Total Appropriation \$ ~~(14,196,000)~~
14,271,000

Sec. 302. Section 80, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State \$ ~~(20,937,000)~~
20,655,000
 General Fund Appropriation—Federal \$ 9,910,000
 General Fund—Special Grass Seed Burning Research Account
 Appropriation \$ 68,000
 General Fund—Reclamation Revolving Account Appropriation \$ 999,000
 General Fund—Litter Control Account Appropriation \$ 4,310,000
 Stream Gaging Basic Data Fund Appropriation \$ 200,000
 General Fund—State and Local Improvements Revolving
 Account—Waste Disposal Facilities: Appropriated pursuant to
 chapter 127, Laws of 1972 ex. sess. (Referendum 26) \$ 14,511,000
 General Fund—State and Local Improvements Revolving
 Account—Waste Disposal Facilities: Reappropriation (Referen-
 dum 26) \$ 60,923,000
 General Fund—State and Local Improvements Revolving
 Account—Water Supply Facilities: Appropriated pursuant to
 chapter 128, Laws of 1972 ex. sess. (Referendum 27) \$ 1,051,000
 General Fund—State and Local Improvements Revolving
 Account—Water Supply Facilities: Reappropriation (Referen-
 dum 27) \$ 8,788,000
 General Fund—Emergency Water Project Revolving Account
 Appropriation: Appropriated pursuant to chapter 1, Laws of 1977
 ex. sess. \$ 1,926,000
 General Fund—Emergency Water Project Revolving Account:
 Reappropriation \$ 9,343,000
 General Fund—State and Local Improvements Revolving
 Account—Water Supply Facilities: Appropriated pursuant to
 chapter 234, Laws of 1979 ex. sess. (Referendum 38) \$ ~~(16,711,000)~~
2,211,000
 General Fund—State and Local Improvements Revolving
 Account—Water Supply Facilities: Reappropriation (Referen-
 dum 38) \$ 15,805,000
 General Fund—State and Local Improvements Revolving
 Account—Waste Disposal Facilities 1980: Appropriated pursu-
 ant to chapter 159, Laws of 1980 (Referendum 39) \$ 67,589,000
 General Fund—State and Local Improvements Revolving
 Account—Waste Disposal Facilities 1980: Reappropriation (Ref-
 erendum 39) \$ 265,858,000
 Game Fund Appropriation \$ 76,000
 Total Reappropriation \$ 360,717,000
 Total New Appropriation \$ ~~(130,200,000)~~
123,506,000
 Total Appropriation \$ ~~(499,065,000)~~
484,223,000

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and

means and the office of financial management at six-month intervals during the 1983-85 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

(6) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(7) \$68,000 of the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

(8) \$1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~(2SSB-3624)~~) 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(9) \$85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~(SSB-3156)~~) 243, Laws of 1983.

(10) (~~If House Bill No. 595 is enacted before July 1, 1983, the general fund—state and local improvements revolving account—water supply facilities appropriation shall be reduced by \$14,500,000.~~)

(~~11~~) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(~~12~~) (1) \$152,000, of which \$76,000 is from the game fund appropriation and \$76,000 is from the general fund—federal appropriation, shall be expended for the maintenance and security of Padilla Bay estuarine sanctuary.

(~~13~~) If either Substitute House Bill No. 712 or Second Substitute Senate Bill No. 3722 is enacted before July 1, 1983, the general fund—state appropriation shall be reduced by \$540,000.

(12) \$200,000 of the general fund—state appropriation is provided solely for flood management planning.

(13) \$50,000 of the general fund—state appropriation is provided solely for an environmental permit tracking system.

Sec. 303. Section 81, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation \$ ~~(712,000)~~
710,000

Sec. 304. Section 83, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((27,927,000))
		<u>28,826,000</u>
General Fund Appropriation—Private/Local	\$	566,000
General Fund—Trust Land Purchase Account Appropriation	\$	7,694,000
General Fund—Winter Recreation Parking Account Appropriation	\$	156,000
General Fund—Snowmobile Account Appropriation	\$	681,000
General Fund—Outdoor Recreation Account Appropriation	\$	152,000
Motor Vehicle Fund Appropriation	\$	800,000
Total Appropriation	\$	((37,976,000))
		<u>38,875,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ~~((255B-3624))~~ 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(3) \$962,000 of the general fund—state appropriation is provided solely for reimbursement to the tort claim revolving fund.

(4) \$79,000 of the general fund—state appropriation is provided solely for the second year funding of the boating safety program.

Sec. 305. Section 86, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((3,086,000))
		<u>7,707,000</u>

The appropriation in this section is subject to the following conditions and limitations: ~~((The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter — (ESHB-796), Laws of 1983 and chapter 43-88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.))~~

(1) Not more than \$2,287,000 may be expended for the tourism program in fiscal year 1985. \$750,000 of this amount is provided solely for the establishment of a private-sector state matching program. State funds may only be released on a dollar-for-dollar matching basis with private industry. The department is responsible for the development and administration of the program.

(2) Not more than \$573,000 may be expended for the administration program in fiscal year 1985.

(3) \$538,000 is provided solely for the foreign trade program in fiscal year 1985.

(4) \$931,000 is provided solely for the industrial development program in fiscal year 1985.

(5) \$150,000 is provided solely for the small business program in fiscal year 1985.

(6) All personal service contracts for fiscal year 1985 that, in the aggregate, are over \$10,000 shall be approved by the director of financial management and submitted to the chairmen of the house and senate ways and means committees prior to the approval.

(7) \$100,000 is provided for the sole purpose of contracting with the Economic Development Partnership of Washington for organizational development research and planning of the partnership's activities. In consort with such planning, the department may contract with the partnership to carry out additional functions consistent with the department and the partnership mission and objectives.

(8) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$270,000 to be used within the foreign trade program for uses authorized under RCW 43.31.832.

(9) \$40,000 is provided solely for a grant for the development of a project which seeks to stimulate public support for and understanding of this state's increasing international trade activity.

(10) \$40,000 is provided solely for the department to contract with the department of ecology for provision of professional assistance to firms confronting federal, state, and local requirements related to the acquisition of necessary permits and environmental approvals.

(11) The 1984 amendments to this section are contingent on the enactment of Senate Bill No. 3238.

Sec. 306. Section 87, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((36,614,000))
		<u>38,635,000</u>

General Fund Appropriation—Federal	\$	6,580,000
General Fund Appropriation—Private/Local	\$	2,083,000
Total Appropriation	\$	((47,277,000)) 47,298,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 of the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~((255B-3624))~~) 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$140,000 of the general fund—state appropriation is provided solely for razor clam research.

(6) \$75,000 of the general fund—state appropriation is provided solely for a pilot enforcement project on Hood Canal. No more than two enforcement officers and all necessary support costs including equipment shall be dedicated to law enforcement on Hood Canal.

Sec. 307. Section 89, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((26,300,000)) 26,965,000
General Fund Appropriation—Federal	\$	451,000
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	((2,096,000)) 2,311,000
General Fund—Forest Development Account Appropriation	\$	10,373,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,539,000
General Fund—Survey and Maps Account Appropriation	\$	671,000
General Fund—Resource Management Cost Account Appropria- tion	\$	((61,067,000)) 60,692,000
General Fund—Geothermal Account Appropriation	\$	76,000
Total Appropriation	\$	((102,577,000)) 103,078,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((54,727,000 of the general fund—state appropriation shall be expended for the general administration program. Of this amount:))~~ \$1,100,000 ~~((shall be used))~~ of the general fund—state appropriation is provided solely to carry out the purposes of chapter (~~((255B-3624))~~) 40, Laws of 1983(~~((:))~~) 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(2) \$50,000 ~~((shall be used))~~ of the general fund—state appropriation is provided solely to conduct a study of the continuous transfer of material and products across state lands(~~((and \$145,000))~~).

(3) \$338,000 of the general fund—state appropriation shall be used solely for the department of natural resources to ~~((vacate the first floor of the))~~ move from the house office and public lands buildings.

~~((2) Not more than \$11,239,000 of the general fund—state appropriation shall be expended for the forest fire control program.~~

~~(3) Not more than \$6,787,000 of the general fund—state appropriation shall be expended for the assistance and regulation program.~~

~~(4) Not more than \$3,627,000 of the general fund—state appropriation shall be expended for the services program. Of this amount:))~~ (4) Not more than \$843,000 of the general fund—state appropriation shall be used to fund ten additional honor camp teams. ~~((Funds used within this program for surveying shall be limited to the establishment of boundaries of state property.))~~

Sec. 308. Section 90, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((+6,166,000))
		<u>11,271,000</u>
General Fund Appropriation—Federal	\$	626,000
General Fund—Feed and Fertilizer Account Appropriation	\$	17,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	364,000
Commercial Feed Fund Appropriation—State	\$	365,000
Commercial Feed Fund Appropriation—Federal	\$	13,000
Seed Fund Appropriation	\$	1,029,000
Nursery Inspection Fund Appropriation	\$	((345,000))
		<u>455,000</u>
Total Appropriation	\$	((+2,925,000))
		<u>14,140,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.

(2) \$60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.

(3) \$300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry and the department of agriculture shall present a proposal to the forty-ninth legislature which establishes a wine commodity commission.

(4) \$600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~((= (255B-3624)))~~) 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the cost per enrollee shall not be greater than \$5,000, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$104,000 is provided solely for a food bank coordinator and related costs.

(6) \$475,000 of the general fund—state appropriation is provided solely for the gypsy moth and apple maggot detection and control program. Aerial gypsy moth eradication shall be limited to biological control agents.

Sec. 309, Section 92, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	((226,000))
		<u>225,000</u>

NEW SECTION. Sec. 310. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE EXPO '86 COMMISSION

General Fund—State Appropriation	\$	320,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$130,000 is provided solely for operational purposes.

(2) \$190,000 of the appropriation is provided solely for the initial planning and design for exhibition space and facilities for Washington state participation in the exposition, provided that not more than \$10,000 of this amount shall be spent on studies and specifications relating to the use of a ferry-type vessel as a part of the exhibition space.

PART IV
TRANSPORTATION

Sec. 401. Section 93, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund Appropriation—State	\$	((+1,467,000))
		<u>11,573,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,400,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) ~~S((600,000))~~ 712,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance.

Sec. 402. Section 94, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((+2,077,000))
		<u>12,798,000</u>

General Fund—Architects' License Account Appropriation	\$	373,000
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General Fund—Optometry Account Appropriation	\$	119,000
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General Fund—Professional Engineers' Account Appropriation	\$	602,000
General Fund—Real Estate Commission Account Appropriation	\$	4,591,000
General Fund—Board of Psychological Examiners Account Appropriation	\$	66,000
Game Fund Appropriation	\$	187,000
Highway Safety Fund Appropriation	\$	((36,582,666))
		<u>38,415,000</u>
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	237,000
Motor Vehicle Fund Appropriation	\$	((34,693,666))
		<u>35,233,000</u>
Total Appropriation	\$	((89,527,666))
		<u>92,621,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the design and development of a Uniform Commercial Code automated lien filing and search system. If other legislation authorizing expenditures for a Uniform Commercial Code automated lien filing and search system is enacted before July 1, 1983, the general fund—state appropriation in this section shall be reduced by the amount actually expended under the other legislation.

(2) \$66,446 is provided solely for the department of licensing to employ competent persons on a temporary basis to assist the dental hygiene examination committee in conducting examinations for dental hygiene licensure. The dental hygiene examination committee shall be reimbursed pursuant to RCW 43.03.050.

(3) If House Bill No. 1698 or similar legislation delaying the implementation of chapter 72, Laws of 1983, is enacted prior to July 1, 1984, the motor vehicle fund state appropriation shall be reduced by \$510,000.

(4) \$1,833,000 of the highway safety fund appropriation is provided solely for the purposes of chapter 165, Laws of 1983, and is subject to the following conditions and limitations:

(a) \$478,000 of the amount in this subsection (4) is provided solely for attorney general services. No other moneys may be spent for this purpose.

(b) The department of licensing shall maintain complete and separate accounting and reporting systems for expenditures under this subsection (4).

(c) If Substitute House Bill No. 977, or other legislation delaying the effective date of section 47, chapter 165, Laws of 1983, is enacted before July 1, 1984, the amounts provided in this subsection (4) shall lapse.

NEW SECTION, Sec. 403. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

Motor Vehicle Fund Appropriation	\$	200,000
General Fund Appropriation	\$	100,000
Total Appropriation	\$	300,000

The appropriations in this section are subject to the following conditions and limitations:

The appropriations are provided for a cooperative study between the department of transportation and the Washington public ports association to develop a long-range strategic planning document for each mode of transportation and its impact on future economic growth in the state. The study shall recognize the interrelationship between the modes and the integrated nature of the transportation network, in that any changes, new developments, or problems which occur in one mode impact all other modes. The study shall include, but not be limited to: An assessment of the reasons for the current and projected changes in transportation patterns, modal shifts and locational influences; the impact on the highway network due to deregulation of rail and motor carriers, continued abandonment of rail lines, and the increasing demands for port development and navigable waterway system expansion; the effect of new marketing techniques and efficiencies on terminal consolidation; and the need for adequate accessibility to port areas. The appropriations are contingent upon agreement by the Washington public ports association to contribute additional financial support for this project in an amount not less than fifteen percent of the total funds appropriated in this section. The department of transportation and Washington public ports association shall solicit financial and technical support from other sources in the governmental and private sectors.

PART V EDUCATION

Sec. 501. Section 96, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	((13,301,000))
		<u>16,254,000</u>
General Fund Appropriation—Federal	\$	<u>6,540,000</u>

General Fund—Traffic Safety Education Account Appropriation	\$	460,000
Total Appropriation	\$	(20,301,000) 23,254,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

(3) Not more than \$200,000 of the general fund—state appropriation may be expended for school districts to purchase materials and provide teacher training related to instruction on drug and alcohol abuse education and prevention in kindergarten through grade twelve.

(4) \$30,000 dollars of the general fund—state appropriation is provided for additional meetings and travel by the state board of education.

(5) \$1,796,000 is provided solely for the implementation of House Bill No. 1660 during the 1984-85 school year. Funds provided in this subsection are contingent on the enactment of House Bill No. 1660 during the 1984 legislative session.

(6) \$904,000 is provided solely for the implementation of House Bill No. 1246 during the 1984-85 school year. Funds provided in this subsection are contingent on the enactment of House Bill No. 1246 during the 1984 legislative session.

Sec. 502, Section 97, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation	\$	(2,912,752,000) 2,917,618,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that no salary and compensation increases for the 1984-85 school year from any fund source whatsoever are in excess of those amounts for state recognized increments, insurance benefit increases, and/or for those identified salary increases as specified in this act: PROVIDED, That any state recognized increment increase, insurance benefit increase, and/or salary increase found to be greater than that specified in this act shall be in violation of the conditions to the receipt of funds appropriated in this act for school districts; therefore, the superintendent of public instruction shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance: PROVIDED FURTHER, That the superintendent of public instruction shall additionally require school districts to ensure that no recognized group of employees as identified in RCW 28A.58.095 shall increase their relative total salary or insurance benefit position at the expense of any other recognized group of employees using the district's authorized total salary and benefit increase allocation for the 1984-85 school year. Any such group of employees which has clear and convincing evidence that its district is in violation of this proviso may present such clear and convincing evidence in a challenge to the superintendent of public instruction, who shall determine the validity of the group's challenge. If sustained, the district shall be deemed in violation of the conditions to the receipt of funds appropriated in this act for school districts and the superintendent of public instruction shall withhold an amount in addition to any funds withheld pursuant to the preceding provision equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance.

(2) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(3) (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,287 per staff unit in the 1983-84 school year and a maximum of ~~\$(5,562)~~ 5,462 per staff unit in the 1984-85 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of \$10,074 per staff unit in the 1983-84 school year and a maximum of ~~\$(10,598)~~ 10,408 per staff unit in the 1984-85 school year.

(4) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (2) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) The superintendent shall distribute a maximum of ~~\$(15,286,000)~~ 17,088,000 outside the basic education formula as follows:

(a) A maximum of ~~\$(620,000)~~ 636,000 may be distributed to school districts for fire protection at a rate of \$1.056 in fiscal year 1984 and \$1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) A maximum of \$1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.

(c) A maximum of \$272,000 may be distributed for school district emergencies.

(d) A maximum of ~~\$(4,366,000)~~ 3,613,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.

(e) A maximum of \$3,720,000 in fiscal year 1984 and ~~\$(4,650,000)~~ 7,197,000 in fiscal year 1985 may be expended for substitute teachers. Funds shall be distributed to school districts at a rate not to exceed \$150 per year per full time equivalent classroom teacher in the basic education and handicapped programs for 1983-84 and \$250 per year for 1984-85.

(6) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.

Sec. 503, Section 101, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

(1) The certificated compensation allocation for school year 1983-84 shall be the sum of the following subsections:

(a) Maintenance of compensation shall be calculated using each district's 1982-83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 97 (2) (a) through (d) of this act in each district times each district's particular 1982-83 average staff mix factor improved by 7.43%;

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

(2) The certificated compensation allocation for school year 1984-85 shall be the sum of the following subsections:

(a) Maintenance of compensation calculated by using each district's 1982-83 base salary established in LEAP Document 5 times the number of staff units generated in section 97 (2) (a) through (d) of this act times each district's particular 1983-84 average staff mix factor improved by 7.66%:

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

Sec. 504. Section 102, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

(1) The 1983-84 basic education classified compensation allocation for each district shall be the sum of the following subsections:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.55%:

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

(2) The 1984-85 basic education classified compensation allocation for each district shall be the sum of the following:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.78%:

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

Sec. 505. Section 103, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ ~~((71,983,000))~~
77,328,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.

(3) A maximum of ~~\$(26,116,000))~~ 26,311,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.

(4) A maximum of \$4,286,000 shall be distributed in the 1984-85 school year for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$8 per month per full time equivalent staff unit.

(5) (a) A maximum of ~~\$(9,703,000))~~ 10,185,000 is provided, effective ~~((November 1, 1984))~~ January 1, 1985, for incremental fringe benefits in section 98(2) of this act and ~~((5.6%))~~ 7.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a ~~((5.6%))~~ 7.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) The salary increase authorized by subsection ~~((4(a)))~~ (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection ~~((4(d)))~~ (5)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 school year, allocate \$400,000 of the funds allocated by subsection ~~((4(a)))~~ (5)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of \$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(f) A district shall not be in violation of RCW 28A.58.095 as a result of reporting revised staff mix data for the 1983-84 school year in accordance with the revised S-275 staff mix reporting instructions promulgated by the superintendent of public instruction. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to assure that the average certificated salary for a district shall neither increase nor decrease for apportionment purposes as a result of this subsection (5)(f).

(g) For purposes of allocating basic education funds, the superintendent shall modify LEAP Document 5 to reflect a derived base of \$15,637 effective September 1, 1983, for any district whose LEAP Document 5 certificated derived base is less than the LEAP Document 4 derived base.

(h) Any skilled maintenance employee (electrician, plumber, mechanic, carpenter, or roofer, etc.) who is a member of any trade union or association is exempt from LEAP Document 5, effective July 1, 1985.

((5)) (6) (a) A maximum of \$((36,162,000)) 36,540,000 is provided effective ((November 1, 1984)) January 1, 1985, for incremental fringe benefits in section 98(2) of this act and ((5.0%)) 7.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's ((1993-84)) 1983-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a ((5.0%)) 7.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection ((5)(a)) (6)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) A district that qualifies for a derived base change as specified in subsection (5)(g) of this section shall receive its salary increase as described in subsection (6)(a) of this section effective June 1, 1985, and the percentage increase shall be limited to 4.84% instead of the specified 7.0% figure.

((6)) (7) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

((7)) (b) Increments granted by school districts to certificated staff in the year in which the increments are given by a district shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(c) Salary increases provided by this section shall be applied to the respective district base salaries for certificated staff and the respective district average salaries for classified staff, each as specified in LEAP Document 5 as revised in accordance with this act.

(d) During the 1984-85 school year, districts may grant increases in insurance benefits to achieve a rate of \$179.00 per month per full time equivalent staff unit.

(e) For the 1984-85 school year, for the purpose of insurance benefit increases for classified employees, a full time equivalent employee is an employee contracted to work 1,440 hours per year or more. It is intended that the superintendent of public instruction shall distribute funds during July and August 1985 to support such increases for classified entitlements in state-funded programs as defined in section 98(1) of this act.

Sec. 506. Section 104, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION

General Fund Appropriation \$ ((+68,874,000)) 171,057,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$((73,364,000)) 75,110,400 may be expended in the 1983-84 fiscal year.

(2) A maximum of \$712,000 may be expended for regional transportation coordinators.

(3) A maximum of \$53,000 may be expended for driver training.

(4) (a) A maximum of \$1,746,400 shall be allocated in the 1983-84 fiscal year to only those school districts that, assuming the 1983-84 formula operating allocation was funded at one hundred percent, would receive less than sixty-five percent of their respective 1982-83 transportation operating expenditures.

(b) An eligible district shall receive money sufficient to either restore its preliminary allocation specified by bulletin 24-83 or the difference between its 1982-83 operating expenditures at sixty-five percent and the 1983-84 formula operating allocation calculated at one hundred percent, whichever is less.

(5) The superintendent of public instruction is directed to report to the ways and means committees of both houses no later than September 1, 1984, identifying:

(a) The specific problems associated with the implementation of chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296) which resulted in a transportation funding shortfall in many school districts during the 1983-84 school year;

(b) The steps which the superintendent is following to alleviate all such shortfalls in 1983-84 transportation allocations and to prevent similar problems from occurring in future school years;

(c) A plan to retroactively reimburse in the 1985 supplemental budget those districts whose transportation programs were underfunded in the 1983-84 school year due to the problems of implementing chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296).

Sec. 507. Section 105, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES

General Fund Appropriation \$ ~~((53,586,000))~~
53,440,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1983-84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of \$2,461, not including salary and insurance benefit increases.

(b) The 1984-85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of \$~~((2,491))~~ 2,480, not including salary and insurance benefit increases.

(2) Not more than \$619,000 of this appropriation may be expended for adult education.

Sec. 508. Section 107, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State \$ ~~((271,088,000))~~
279,894,000

General Fund Appropriation—Federal \$ 27,641,000

Total Appropriation \$ ~~((298,729,000))~~
307,535,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$~~((125,586,000))~~ 129,914,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school year(s) 1983-84 and LEAP Document 6 revised as of February 22, 1984, for 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

(4) For allocation of funds for the 1984-85 school year, the superintendent of public instruction shall exclude specific learning disabilities as one of the categories for classification as multiple handicapped.

(5) In the 1984-85 fiscal year the superintendent may transfer funds from this section to section 510 of this 1984 act to the extent that specific learning disabled category E enrollment is less than 6,532 students. Any such transfer shall be at a rate of \$169 per student.

Sec. 509. Section 109, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation—State \$ ~~((4,887,000))~~
6,641,000

State Funding Sources \$ ~~((3,564,000))~~
1,830,000

Total Appropriation \$ 8,471,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101	\$ ((669,000)) 914,000	\$ ((610,000)) 305,000
E.S.D. No. 105	\$ ((584,000)) 730,000	\$ ((292,000)) 146,000
E.S.D. No. 112	\$ ((491,000)) 737,000	\$ ((492,000)) 246,000

E.S.D. No. 113	\$((524,000))	\$((525,000))
	787,000	262,000
E.S.D. No. 114	\$((451,000))	\$((226,000))
	564,000	113,000
E.S.D. No. 121	\$((427,000))	\$((430,000))
	644,000	215,000
E.S.D. No. 123	\$((569,000))	\$((285,000))
	712,000	142,000
E.S.D. No. 171	\$((696,000))	\$((349,000))
	871,000	174,000
E.S.D. No. 189	\$((454,000))	\$((455,000))
	682,000	227,000
Total	\$((4,807,000))	\$((3,664,000))
	6,641,000	1,830,000

(2) For the 1983-84 school year, school districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 97 of this act on a per capita enrollment basis prior to June 30th ((of each school year)).

(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 510. Section 110, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ((BLOCK GRANTS)) THE SPECIAL NEEDS PROGRAM

General Fund Appropriation—State \$ ((45,957,000))
 26,538,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$((27,320,000)) 23,605,900 may be expended in fiscal year 1983-84.

~~(2) ((A maximum of \$4,140,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983-84 school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.~~

~~((3))~~ (3) Of the appropriation provided by this section, a ((minimum)) maximum of \$((28,632,000)) 13,728,000 shall be distributed as follows for the 1983-84 school year:

- (a) 30% on the basis of full time equivalent enrollment;
- (b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;
- (c) 12% on the basis of minority enrollment in the prior school year;
- (d) 12% on the basis of gifted enrollment in the prior school year;
- (e) 12% on the basis of racial isolation enrollment in the prior school year;
- (f) 6% on the basis of limited English speaking enrollment in the prior school year; and
- (g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

~~((4))~~ (3) A maximum of \$((12,900,000)) 12,495,000 may be distributed for the remaining months of the 1982-83 school year.

~~((5))~~ (4) The funds allocated by subsection ~~((3))~~ (2) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs; PROVIDED, That school districts shall expend these funds so that any programs listed in this subsection required to be offered by law shall receive first priority.

~~((6))~~ (5) The superintendent of public instruction shall contract \$((257,000)) 275,000 for services to support an approved gifted program to be conducted at Fort Worden state park. Of this amount, \$18,000 shall be expended for a high technology seminar to serve gifted high school students during the 1984-85 school year.

~~((7))~~ (6) Salary and benefits increases are included in the funds allocated by this section.

(7) The superintendent of public instruction shall contract \$40,000 for services from the Cispus program.

NEW SECTION. Sec. 511. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM

General Fund Appropriation \$ 10,575,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds to districts for the 1984-85 school year at the rate of \$169 per entitlement unit. For the purposes of this section, "entitlement unit" means the

number of students enrolled in grades one through twelve in the district multiplied by the percentage of students taking the basic skills tests in the previous year who scored in the lowest quartile as compared to national norms, and then reduced by the number of students enrolled in grades one through twelve who receive special education instruction in basic skills pursuant to chapter 28A.13 RCW who scored in the lowest quartile as compared to national norms if the student's special education instruction is designed to address like needs as those addressed by the program of remediation.

(2) This appropriation includes funds for salary and incremental benefit increases for remediation assistance staff.

(3) The superintendent may transfer funds from the remediation assistance program to the handicapped program for specific learning disabled category "E" enrollment to the extent it exceeds the assumptions set forth in revised LEAP Document 6 (February 22, 1984).

(4) This appropriation is provided solely for the 1984-85 fiscal year.

NEW SECTION. Sec. 512. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRANSITIONAL BILINGUAL PROGRAM

General Fund Appropriation \$ 3,039,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds at a rate of \$350 per eligible student for the 1984-85 school year.

(2) This appropriation includes funds for salary and incremental benefit increases for transitional bilingual education staff.

(3) This appropriation is provided solely for the 1984-85 fiscal year.

NEW SECTION. Sec. 513. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GIFTED PROGRAMS

General Fund Appropriation \$ 1,642,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds at a rate of \$290 per student for one percent of each district's total enrollment for the 1984-85 school year.

(2) This appropriation includes funds for salary and incremental benefit increases for gifted program staff.

(3) This appropriation is provided solely for the 1984-85 fiscal year.

Sec. 514. Section 115, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ ~~((1,100,000))~~
2,100,000

The appropriation in this section is subject to the following conditions and limitations: The moneys provided by this section are intended to provide a relatively stable clinic enrollment funded from these moneys for the remainder of the biennium.

Sec. 515. Section 117, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(1) General Fund Appropriation—Federal \$ 9,000

(2) \$9,665,000 is appropriated from the general fund for the replacement and repair of instructional equipment.

(3) \$3,310,587 is appropriated from the general fund for the small school adjustment to Skagit Valley (fiscal year 1984 only), Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The state board for community college education shall distribute such funds based on a ratio to be determined by the board for students below the 2,500 full time equivalent student enrollment level.

(4) ~~\$(232,526,606))~~ 221,036,710 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$1,400 per academic year averaged for the biennium))~~ \$1,331 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 3.657 per year ~~((and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request))~~.

(5) ~~\$(75,086,000))~~ 73,224,845 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$452 per year averaged for the biennium))~~ \$441 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act))~~. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic direct))~~ instruction. Additional authority is

granted to use up to 3.0% of the funds from this subsection for general college purposes as defined in subsection (6) of this section, reducing the support instructional resources per student proportionately.

(6) ~~\$(114,045,867)~~ 126,341,858 is appropriated from the general fund for general (~~university~~) college purposes, including plant maintenance, institutional support, state board operations, and instruction.

(7) \$25,000 is appropriated from the general fund to continue leases for three campus sites with the department of natural resources for fiscal year 1985.

(8) \$60,000 is appropriated from the general fund solely for the purpose of planning and coordinating a small business assistance network.

(9) The appropriations in this section are subject to the following conditions and limitations: The community college system shall maximize enrollment opportunities for vocational students. Sec. 516. Section 118, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

(1) Accident Fund Appropriation \$ 1,563,000

(2) Medical Aid Fund Appropriation \$ 1,563,000

(3) \$1,773,000 is appropriated from the general fund for family practice medicine education and residency programs provided for by chapter 70.112 RCW.

(4) ~~\$(163,868,272)~~ 152,104,160 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$3,147 per academic year averaged for the biennium)~~ \$2,921 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 1,687 per year ~~((and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request))~~.

(5) ~~\$(65,387,000)~~ 59,253,142 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$1,100 per year averaged for the biennium)~~ \$1,004 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act))~~. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(6) ~~\$(165,463,728)~~ 181,738,698 is appropriated from the general fund for general university purposes, including research, public service, hospitals, plant maintenance, institutional support, and instruction.

(7) \$6,368,000 is appropriated from the general fund for equipment replacement.

(8) \$3,900,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

(9) \$160,000 is appropriated from the general fund for handling of the papers of Senators Jackson and Magnuson.

(10) The University of Washington shall request, in its 1985-87 operating budget, funds for expanded weekend and evening offerings in those science and engineering programs related to high technology industries.

(11) \$175,000 is appropriated from the general fund for the establishment of a mathematics, engineering, and science achievement program. The appropriation in this subsection shall not be effective until Senate Bill No. 4432 is enacted.

Sec. 517. Section 119, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

(1) ~~\$(80,069,896)~~ 74,390,173 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$2,679 per academic year averaged for the biennium)~~ \$2,489 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 886 per year ~~((and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request))~~.

(2) ~~\$(31,692,000)~~ 30,869,510 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$990 per year averaged for the biennium)~~ \$964 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act))~~. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(3) ~~\$(115,613,104)~~ 120,974,217 is appropriated from the general fund for general university purposes including research, public service, plant maintenance, institutional support, and instruction.

(4) \$120,000 is appropriated from the general fund for rodenticide research.

(5) \$2,474,000 is appropriated from the general fund for equipment.

(6) \$2,100,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

(7) The appropriations in this section are subject to the following conditions and limitations:

(a) Washington State University shall make available whatever resources are requested by the office of financial management and the council for postsecondary education pursuant to section 120(5)(b) of this act.

(b) Courses classified as "community service" in the public service program shall be provided on a self-supporting basis only. Beginning with the 1984-85 academic year, "community service" shall be defined in the same manner as used by the state board for community college education to classify courses as self-supporting. Washington State University shall establish specific criteria and report to the ways and means committees of the house of representatives and the senate by July 1, 1984, on the courses designated as community service.

(8) \$80,000 is appropriated from the general fund to provide for a needs assessment and the necessary planning to meet the engineering and technology education requirements of the greater Spokane area. In this capacity, Washington State University shall consult with and seek the assistance of Spokane area chamber of commerce, the Spokane business community and other institutions of higher education in the greater Spokane area.

Sec. 518. Section 120, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

(1) ~~\$(33,304,063))~~ 30,542,310 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~((52,467 per academic year averaged for the biennium))~~ \$2,257 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 366 per year ~~((and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request)).~~

(2) ~~\$(11,675,000))~~ 11,548,920 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~((6833 per year averaged for the biennium))~~ \$824 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act)).~~ Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic direct))~~ instruction.

(3) ~~\$(22,507,937))~~ 25,130,670 is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.

(4) \$706,000 is appropriated from the general fund for equipment.

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) No operating funds may be used for the lease or maintenance of the new Spokane Center Building until the facility becomes the property of the university.

(b) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the continuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to conduct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by October 1, 1983.

(6) The appropriations in this section are subject to the following conditions and limitations: Any enrollment growth associated with Spokane above the spring 1983 actual level will be considered as an offset to campus enrollments at Cheney, with the effect that Eastern Washington University will include all state-funded Spokane enrollments in meeting the student funding requirements of the 1983-85 appropriations act. Additionally, any course offered as "self-supporting" shall be offered at a cost that reflects the full cost of the class, including housing costs.

Sec. 519. Section 121, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

(1) ~~\$(27,676,105))~~ 25,274,633 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~((52,385 per academic year averaged for the biennium))~~ \$2,122 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 307 per year ~~((and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request)).~~

(2) ~~\$(11,051,000))~~ 10,763,499 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~((5952 per~~

~~year averaged for the biennium~~) \$907 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys identified as budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments (~~assumed in this act~~). Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment (~~basic direct~~) instruction.

(3) ~~\$(17,509,015))~~ 19,974,868 is appropriated from the general fund for general university purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$604,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$646,000 is appropriated from the general fund for equipment.

Sec. 520. Section 122, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

(1) ~~\$(11,129,439))~~ 10,646,599 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~((52,519 per academic year averaged for the biennium))~~ \$2,319 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 125 per year (~~and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request~~).

(2) ~~\$(7,344,000))~~ 7,183,724 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~((51,662 per year averaged for the biennium))~~ \$1,562 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, primary support, and student services. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments (~~assumed in this act~~). Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment (~~basic direct~~) instruction.

(3) ~~\$(9,982,561))~~ 10,932,677 is appropriated from the general fund for general college purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$462,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$579,000 is appropriated from the general fund for equipment.

(6) \$100,000 is appropriated from the general fund to the Washington state institute for public policy to conduct a study using the staff of the University of Washington to examine issues associated with the status of minorities in the Washington state corrections system.

Sec. 521. Section 123, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

(1) ~~\$(36,371,222))~~ 34,627,778 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~((52,204 per academic year averaged for the biennium))~~ \$2,098 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 421 per year (~~and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request~~).

(2) ~~\$(12,551,000))~~ 12,320,336 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~((5760 per year averaged for the biennium))~~ \$746 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments (~~assumed in this act~~). Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment (~~basic direct~~) instruction.

(3) ~~\$(17,960,778))~~ 19,809,586 is appropriated from the general fund for general university purposes including research, primary support, institutional support, and instruction.

(4) \$1,881,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$1,590,000 is appropriated from the general fund for equipment.

Sec. 522. Section 124, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$	((27,508,000))
		27,498,000
General Fund Appropriation—Federal	\$	3,526,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	((31,074,000))
		31,064,000

The appropriations in this section are subject to the following conditions and limitations:

(1) To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council staff shall provide assistance as required by the office of financial management to study the question of undergraduate and graduate education in Spokane.

(3) No less than \$24,265,713 shall be spent for student aid exclusive of agency administrative costs.

Sec. 523. Section 126, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION PERSONNEL BOARD

Higher Education Personnel Board Service Fund Appropriation	\$	((1,369,000))
		1,370,000

The appropriation in this section is subject to the following conditions and limitations: \$19,000 shall be used to join with the department of personnel in conducting a study of part-time employee policy and benefits.

Sec. 524. Section 127, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	((7,447,000))
		7,395,000
General Fund Appropriation—Federal	\$	2,297,000
General Fund Appropriation—Private/Local	\$	99,000
Washington Library Network Computer System Revolving Fund		
Appropriation—Private/Local	\$	((7,672,000))
		8,640,000
Total Appropriation	\$	((17,515,000))
		18,431,000

The appropriations in this section are subject to the following conditions and limitations: A minimum of \$75,000 of the general fund—state appropriation shall be expended for matching the costs of providing for the automation of the selection/circulation and inventory system for the Washington library for the blind and physically handicapped.

Sec. 525. Section 128, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	((2,742,000))
		2,739,000
General Fund Appropriation—Federal	\$	800,000
Total Appropriation	\$	((3,542,000))
		3,539,000

Sec. 526. Section 132, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State	\$	((600,000))
		598,000
General Fund Appropriation—Private/Local	\$	34,000
Total Appropriation	\$	((634,000))
		632,000

The appropriations in this section are subject to the following conditions and limitations: The temporary committee on education policy, structure and management shall conduct a study of the impact on vocational-technical institutes caused by their inclusion with classroom teachers in school district salary increase limitations imposed by chapter 16, Laws of 1981 (SHB 166) and subsequent appropriations acts and LEAP documents, and shall report the committee's findings and recommendations to the ways and means committees of the senate and house of representatives no later than December 1, 1984.

PART VI

SPECIAL APPROPRIATIONS

Sec. 601. Section 134, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund	\$ ((16,217,000))
	17,187,000
(2) There is appropriated for the community college system from the General Fund	\$ ((1,479,000))
	9,760,000
(3) There is appropriated for the department of corrections from the General Fund	\$ ((3,486,000))
	5,841,000
(4) There is appropriated for the department of social and health services from the:	
General Fund—State	\$ ((11,453,000))
	12,220,000
General Fund—Federal	\$ ((6,951,000))
	7,419,000
(5) There is appropriated for other state agencies from the:	
General Fund—State	\$ ((7,864,000))
	8,341,000
General Fund—Federal	\$ ((1,739,000))
	1,842,000
(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase	
Revolving Fund	\$ ((20,354,000))
	21,652,000

(7) The appropriations in this section shall be expended to implement:

(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education (excluding student employees not under the jurisdiction of the state or higher education personnel boards);

(b) Merit/market increases effective not later than January 1, 1985, and not to exceed \$3,140,000 (of which \$3,128,000 is from the general fund) for faculty and administrative exempt employees of the four-year institutions of higher education; PROVIDED, That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983 through June 30, 1984. ~~(Any return of funds resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.)~~

(d) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1984, from \$159.00 per month to \$167.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$179.00 per eligible employee effective July 1, 1984.

(e) The state employees insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsections (c) and (d) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys resulting from a dividend or refund shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1984 act and in no case may the maximum premium paid be more than \$179.00 per month per eligible employee. Contributions by any county, municipal, or other political subdivision to which coverage is

extended after the effective date of this 1984 act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed \$2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

~~((10))~~ (9) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

Sec. 602. Section 136, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$ 506,450,000
General Fund—Revenue Accrual Account Appropriation	\$ 47,000,000
<u>Total Appropriation</u>	<u>\$ 553,450,000</u>

The appropriations in this section ~~((t))~~ are subject to the following conditions and limitations:

(1) Not more than \$800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.

(2) Not more than \$550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than \$192,600,000 ~~((may be expended))~~ from the general fund appropriation and not more than \$35,250,000 from the revenue accrual account appropriation may be expended for contribution to the law enforcement officers' and fire fighters' retirement system.

(4) Not more than \$312,500,000 ~~((may be expended))~~ from the general fund appropriation and not more than \$11,750,000 from the revenue accrual account appropriation may be expended for contribution to the teachers' retirement system.

Sec. 603. Section 142, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$ 16,000,000
General Fund Appropriation for federal flood control funds distribution	\$ 21,000
General Fund Appropriation for federal grazing fees distribution	\$ 59,000
General Fund—Geothermal Account Appropriation	\$ ((253,000)) 102,000

General Fund Appropriation for distribution under federal Public Law

97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation

	\$ 384,053
<u>Total Appropriation</u>	<u>\$ ((16,333,000)) 16,566,053</u>

NEW SECTION. Sec. 604. (1) There is transferred from the general fund the sum of \$15,000 to be deposited in the essential rail assistance account in the general fund.

(2) There is appropriated for the biennium ending June 30, 1985, from the essential rail assistance account to the department of transportation the sum of \$15,000 to be used pursuant to chapter 47.76 RCW. Not more than \$5,000 of this appropriation may be used for elections pursuant to chapter 36.60 RCW.

Sec. 605. Section 8, chapter 1, Laws of 1983 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state convention and trade center account of the general fund to the state convention and trade center corporation for the biennium ending June 30, 1985, ~~\$((2,024,360))~~ 2,724,360 for operational costs of the convention and trade center corporation. The appropriation in this section is subject to the following conditions and limitations:

(1) \$300,000 is for internal marketing functions.

(2) \$400,000 is for services contracted through the Seattle-King County convention and visitors bureau.

NEW SECTION. Sec. 606. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Payment of judgment in State v. Graves, Superior Court for Douglas County, Cause No. 1879, including interest	\$ 2,403.22
(2) Payment of judgment in Groves v. State, Superior Court for Snohomish County, Cause No. 81-1-00641-2, including interest	\$ 1,983.76
(3) Payment of judgment in State v. Botmer, Superior Court for King County, Cause No. 83-1-01538-0, including interest	\$ 30,269.08
(4) Payment of judgment in State v. Freund, Superior Court for Clark County, Cause No. 83-1-00236-2, including interest	\$ 8,931.72
(5) Payment of judgment in City of Lynnwood v. Quintero, Municipal Court of Lynnwood, Cause No. LC 9179, including interest	\$ 3,845.16
(6) Payment of judgment in State v. Dolan, South District Court for Snohomish County, Cause No. SR 2802, including interest	\$ 2,845.86
(7) Payment of judgment in H. H. Robertson Co. v. State, Superior Court for King County, Cause No. 82-2-07131-5, including interest	\$ 20,290.04
(8) Payment of judgment in Construction Erectors v. State, Superior Court for Thurston County, Cause No. 81-2-01584-8, including interest	\$ 70,406.61
(9) Payment of judgment in State v. Kuster, Superior Court for Spokane County, Cause No. 81-100232-4, including interest	\$ 17,988.66
(10) Payment of judgment in In re the welfare of Engebretson, Superior Court for Kitsap County, Cause No. JC-3303, including interest	\$ 846.58
(11) Payment of judgment in State v. Beasley, Superior Court for King County, Cause No. 83-1-02895-3, including interest	\$ 28,967.83
(12) Payment of judgment in State v. Martinez, Superior Court for Chelan County, Cause No. 6380, including interest	\$ 4,491.30
(13) Seattle School District No. 1, et al.; Payment of judgment in Seattle School District No. 1 v. State of Washington, United States District Court, Western District of Washington, Cause No. C81-276T, including interest	\$ 61,516.56
(14) Seattle School District No. 1, et al.; Payment to be disbursed in accordance with judgment in Seattle School District No. 1 of King County, et al. v. State of Washington, et al., United States District Court, Western District of Washington, Cause No. C78-753V, including interest	\$ 431,536.41
(15) City of Moses Lake, in full payment of all claims under Cause No. 83-2-01125-3 now before the Superior Court of Thurston County	\$ 10,460.14

NEW SECTION. Sec. 607. If Senate Bill No. 4767 is enacted prior to July 1, 1984, the house of representatives, the senate, and the state-wide elected officials are authorized to expend such sums as are necessary from their respective appropriations under the omnibus operating appropriations act, chapter 76, Laws of 1983 1st ex. sess., as amended by this act, to effectuate the salary increases authorized in Senate Bill No. 4767.

Sec. 608. Section 33, chapter 7, Laws of 1983 as amended by section 57, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.32.400 are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system or, during the 1983-1985 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium.

NEW SECTION. Sec. 609. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

Eight million one hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the revenue accrual account in the general fund to the department of social and health services for payment for services and supplies chargeable to the fiscal biennium ending June 30, 1983. The amounts spent under this section shall not exceed the unspent balances of the original appropriations provided for such services and supplies for the fiscal biennium ending June 30, 1983. If RCW 82.32.400 is not amended in 1984 to permit moneys in the revenue accrual account to be appropriated and spent for the purpose of discharging obligations that are correctly chargeable to a prior biennium, this appropriation shall lapse.

NEW SECTION, Sec. 610. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

(1) There is appropriated from the revenue accrual account of the general fund the sum of \$16,500,000 in settlement of all claims of all plaintiffs and defendants in the following civil actions, covering the period from January 1, 1978, through June 30, 1981, in the Superior Court for Thurston County:

(a) United Nursing Homes, Inc. et al. v. McNutt, Cause No. 59035;

(b) United Nursing Homes, Inc. et al. v. Thompson, Cause No. 80-2-01440-1;

(c) Washington State Health Facilities Association et al. v. Department of Social and Health Services, Cause No. 81-2-00076-0.

(2) If, before July 1, 1984, stipulated final judgment has not been entered in the Superior Court for Thurston County in each of the three civil actions identified in this section, covering all claims of plaintiffs and defendants for the period from January 1, 1978, through June 30, 1981, in amounts whose total, including costs, attorneys' fees, other fees, costs of distribution, and interest, does not exceed the \$16,500,000 appropriated in this section (not including amounts which may be payable as a result of administrative appeals under RCW 74.46.780 or its predecessor), this appropriation shall lapse. If such stipulated final judgment does not require (a) netting within facilities of all overpayments and underpayments incurred throughout the period from January 1, 1978, through June 30, 1981, and (b) repayment to the state of residual funds remaining after payment to plaintiffs of all audited allowable costs for such period plus costs of suit, attorneys' fees, other fees, costs of distribution, and interest, this appropriation shall lapse. The legislature determines that the amounts which may be payable as damages, along with costs, attorneys' fees, other fees, costs of distribution, and interest, in the three civil actions identified in this section are obligations correctly chargeable to prior biennia. If RCW 83.32.400 is not amended in 1984 to permit moneys in the revenue accrual account to be appropriated and spent for the purpose of discharging obligations which are correctly chargeable to a prior biennium, this appropriation shall lapse.

NEW SECTION, Sec. 611. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

For the purposes of section 143, chapter 76, Laws of 1983 1st ex. sess., moneys appropriated to the state treasurer for bond retirement and interest may be expended for ongoing bond registration and transfer charges.

NEW SECTION, Sec. 612. Section 47, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is hereby repealed.

NEW SECTION, Sec. 613. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 614. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Williams moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 17, line 30, after "analysts" strike "4"

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry."

REPLY BY THE PRESIDENT

President Cherberg: "Is it concerning the motion?"

Senator McDonald: "Yes, it is. Mr. President, how many votes does it take to adopt any kind of amendment, whether it be words or numbers in this particular deliberation?"

President Cherberg: "A majority of the quorum. It takes thirty votes--sixty percent to increase appropriations."

Senator McDonald: "Mr. President, could you cite the rule that we're operating under--just for my personal reference?"

President Cherberg: "Rule 52, page 436, 'No amendment to the budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.'"

Senator McDonald: "Well, Mr. President, my concern is that that appears to mean any amendment whether it be words or whether it be increases or decreases in amounts. Is that the interpretation?"

President Cherberg: "Yes, Senator."

Senator McDonald: "Thank you."

The President declared the question before the Senate to be adoption of the amendment by Senator Williams to the Committee on Ways and Means amendment.

The motion by Senator Williams carried and the amendment to the committee amendment, having received the constitutional 60% majority, was adopted.

MOTION

Senator Williams moved the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 40, line 14, delete "6,488,000" and insert "6,398,000"

On page 40, line 18, delete "113,705,000" and insert "113,615,000"

On page 41, beginning on line 17, delete subsection (10)

Renumber the remaining sections accordingly.

On page 52, following line 20, add a new section to read as follows:

*NEW SECTION. Sec. 305. FOR THE OFFICE OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund Appropriation—State \$ 90,000

The appropriation in this section is subject to the following conditions and limitations:

(1) This appropriation is made solely for the establishment of a statewide coordinating center to provide training and technical support for city governments and business organizations involved in the economic revitalization and redevelopment of older downtown neighborhoods (using the techniques developed by the National Trust for Historic Preservation National Main Street Center).

(2) This general fund—state appropriation shall be matched by like amount from the office's existing general fund—federal appropriation for the 1983-85 biennium.

(3) Not later than December 1, 1985, the office shall report to the legislature on current and anticipated economic benefits of the revitalization program assisted under this appropriation. Special attention shall be given to the amount of new investment in building rehabilitation projects, the participants' capacity to match funds, the number of new businesses locating in participating downtown areas, and other factors reflecting the economic health of the business communities involved.

(4) Implementation of subsections (1) and (3) shall be coordinated with the Planning and Community Affairs Agency."

Renumber the remaining sections accordingly and correct internal references.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Williams to the Committee on Ways and Means amendment.

The motion by Senator Williams failed and the amendments to the committee amendment were not adopted, having failed to receive the constitutional 60% majority, on a rising vote.

MOTION

On motion of Senator McDermott, the following amendments to the Committee on Ways and Means amendment were considered and having received the constitutional 60% majority, were adopted.

On page 42, line 16, strike "6,354,000" and insert "6,654,000"

On page 42, after line 27, insert the following:

"(4) \$300,000 is provided solely for drug enforcement training."

MOTION

Senator Hughes moved the following amendments by Senators Hughes and McDermott to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 45, line 15, after "the" and before "cost" insert "average"

On page 45, line 16, before ", inclusive" delete "\$5,000" and insert "\$8,300"

On page 45, line 19, before the period insert the following:

"PROVIDED FURTHER, That a report shall be prepared summarizing the cost containment efforts of each agency in connection with this program"

On page 50, line 26, after "the" and before "cost" insert "average"

On page 50, line 27, before ", inclusive" delete "\$5,000" and insert "\$8,300"

On page 50, line 31, before the period, insert the following:

”; PROVIDED FURTHER, That costs for statutorily mandated residential survey and recycling programs undertaken by the department in connection with the conservation corps program are to be excluded from this calculation: PROVIDED FURTHER, That a report shall be prepared summarizing the cost containment efforts of each agency in connection with this program”

On page 52, line 11, after “the” and before “cost” insert “average”

On page 52, line 12, before “, inclusive” delete “\$5,000” and insert “\$8,300”

On page 52, line 16, before the period, insert the following:

”; PROVIDED FURTHER, That a report shall be prepared summarizing the cost containment efforts of each agency in connection with this program”

Debate ensued.

POINT OF INQUIRY

Senator Lee: “Senator Hughes, do you still feel and will you still be voting that it would be unwise for the state to provide any additional funds for tourism advertising to create jobs in that sector?”

Senator Hughes: “Senator Lee, first of all, I wouldn’t want to get into vote trading because that wouldn’t be proper. I believe that the budget level of tourism in light of the fiscal problems that face this state are adequate. I think we have some studies that will be coming in and I believe those are crucial.

“One thing I would like to say is without this amendment, I think we may be putting the agencies in a position of where they’re going to have to eat the additional costs and as I stated earlier, I think these costs are somewhat inflated. I think when you look at this program, you must look at the benefits to society, the environmental concerns and the additions. I think that anybody that is familiar, and I know you are, with the civilian conservation corps, you know the benefits will not only go to us but to our children and future generations. So while I would like to see the costs come down even lower, and I think they will in the interim, I think this is a very, very wise investment of taxpayer dollars.”

Further debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Hughes and McDermott to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hughes failed and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted by the following vote: Yeas, 26; nays, 20; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Absent: Senator Haley - 1.

Excused: Senators Kiskaddon, Newhouse - 2.

MOTION

Senator Woody moved the following amendment by Senators Woody and McDermott to the Committee on Ways and Means amendment be adopted:

On page 53, line 3, after the period insert: “425,000 of this amount is provided solely for the regional tourism development program.”

Debate ensued.

Senator Woody demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Woody and McDermott to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody failed and the the amendment to the committee amendment, having failed to receive the constitutional 60% majority, was not adopted by the following vote: Yeas, 25; nays, 20; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Vogtild, Williams, Wojahn, Woody, Zimmerman - 25.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Hurley, Lee, McCaslin, McDonald, Owen, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Warnke - 20.

Absent: Senators Haley, Rasmussen - 2.

Excused: Senators Kiskaddon, Newhouse - 2.

MOTION

Senator Patterson moved the following amendments by Senators Patterson and Gaspard to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 61, line 14, strike "16,254,000" and insert "16,274,000"

On page 61, line 19, strike "23,254,000" and insert "23,274,000"

On page 62, following line 10, add a new subsection to read as follows:

"(7) \$20,000 is provided solely for an exemplary study to be conducted by at least the Rosalia, Tekoa, Oakesdale, Garfield and St. John school districts to examine means by which these and other small school districts may utilize cooperative and multi-district efforts to provide programs for educational excellence in small districts."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Patterson, I notice your amendment says that we should spend twenty thousand dollars solely to provide for an exemplary study. How do we know if it's exemplary until it's done?"

Senator Patterson: "Well, you've got to take your chances, Senator. We certainly hope that by having that in there it will turn out to be that kind of a study."

MOTION

On motion of Senator Bluechel, Senators Haley and von Reichbauer were excused.

The President declared the question before the Senate to be adoption of the amendments by Senators Patterson and Gaspard to the Committee on Ways and Means amendment.

The motion by Senator Patterson carried and the amendments to the committee amendment, having received the constitutional 60% majority were adopted.

MOTION

Senator Bottiger moved the following amendment by Senators Bottiger, Guess and Patterson to the Committee on Ways and Means amendment be adopted:

On page 78, of the amendment, after line 6, insert the following:

"NEW SECTION, Sec. 515. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

The appropriations in this act to the state board for community college education and the four-year institutions of higher education are subject to the following conditions and limitations: (1) Individual community colleges may provide off-campus programs within the respective district boundaries without prior legislative approval; (2) No four-year institution may enter into new contracts, leases, or other commitments to establish off-campus extension centers without prior legislative approval."

Renumber the remaining sections consecutively and correct internal references accordingly.

POINT OF INQUIRY

Senator Gaspard: "Senator Bottiger, historically, community colleges have provided programs and services to the community, off-campus, in small business establishments and at plant sites. Is it your intention to require each and every new program or service offering to come before the Legislature for approval?"

Senator Bottiger: "No, Senator. If an institution has an on-going program or commitment to provide intermittent training anywhere in the district, then those temporary programs do not require legislative approval. I am concerned with the establishment of more or less permanent satellite campuses by these institutions, and I think that is what my amendment curtails, unless they have prior approval. We're not talking about going to a--say a new high-tech industry and offering to put on a training program where they don't have a permanent building or permanent structure or rented classrooms."

POINT OF INQUIRY

Senator Fuller: "Senator Bottiger, does this leave intact those existing programs such as we have in the east end of Lewis County?"

Senator Bottiger: "Yes, Senator, I'm not asking anybody to cancel anything. That would be very expensive. You'd have people caught in the middle of course, and it's only, obviously since we're on a budget bill, for the rest of the biennium. We're saying 'don't start any new ones unless you've got our approval.'"

POINT OF INQUIRY

Senator Lee: "Senator Bottiger, are we talking about your second revised amendment--the one on the short piece of paper?"

"You relate to the term 'off campus extension centers.' I know you're aware of the extension service that is, in fact, provided by Washington State University, with responsibility directed towards agriculture and the various counties. Would that be included if they were going to make any kind of change?"

Senator Bottiger: "No, Senator, this doesn't apply. The actual reason for the second revised amendment was that we contacted a representative of the community colleges to make sure what do you call these things when you open an old former grocery store or a former theater and they are called 'off campus extension centers,' and that's why we revised it so we were directly after what--"

Senator Lee: "And so you do not intend to include it if you have extended service?"

Senator Bottiger: "Right."

POINT OF INQUIRY

Senator Goltz: "Senator Bottiger, there is one community college in this state which has no campus at all. It does all of its instruction through centers of one kind or another located solely within the community college district. I would assume that this does not affect any community college which has this kind of delivery system within its own community college district. Is that correct?"

Senator Bottiger: "Senator, they could not establish an off-campus extension center if they didn't have a campus."

POINT OF INQUIRY

Senator Hemstad: "Senator Bottiger, it is my understanding that since 1977 there has normally been a proviso in the biennium budget that has prohibited the undertaking of new off-campus programs at least in the four-year schools and I suspect it probably applies to the community colleges without the prior approval of the Council on Postsecondary Education.

"Would you object if this were amended to replace the Legislature by the Council?"

Senator Bottiger: "Senator, it's the Council that has been giving the approval. Yes, I would object. You know, Senator Wojahn and I hit a storm when Evergreen rented a former theater and opened up a new quote off-campus something extension center and we didn't know about it. They apparently got approval from the Council of Postsecondary Education."

Senator Hemstad: "I believe they did. They go through the process that's fairly elaborate in deciding whether it makes sense to do just that. My concern is, I guess, that we have it in the Legislature it brings to a halt any kind of evolutionary and development in this area that would make sense."

Senator Bottiger: "Well, Senator, I'd like to know about it. I'd like to have them come down and tell us and I'd like them to reference it someplace and I don't want to delegate it to somebody else."

POINT OF INQUIRY

Senator Fleming: "Senator Bottiger, I have two questions. The first one is would this particular amendment affect Washington State University? As you are well aware, they have what they call a small business development center that is funded out of the Washington State University--and they do have several centers around the state that they, in conjunction with local economic development groups, set up to try and help small businessmen. As a matter of fact, the last one they've gone into is down in Clark County, at this point in time.

"Would this have an effect on that type of operation?"

Senator Bottiger: "Senator Fleming, I suggest that that's almost a rephrase of Senator Gaspard's question. No, if they have a program in which they've done this and they're short termed.--no leases, no permanent buildings--it's not my intent to prohibit--"

Senator Fleming: "No, this is not a question of whether it's short termed, no leased buildings. These are permanent programs moved into communities to help small businesses in chapter 11 situations and so forth--to try to strive at small businesses and so I would be concerned about that.

"My second question would be on the Evergreen one. Is it the fact that you did not know, or is it the fact that you or those that are concerned about this, don't like the Evergreen-type of program that has moved into Tacoma and PLU or something like that--sees that as some kind of competition?"

Senator Bottiger: "Senator, I have been a supporter of Evergreen. I support the concept of the kind of program they offer. I do think they ought to tell the Legislature before they create off-campus satellites. I think we ought to know about that and I think we ought to approve it. Now, with every satellite goes libraries, extensions--different kinds of services and the cost to the taxpayers gets very high."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator Bottiger, I have the same concerns as Senator Fleming had. When the mine shut down at Chewelah, the Spokane Community College immediately went there and put in a school for training seamstresses to sew ski jackets for Pacific Trail. Now, they had to lease for a period of three years--they had to lease the building, which they did. Is this going to preclude--when some business goes out and the community college responds to industry and to the community to try and save their community, will this keep them from having--make them come back here?"

Senator Bottiger: "Senator, I don't know how to answer that question, because first of all, I don't even know where Chewelah is. I do know that the activities of some of our colleges moving into communities and establishing satellite campuses--to avoid the legislative approval process has got me upset. Now, if this community college--creating a satellite campus had gone through the legislative review process--we meet every year--I don't know how much advance planning they need, but my suggestion would be they come down and make sure that we approve it."

Senator Guess: "Senator, they have not ever, in my knowledge, had to come back to the Legislature. We have appropriated them a block of money. We've not told them that they can educate exactly the number of students--and so they went to Chewelah, they went to Davenport, they went to Colville, they went to Colfax--they have leased buildings on store fronts in those towns and they conduct hundreds and hundreds of classes every year. This would preclude the normal way they've been operating ever since the Community College Act passed in 1967."

Further debate ensued.

POINT OF INQUIRY

Senator Bauer: "Senator Bottiger, Evergreen, which got placed in Olympia as opposed to Vancouver several years ago left Southwestern Washington a little vacant in four-year institutional opportunities, now has offered some courses in the Vancouver area. They got kicked out of a building they were in for awhile because it changed ownership. They now are relocating, hopefully on the Clark College campus, with some agreement. Now that they're in transit and there's

some proposal of working with Clark College on a building arrangement, would this preclude them from doing that?"

Senator Bottiger: "Senator, if the amendment is adopted they had better get the contract signed within ninety days."

Senator Bauer: "Well, we've got some money in the capital budget so we want to get those bricks and cement going before this happens. Senator."

Senator Bottiger: "Senator, then it's approved. Then we would have no objection. If they've got the money in the capital budget, then they've got legislative approval."

Further debate ensued.

MOTIONS

Senator Hemstad moved that the following amendment to the Bottiger amendment to the Committee on Ways amendment be adopted:

On the last line of the amendment, strike "legislative" and insert "of the Council of Postsecondary Education"

On motion of Senator Bottiger, further consideration of the amendment to the Bottiger amendment to the Committee on Ways and Means amendment was deferred.

POINT OF INQUIRY

Senator Hemstad: "My inquiry is what number of votes will it be required to move an amendment to the amendment? I would suggest that it would probably be a simple majority, because under the rule an amendment to the budget requires sixty percent, but I think an amendment to the amendment would probably only require a simple majority."

REPLY BY THE PRESIDENT

President Cherberg: "In reply to the inquiry by Senator Hemstad, Rule 52 states that no amendment to the budget or supplemental budget, not incorporated in the bill as reported by the ways and means committee, shall be adopted except by the affirmative vote of sixty percent of the senators elected.

"Therefore, the President rules that each amendment, oral or otherwise, requires a 60 percent favorable vote of the members elected."

MOTION

On motion of Senator Goltz, the following amendment by Senators Goltz, Gaspard, Guess, Rinehart, Patterson and Hurley to the Committee on Ways and Means amendment, having received the constitutional 60% majority, was adopted:

On page 82, beginning on line 7, after "(8)", strike all material down to and including "area," on line 13, and insert the following:

"\$80,000 is appropriated from the general fund to provide for a needs assessment and planning by the higher education institutions in the Spokane area for programs in engineering and technology to meet community and industrial needs. The institutions participating in the development of the needs assessment and planning shall include, but not be limited to, Washington State University, Gonzaga University, Eastern Washington University, Whitworth College and the Spokane Community College District. The funds appropriated herein shall be administered by Washington State University serving as agent of record."

MOTION

Senator Hansen moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 84, after line 27, insert a new subsection as follows:

"(6) \$200,000 is appropriated from the general fund for an electronic engineering technology degree program."

POINT OF INQUIRY

Senator Lee: "Senator Hansen, since this is not an additional amount of money for Central Washington University, it is simply saying that the money we are already appropriating for you--we are not changing that--you must use two hundred thousand dollars for this program. I guess what I'm mystified at, is there some indication we won't use it unless we tell them to?"

Senator Hansen: "I believe this is added money."

Senator Lee: "It is not. I don't see any language in any amendment that provides additional money for Central Washington University. This, in fact, would have to come from the appropriation that we already have in the bill. It would take another amendment to do that, Senator Hansen."

Senator Hansen: "Central Washington is the one that wrote the amendment. As I understand it, it adds two hundred thousand dollars that they overlooked getting into the original budget."

Senator Lee: "Senator Hansen, it's important for me to understand whether or not--since this language does not say that--does not change the appropriation to Central Washington University--it would have to be changed on page 83."

Senator Hansen: "I would have to get back to you, Senator Lee, so maybe we can set this amendment down until I get that information for you."

MOTION

On motion of Senator Hansen, further consideration of the amendment on page 84, line 27, to the Committee on Ways and Means amendment was deferred.

MOTION

Senator McDermott moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 96, line 10, after "biennium," insert "Moneys in the account shall be spent to implement Substitute Senate Bill No. 3287."

POINT OF INQUIRY

Senator Lee: "Senator McDermott, I hear what you're saying and I don't disagree with your logic, but I can't see how it fits in the bill. If this is in the section that appropriates eight million one hundred thousand dollars and not the 1.2 that you were mentioning and it follows after 'awards,' it then leaves the rest of that sentence hanging 'ending June 30, 1983.' I just wonder if we have an incorrect reference here?"

Senator McDermott: "Senator Lee, the reference is page 96, line 10, which I corrected, but apparently it didn't get read as we were reading it. It goes in the section dealing with the revenue accrual accounts which begins on page 95, line 34."

Senator Lee: "O.K., I understand that. What I'm looking for now is to be sure that we are limiting it just to that 1.2 million dollars that you were talking about and not to the entire revenue accrual account."

Senator McDermott: "Well, Senator Lee, if you read the entire section, you will see on line 2--'is hereby created in the general fund at the close of the fiscal biennium shall transfer out of the general fund. Monies from this account may only be spent after appropriations by statute for the purpose of decreasing the unfunded liability of state retirement systems or during the '83-'85 session for the purpose of discharging obligations which the Legislature determined are correctly chargeable to a prior biennium.' We are now adding a line which says 'money shall be used for the implementation of this bill,' so it is tightly drawn to deal only with that particular bill in this biennium."

Senator Lee: "I guess my question is, does this language indicate that that's now going to be the only purpose for which this money can be spent?"

Senator McDermott: "Senator Lee, you'll have to show me the word where it says 'only.' It says 'monies in the account shall be spent'--implemented. It doesn't say 'shall only be spent.'"

Senator Lee: "We're not giving them any other alternative. We're just saying 'monies in the account shall be spent' and if there's some left over, of course, it probably can't be spent for anything else other than this one purpose. I don't think that was your intent, was it?"

Senator McDermott: "It's pretty clear what my intent is, I think. If you don't have the word 'only' in there, it will be used for the other purposes above. It can additionally be used for this purpose."

Further debate ensued.

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDermott to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried and the the amendment to the committee amendment, having received the constitutional 60% majority, was adopted by the following vote: Yeas, 34; nays, 11; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognd, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Guess, Hayner, McCaslin, McDonald, Pullen, Quigg, Sellar - 11.

Absent: Senator Patterson - 1.

Excused: Senators Haley, Kiskaddon, Newhouse - 3.

MOTION

Senator Granlund moved that the following amendments by Senators Granlund, Gaspard and Wojahn to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 24, line 3, strike "~~82,621,000~~" and insert "83,121,000"

On page 24, line 9, strike "~~109,481,000~~" and insert "109,981,000"

On page 25, after line 18, insert the following:

"(h) \$500,000 of the general fund--state appropriation is provided solely for operating ten children's long-term residential beds in Pierce County."

Debate ensued.

MOTION

On motion of Senator Granlund, further consideration of the amendments to the committee amendment were deferred.

MOTION

Senator Granlund moved the following amendment to the Committee on Ways and Means amendment be adopted:

On page 33, after line 31, insert the following:

"Sec. ... Section 58, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SOCIAL SERVICES PROGRAM

General Fund Appropriation—State	\$	((84,142,000))
		84,242,000
General Fund Appropriation—Federal	\$	23,918,000
General Fund Appropriation—Local	\$	91,000
Total Appropriation	\$	((108,151,000))
		108,251,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall establish a vendor rate over and above the regular child day-care rate for therapeutic day care provided to abused or neglected children under the age of five years. A maximum of \$360,000 of moneys appropriated and allotted for child care payment may be expended for therapeutic day care.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) \$1,185,000 of the general fund—state appropriation is provided solely for home-based social services to families with children in foster care or at risk of foster care because of family problems rather than child behavior problems.

(4) \$100,000 of the general fund--state appropriation is provided solely for a performance-based contract with the homebuilder family meetings project of Catholic Community Services in Pierce County for a demonstration project, such funding to commence not earlier than September 1, 1984.

(5) The appropriations in this section shall be initially allotted as follows:

(a) \$1,128,000 of the general fund—state appropriation for the victims of domestic violence program.

(b) \$41,390,000, of which \$36,086,000 is from the general fund—state appropriation, for foster care payments.

(c) \$8,605,000, of which \$5,847,000 is from the general fund—state appropriation, for child-care payments.

(d) \$4,688,000, of which \$3,609,000 is from the general fund—state appropriation, for adoption support.

(e) \$3,170,000, of which \$1,525,000 is from the general fund—state appropriation, for family reconciliation services.

(f) \$8,749,000, of which \$7,553,000 is from the general fund—state appropriation, for interim care.

(g) \$14,927,000, of which \$12,199,000 is from the general fund—state appropriation, for alcoholism grants.

(h) \$4,768,000, of which \$4,249,000 is from the general fund—state appropriation, for detoxification.

(i) \$9,072,000, of which \$4,092,000 is from the general fund—state appropriation, for substance abuse grants.

(j) \$7,854,000 of the general fund—state appropriation for congregate care for alcohol and substance abuse clients.

(k) \$3,800,000 of the general fund—federal appropriation for refugee services.”
Renumber the sections consecutively and correct internal references accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Granlund to the Committee on Ways and Means amendment.

The motion by Senator Granlund failed and the amendment to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, was not adopted.

MOTION

Senator Barr moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 54, after line 32, insert the following:

“Sec. 306, Section 88, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	159,000
Game Fund Appropriation—State	\$	35,354,000
Game Fund Appropriation—Federal	\$	12,124,000
Game Fund Appropriation—Private/Local	\$	1,318,000
Game Fund—Special Wildlife Account Appropriation	\$	250,000
Total Appropriation	\$	49,205,000

The appropriations in this section are subject to the following conditions and limitations: (~~“If House Bill No. 105 is enacted before July 1, 1983, the game fund—state appropriation shall be reduced by \$352,000~~). \$75,000 of the game fund—state appropriation is provided solely for a fencing program to control wildlife damage. The department shall provide one-half of the cost of fencing materials, the landowner shall provide one-half of the cost of fencing materials and all construction and maintenance costs. Lands fenced shall be determined by the state game commission.”

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Barr to the Committee on Ways and Means amendment.

The motion by Senator Barr failed and the amendment to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, was not adopted.

MOTION

Senator Metcalf moved that the following amendment by Senators Metcalf, Vognild, Barr, Moore, Hurley, Guess, Benitz, Rasmussen, Quigg, Pullen, and Craswell to the Committee on Ways and Means amendment be adopted:

On page 71, line 11, insert the following subsection:

“(1) no money appropriated in this section may be expended for transporting students whose assignment to any particular school is based on distinction or preference on account of race, color, caste or sex.”

Renumber the remaining subsections accordingly.

POINT OF INQUIRY

Senator Fleming: "Senator Metcalf, just a minute. Are your kids involved in a busing program?"

Senator Metcalf: "My kids, Senator Fleming--the youngest one is twenty-five years old."

Senator Fleming: "Were they ever?"

Senator Metcalf: "No, they were not."

Further debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Metcalf, Vognild, Barr, Moore, Hurley, Guess, Benitz, Rasmussen, Quigg, Pullen and Craswell to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed and the amendment to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, was not adopted by the following vote: Yeas, 22; nays, 22; absent, 03; excused, 02.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Hansen, Hurley, Lee, McCaslin, Metcalf, Moore, Owen, Patterson, Pullen, Quigg, Rasmussen, Vognild, von Reichbauer, Woody, Zimmerman - 22.

Voting nay: Senators Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hemstad, Hughes, Kiskaddon, McDermott, McDonald, McManus, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 22.

Absent: Senators Bauer, Bender, Hayner - 3.

Excused: Senators Haley, Newhouse - 2.

MOTION

Senator Lee moved that the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 10, line 19, strike "12,353,000" and insert "12,449,000"

On page 10, line 24, strike "13,871,000" and insert "13,967,000"

On page 11, after line 23, insert the following new subsection:

"(6) \$96,000 of the general fund--state appropriation is provided solely for the purposes of studying coordination and the potential for merger between Eastern Washington and Washington State Universities. The Office of Financial Management shall contract with the Council on Postsecondary Education to participate in the study."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Lee to the Committee on Ways and Means amendment.

The motion by Senator Lee failed and the amendments to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION

Senator McDonald moved that the following amendment to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 27, line 36, after "spent" strike the remaining material through line 1 on page 28, and insert the following:

"during the 1983-85 biennium as follows:

(i) Not more than \$425,000 may be used to contract with counties to train mildly handicapped clients and place them in competitive employment; and (ii) Not more than \$849,000 may be used to contract with counties to place severely handicapped clients into long-term sheltered employment."

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator McDonald to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendment to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, was not adopted by the following vote: Yeas, 21; nays, 26; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Böttiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Excused: Senators Haley, Newhouse - 2.

MOTION

Senator McDonald moved that the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 31, line 26, strike "374,252,000" and insert "364,592,000"

On page 31, line 28, strike "329,502,000" and insert "319,843,000"

On page 31, line 30, strike "703,754,000" and insert "684,435,000"

On page 32, line 17, strike "~~((25,536,800))~~ 55,782,000" and insert "25,536,800" and strike "~~((12,768,400))~~ 27,893,000" and insert "12,768,400"

On page 32, line 21, strike "~~((1984))~~ 1985" and insert "1984"

On page 32, after line 25, insert the following new subsection:

"(4) \$10,927,000 of which \$5,465,000 is from the general fund--state appropriation is provided solely for a program of aid to families with dependent children for two parent families beginning on October 1, 1984, and continuing through April 30, 1985. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IV of the federal social security act in order to secure federal matching funds for the program during such period."

Renumber the remaining subsections accordingly.

On page 34, line 1, strike "368,391,000" and insert "362,516,000"

On page 34, line 3, strike "241,426,000" and insert "235,552,000"

On page 34, line 5, strike "609,817,000" and insert "598,068,000"

On page 34, line 8, strike "~~((13,355,800))~~ 33,321,000" and insert "13,355,800" and strike "~~((6,677,900))~~ 16,681,000" and insert "6,677,900"

On page 34, line 13, strike "~~((1984))~~ 1985" and insert "1984"

On page 34, after line 17, insert the following new subsection:

"(2) \$8,216,000, of which \$4,128,000 is from the general fund--state appropriation, is provided solely for medical assistance and limited casualty program coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between October 1, 1984, and April 30, 1985. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period."

Renumber the remaining subsections accordingly.

On page 38, line 4, strike "134,317,000" and insert "132,938,000"

On page 38, line 6, strike "143,550,000" and insert "143,040,000"

On page 38, line 9, strike "277,967,000" and insert "276,078,000"

Debate ensued.

POINT OF INQUIRY

Senator Hughes: "Senator Quigg, what is the source of the material that you are using there?"

Senator Quigg: "The title is Review of the News, February 8, 1984."

Senator Hughes: "Is that a publication by the John Birch Society? I believe it is, Senator."

Senator Quigg: "Published by the Review of the News Incorporated, 395 Concord Avenue, Belmont, Massachusetts, 02178. The rates are twenty-five dollars a year, fifteen bucks for six months and eight dollars for three months in the U.S.A. Other countries--copyright 1984, Review of the News Incorporated, second-class postage paid at Boston, Mass.--any additional mailing offer--"

Senator Hughes: "Thank you, Senator."

Senator Quigg: "I'm glad you asked."

Senator Hughes: "So am I."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator McDonald to the Committee on Ways and Means amendment.

The motion by Senator McDonald failed and the amendments to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION

Senator Deccio moved that the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

- On page 31, line 26, strike "374,252,000" and insert "372,831,000"
- On page 31, line 28, strike "329,502,000" and insert "328,081,000"
- On page 31, line 30, strike "703,754,000" and insert "700,912,000"
- On page 32, line 17, strike "55,782,000" and insert "52,940,000"
- On page 32, line 18, strike "27,893,000" and insert "26,472,000"
- On page 34, line 1, strike "368,391,000" and insert "367,520,000"
- On page 34, line 3, strike "241,426,000" and insert "240,555,000"
- On page 34, line 5, strike "609,817,000" and insert "608,075,000"
- On page 34, line 8, strike "33,321,000" and insert "31,579,000"
- On page 34, line 9, strike "16,681,000" and insert "15,810,000"
- On page 52, line 25, strike "7,707,000" and insert "9,999,000"
- On page 52, line 33, strike "2,287,000" and insert "4,579,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Deccio to the Committee on Ways and Means amendment.

The motion by Senator Deccio failed and the amendments to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION

On motion of Senator Lee, the following amendments to the Committee on Ways and Means amendment, having received the constitutional 60% majority, were considered and adopted simultaneously:

- On page 32, line 3, after "consideration of" strike "the"
- On page 32, line 11, strike "incapacitated" and insert "eligible by reason of incapacitation"

MOTION

On motion of Senator Deccio, the following amendment to the Committee on Ways and Means amendment, having received the constitutional 60% majority, was adopted:

- On page 36, line 14, after "cancer research" insert "or in research concerning the effects of smoking on the cardiovascular and respiratory systems."

MOTION

Senator Bluechel moved that the following amendments by Senators Bluechel, Lee, Hemstad and Deccio to the Committee on Ways and Means amendment be considered and adopted simultaneously:

- On page 52, line 25, strike "7,707,000" and insert "9,999,000"
- On page 52, line 33, strike "2,287,000" and insert "4,579,000"

Debate ensued.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Bluechel, Lee, Hemstad and Deccio to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Bluechel failed and the amendments to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, were not adopted by the following vote: Yeas, 21; nays, 24; absent, 02; excused, 02.

Voting yea: Senators Barr, Bluechel, Clarke, Deccio, Fuller, Guess, Hayner, Hemstad, Kiskaddon, Lee, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Quigg, Sellar, von Reichbauer, Woody, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Craswell, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, Moore, Pullen, Rasmussen, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn - 24.

Absent: Senators Benitz, Rinehart - 2.

Excused: Senators Haley, Newhouse - 2.

MOTION

Senator Lee moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 53, beginning on line 16, strike all material down through "objectives." on line 21.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, who were the main principals in this particular partnership?"

Senator McDermott: "Mr. President and members of the Senate, Senator Bluechel, we've attended several meetings--Bob Buck was one--Larry Connell was another--who were at the meeting talking about the Puget Sound Economic Development Council, having some funds available in the Department to put together at least a start of the private-public sector partnership. The more I think about it the more I think we ought to just let the amendment hang. If you don't want to do that, it was their idea that we somehow establish it and we thought it made sense."

Senator McDermott demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee carried and the amendment to the Committee on Ways and Means amendment, having received the constitutional 60% majority, was adopted by the following vote: Yeas, 31; nays, 14; absent, 02; excused, 02.

Voting yea: Senators Barr, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Bauer, Bender, Conner, Fleming, Hughes, Hurley, McDermott, McManus, Moore, Owen, Talmadge, Thompson, Vognilid, Warnke - 14.

Absent: Senators Benitz, Sellar - 2.

Excused: Senators Haley, Newhouse - 2.

MOTION

Senator Clarke moved that the following amendments by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 58, line 14, strike "11,573,000" and insert "12,106,000"

On page 58, line 17, strike "1,400,000" and insert "1,821,000"

On page 58, line 22, strike "712,000" and insert "824,000"

POINT OF INQUIRY

Senator Goltz: "Senator Clarke, is this the same part of the state patrol that sent the undercover agents into the Legislature to do a drug investigation in this building several years ago?"

Senator Clarke: "Number one, I do not believe that, at least as far as our supervisory committee was concerned, there was any authority given for the kind of investigation that you're talking about. I might also respond to this extent that if the Legislature is apprehensive that this committee or that this section of the State Patrol is doing something, by way of investigating the Legislature, it should be amply protected by the fact it is supervised by eight legislators from both parties

and those legislators have the right to inquire in detail into any sort of activity that particular division gets into."

Further debate ensued.

MOTION

On motion of Senator Shinpoch, further consideration of the amendment by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment was deferred.

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

MESSAGE FROM THE HOUSE

February 28, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1449, and asks the Senate for a conference thereon. The Speaker has appointed the following members as conferees: Representatives Galloway, Ebersole and Betrozoff.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Gaspard, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 1449 and granted the request of the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1449 and the Senate amendments thereto: Senators Gaspard, Bauer and Lee.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

February 29, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 217,

SUBSTITUTE HOUSE BILL NO. 1127,

HOUSE BILL NO. 1135,

SUBSTITUTE HOUSE BILL NO. 1164,

SUBSTITUTE HOUSE BILL NO. 1213,

HOUSE BILL NO. 1248,

SUBSTITUTE HOUSE BILL NO. 1282,

HOUSE BILL NO. 1413,

HOUSE BILL NO. 1427,

SUBSTITUTE HOUSE BILL NO. 1456, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 29, 1984

Mr. President:

The House has concurred in the Senate amendment(s) to the following listed House Bills, and has passed said bills as amended by the Senate:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 626,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 914,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1311,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1637,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1655,

DEAN R. FOSTER, Chief Clerk

February 29, 1984

Mr. President:

The Speaker has signed:

Substitute Senate Bill No. 4494, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

February 29, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 857,

SUBSTITUTE HOUSE BILL NO. 915,

SUBSTITUTE HOUSE BILL NO. 1083,

SUBSTITUTE HOUSE BILL NO. 1205,

SUBSTITUTE HOUSE BILL NO. 1439, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 217,

SUBSTITUTE HOUSE BILL NO. 1127,

HOUSE BILL NO. 1135,

SUBSTITUTE HOUSE BILL NO. 1164,

SUBSTITUTE HOUSE BILL NO. 1213,

HOUSE BILL NO. 1248,

SUBSTITUTE HOUSE BILL NO. 1282,

HOUSE BILL NO. 1413,

HOUSE BILL NO. 1427,

SUBSTITUTE HOUSE BILL NO. 1456.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3098.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 857,

SUBSTITUTE HOUSE BILL NO. 915,

SUBSTITUTE HOUSE BILL NO. 1083,

SUBSTITUTE HOUSE BILL NO. 1205,

SUBSTITUTE HOUSE BILL NO. 1439.

MOTION

At 5:44 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Thursday, March 1, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 1, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Bluechel, Hurley, Kiskaddon, McDermott, Newhouse, Pullen, Williams and Zimmerman. There being no objection, the President excused Senators McDermott and Newhouse.

The Sergeant at Arms Color Guard, consisting of Pages Tara Henry and Steve White, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

February 29, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on February 29, 1984, Governor Spellman approved the following Senate Bill entitled:

Substitute Senate Bill No. 4110

Relating to cemeteries.

Sincerely,

C. Kenneth Grosse,

Counsel for the Governor

MESSAGE FROM THE HOUSE

February 13, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3616 with the following amendments:

On page 1, line 15, after "than" strike "or equal to"

On page 2, line 6, after "continued.", strike all material down to and including "legislature." on line 7,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognil, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3616.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3616, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3616, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 00; absent, 08; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Lee, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Wojahn, Woody - 39.

Absent: Senators Bender, Bluechel, Hurley, Kiskaddon, McCaslin, Pullen, Williams, Zimmerman - 8.

Excused: Senators McDermott, Newhouse - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3616, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4415 with the following amendment:

On page 1, line 23, before "decision" insert "prospective employee's",

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, further consideration of Engrossed Senate Bill No. 4415 was deferred.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4814 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. As used in sections 1 through 4 of this act, "department" means the department of social and health services.

NEW SECTION, Sec. 2. The department shall expand the initial plan developed under section 5, chapter 192, Laws of 1983 to implement the goals and objectives of the children and family services act, chapter 74.14A RCW, to include the following:

(1) An itemization of the cost of the department's initial implementation plan developed under section 5, chapter 192, Laws of 1983, which was provided to the legislature in November, 1983; of all subsections in section 5, chapter 192, Laws of 1983, and of those items listed in subsection (2) of this section.

(2) Such itemization also shall include:

(a) Staffing costs associated with the alternative residential placement process;

(b) Costs associated with providing a continuum of mental health services for children;

(c) Costs associated with specialized and regular foster and group care home, receiving home, and crisis residential center beds for children and youth and emancipation facility beds for children and youth who require out-of-home placements but who can function relatively independently. An itemization of such costs shall take into consideration an assessment of need for beds in such facilities and the need for training and support services necessary to keep children and youth from undergoing unnecessary and unplanned placements; and

(d) Costs associated with providing services for hard-to-place children and youth.

NEW SECTION, Sec. 3. The department shall develop the elements of the expanded plan delineated in section 2 of this act in cooperation with the advisory committee appointed by the secretary to develop the 1983 plan required under section 5, chapter 192, Laws of 1983 implementing the children and family services act. The plan shall be submitted to the appropriate committees of the house of representatives and the senate by November 15, 1984. The committee shall serve in its advisory capacity until December 30, 1984.

NEW SECTION, Sec. 4. (1) The legislative budget committee shall conduct a study comparing private group care rates with state group care rates for equivalent services. Such study shall make recommendations for change, where appropriate.

(2) The legislative budget committee shall report back to the appropriate committees of the house of representatives and the senate by November 15, 1984.

NEW SECTION, Sec. 5. Sections 1 through 4 of this act shall expire December 30, 1984.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 7. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Granlund, the Senate concurred in the House amendment to Substitute Senate Bill No. 4814.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4814, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4814, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Boltiger, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Craswell - 1.

Absent: Senators Conner, Pullen - 2.

Excused: Senator Newhouse - 1.

SUBSTITUTE SENATE BILL NO. 4814, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3059,

SUBSTITUTE SENATE BILL NO. 3064,

SUBSTITUTE SENATE BILL NO. 3103,

SENATE BILL NO. 3128,

SECOND SUBSTITUTE SENATE BILL NO. 3158,

SUBSTITUTE SENATE BILL NO. 3178,

SUBSTITUTE SENATE BILL NO. 3238,

SENATE BILL NO. 3262,

SUBSTITUTE SENATE BILL NO. 3287,

SENATE BILL NO. 3437,

SUBSTITUTE SENATE BILL NO. 3561,

SENATE BILL NO. 4286,

SENATE BILL NO. 4320, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House concurred in the Senate amendment(s) to the following listed House Bills and passed said bills as amended by the Senate:

SECOND SUBSTITUTE HOUSE BILL NO. 85,

SECOND SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 1105,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1125,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1137,

ENGROSSED HOUSE BILL NO. 1142,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1187,

HOUSE BILL NO. 1219.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3868,

SUBSTITUTE SENATE BILL NO. 4489,

SUBSTITUTE SENATE BILL NO. 4849,

SENATE BILL NO. 4852.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Apple Blossom Festival Queen, Marlene Merdian and Princesses Mindy Piepel and Darcel Recchia. The President appointed Senators Hurley, Conner, Sellar, Gaspard, Hemstad, Deccio and Goltz to escort the honored guests to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Queen Marlene to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Washington State Dairy Princess, Marie Wallace, and the alternate Princess, Heidi Small. The President appointed Senators Bluechel, Metcalf and Woody to escort the honored guests to the Senate Rostrum.

With permission of the Senate, business was suspended to permit Princess Marie to address the Senate.

The honored guests were escorted from the Senate Chamber and the committee was discharged.

MOTIONS

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

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 1156 and the pending amendments by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar on page 58, lines 14, 17 and 22, to the Committee on Ways and Means amendment, deferred on February 29, 1984.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Senator McDermott, I thought I heard you say that we had put three hundred thousand dollars in there to make buys."

Senator McDermott: "Yes."

Senator Guess: "They just laid this amendment on my desk. It says 'deletes the three hundred thousand dollar appropriation.' Is that a different three hundred thousand dollars?"

Senator McDermott: "Senator Guess, I put this amendment on the desk so if the amendment hangs we will pull that buy money out. I think if you're going to be making the decision here that you want a state police, then I don't think you should have them with a bunch of buy money. They ought to have to come in and ask for it from us directly, so I don't think you can go both ways at the same time. If this amendment--Senator Clarke's amendment--hangs, then I think this other amendment is appropriate. If it does not hang, I will pull this amendment from the desk."

Senator Guess: "Just one more question. The amendment adds four hundred and twelve thousand and then gives them four operatives and does that include the three hundred thousand dollars then to buy money?"

Senator McDermott: "No."

Further debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Clarke failed, and the amendment to the Committee on Ways and Means amendment, having failed to receive the constitutional 60% majority, was not adopted by the following vote: Yeas, 28; nays, 19; absent, 00; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Granlund, Guess, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDonald, Metcalfe, Owen, Patterson, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Warnke, Zimmerman - 28.

Voting nay: Senators Bottiger, Conner, Fleming, Gaspard, Goltz, Haley, Hansen, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Vognild, Williams, Wojahn, Woody - 19.

Excused: Senators McCaslin, Newhouse - 2.

MOTION

Senator Lee moved that the following amendments by Senators Lee and Hemstad to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 61, line 14, strike "16,254,000" and insert "16,804,000"

On page 61, line 19, strike "23,254,000" and insert "23,804,000"

On page 61, line 30, strike "200,000" and insert "750,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senators Lee and Hemstad to the Committee on Ways and Means amendment.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Haley served notice that he would move to reconsider the vote by which the amendments by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment to Engrossed Substitute House Bill No. 1156 was not adopted by the Senate.

PARLIAMENTARY INQUIRY

Senator Clarke: "A point of parliamentary inquiry. Which amendment are we voting on? I just wanted to be sure it was not the reconsideration."

REPLY BY THE PRESIDENT

President Cherberg: "No, it is not the motion to reconsider."

The motion by Senator Lee failed and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION

On motion of Senator Lee, the following amendment to the Committee on Ways and Means amendment, having received the constitutional 60% majority, was adopted:

On page 69, after line 24, strike all material down to and including "1985." on line 28

MOTION

Senator Deccio moved that the following amendments to the Committee on Ways and Means amendment be adopted:

On page 71, line 8, strike "171,057,000" and insert "173,374,000"

On page 71, line 11, strike "75,110,400" and insert "76,964,000"

On page 71, after line 15, strike all material down to and including "less." on line 25, and insert the following: "(4) A maximum of \$3,600,000 shall be allocated proportionately to make up the difference in the 1983-84 fiscal year to only those school districts, as specified in Bulletin 24-83, that received less than their June preliminary 1983-84 sixty-five percent of allocation. Any excess funds unspent for this purpose shall revert to the general fund."

Debate ensued.

The President declared the question before the Senate to be adoption of the amendments by Senator Deccio to the Committee on Ways and Means amendment.

The motion by Senator Deccio failed and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION

Senator Quigg moved the following amendments by Senators Quigg, Craswell, McCaslin and Guess to the Committee on Ways and Means amendment to consider and adopted simultaneously:

On page 8, line 1, strike "3,425,000" and insert "28,553,000"

On page 8, after line 11, insert "(4) \$25,128,000 shall be used solely for the Taxpayer Relief Program to be implemented by the Governor in cooperation with the Secretary of State and county auditors. The Taxpayer Relief Program is intended to provide needed relief to the taxpayers of the State of Washington to help alleviate the burdens of a forty-four percent sales tax increase and other tax increases imposed upon the taxpayers of the state. The Governor shall distribute such monies to each state resident who is registered to vote as of March 13, 1984 on a per capita basis. The money shall be distributed by October 26, 1984. No more than ten percent of the money appropriated for the Taxpayer Relief Program shall be used for administrative costs."

On page 31, line 25, strike "~~((359,127,000))~~ 374,252,000" and insert "359,127,000"

On page 31, line 27, strike "~~((314,381,000))~~ 329,502,000" and insert "314,381,000"

On page 31, line 29, strike "~~((673,508,000))~~ 703,754,000" and insert "673,508,000"

On page 32, line 17, after "(3) \$" strike "~~((25,536,800))~~ 55,782,000 of which ~~\$(12,768,400)~~ 27,893,000" and insert "25,536,800, of which \$12,768,400"

On page 32, line 21, strike "~~((1984))~~ 1985" and insert "1984"

On page 33, line 36, strike "~~((358,388,000))~~ 368,391,000" and insert "358,388,000"

On page 34, line 2, strike "~~((231,464,000))~~ 241,426,000" and insert "231,464,000"

On page 34, line 4, strike "~~((589,852,000))~~ 609,817,000" and insert "589,852,000"

On page 34, line 8, strike "~~((13,355,800))~~ 33,321,000 of which ~~\$(6,677,900)~~ 16,681,000" and insert "13,355,800 of which \$6,677,900"

On page 34, line 13, after "June 30," strike "~~((1984))~~ 1985" and insert "1984"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Pullen, do you know how much per biennium in additional interest we have to pay because we lost our credit rating?"

Senator Pullen: "Oh, it is completely negligible compared to the billion or two billion dollar tax increase that was imposed on the taxpayers due to the forty-four percent sales tax increase and the fifty percent B & O tax increase."

Senator Bottiger: "Well, Senator, it is almost a hundred million dollars a biennium."

Senator Pullen: "Yes, as I said that is negligible compared to the billion or so dollars that was imposed on the taxpayers."

The President declared the question before the Senate to be adoption of the amendments by Senators Quigg, Craswell, McCaslin and Guess to the Committee on Ways and Means amendment.

The motion by Senator Quigg failed and the amendments to the committee amendment, having failed to receive the constitutional 60% majority, were not adopted.

MOTION OF RECONSIDERATION

Prior notice being given, Senator Haley moved that the Senate immediately reconsider the vote by which the amendments by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment failed to be adopted by the Senate earlier in the day.

PARLIAMENTARY INQUIRY

Senator Clarke: "A matter of parliamentary inquiry. The motion to reconsider would require only a majority vote--that is to reconsider."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that a motion to reconsider will require a majority vote."

The President declared the question before the Senate to be the motion by Senator Haley to reconsider the vote by which the amendments by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment failed to be adopted by the Senate.

The motion by Senator Haley carried and the Senate resumed consideration of the amendments to the committee amendment, on reconsideration.

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments, on reconsideration, by Senators Clarke, Lee, Deccio, Hayner, Hemstad and Sellar to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the amendments, on reconsideration, to the Committee on Ways and Means amendment, having received the constitutional 60% majority, were adopted by the following vote: Yeas, 30; nays, 19; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Thompson, von Reichbauer, Warnke, Zimmerman - 30.

Voting nay: Senators Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, McCaslin, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Williams, Wojahn, Woody - 19.

MOTIONS

On motion of Senator Shinpoch, further consideration of Engrossed Substitute House Bill No. 1156 was deferred.

At 12:02 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

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

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 4415 and the pending House amendment, deferred at the morning session.

MOTION

On motion of Senator Gaspard, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4415.

MOTIONS

On motion of Senator Vognild, Senators Wojahn, Hurley and Granlund were excused.

On motion of Senator Zimmerman, Senators Hayner, Lee, Clarke and Quigg were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4415, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4415, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 03; absent, 02; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Metcalf, Pullen - 3.

Absent: Senators Benitz, Newhouse - 2.

Excused: Senators Clarke, Granlund, Hayner, Hurley, Lee, Quigg, Wojahn - 7.

ENGROSSED SENATE BILL NO. 4415, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4829 with the following amendments:

On page 1, line 18, after "because" strike "he" and insert "~~(he)~~ the individual"

On page 1, line 20, after "which" strike "he" and insert "~~(he)~~ the individual."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4829.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4829, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4829, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 01; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 40.

Voting nay: Senator Craswell - 1.

Absent: Senator Newhouse - 1.

Excused: Senators Clarke, Granlund, Hayner, Hurley, Lee, Quigg, Wojahn - 7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4829, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

On motion of Senator Shinpoch, the Senate resumed consideration of Engrossed Substitute House Bill No. 1156 and the pending amendment by Senators Bottiger, Guess and Patterson on page 78, line 6, to the Committee on Ways and Means amendment, proposed February 29, 1984.

On motion of Senator Bottiger, and there being no objection, the amendment to the committee amendment was withdrawn.

MOTION

On motion of Senator Bottiger, the following amendment by Senators Bottiger, Guess and Patterson to the Committee on Ways and Means amendment, having received the constitutional 60% majority, was adopted:

On page 78 of the amendment, after line 6, insert the following:

"NEW SECTION, Sec. 515. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

The appropriations in this act to the state board for community college education and the four-year institutions of higher education are subject to the following conditions and limitations: (1) Individual community colleges may provide off-campus programs within the respective district boundaries without prior legislative approval; (2) No four-year institution may enter into new contracts, leases, or other commitments to establish off-campus extension centers without prior legislative approval."

Renumber the remaining sections consecutively and correct internal references accordingly.

There being no objection, the Senate resumed consideration of the amendments on pages 24 and 25 by Senators Granlund, Gaspard and Wojahn to the Committee on Ways and Means amendment, proposed February 29, 1984.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Granlund, the reference is made several times that the building would be vacant for fifteen months. What would happen at the end of fifteen months?"

Senator Granlund: "Hopefully, we would be able to get into the next biennium budget for funding for the operating cost."

Further debate ensued.

Senator Wojahn demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Granlund, Gaspard and Wojahn to the Committee on Ways and Means amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Granlund failed, and the amendments to the committee amendment, having failed to receive the constitutional majority, were not adopted by the following vote: Yeas, 12; nays, 33; absent, 01; excused, 03.

Voting yea: Senators Gaspard, Granlund, Hansen, Kiskaddon, McManus, Metcalf, Peterson, Peterson, von Reichbauer, Warnke, Wojahn, Woody - 12.

Voting nay: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Craswell, Deccio, Fleming, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, Moore, Newhouse, Owen, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Williams, Zimmerman - 33.

Absent: Senator Vognild - 1.

Excused: Senators Clarke, Lee, Quigg - 3.

There being no objection, the Senate resumed consideration of the pending amendment on page 84, after line 27, to the Committee on Ways and Means amendment, proposed by Senator Hansen, February 29, 1984.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator Hansen to the Committee on Ways and Means amendment.

The motion by Senator Hansen failed and the amendment to the committee amendment, having failed to receive the constitutional 60% majority, was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTION

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

On page 1, line 1 of the title, after "state agencies;" strike the remainder of the title and insert "amending section 2, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 3, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 4, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 5, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 6, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 7, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 8, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 9, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 10, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 11, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 12, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 13, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 14, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 15, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 20, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 21, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 22, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 28, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 29, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 30, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 31, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 32, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 34, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 37, chapter 76, Laws of 1983 1st ex. sess.

(uncodified); amending section 38, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 39, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 40, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 41, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 43, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 44, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 45, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 49, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 52, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 53, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 54, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 55, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 56, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 57, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 59, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 60, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 61, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 62, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 63, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 64, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 65, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 66, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 67, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 68, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 70, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 71, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 72, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 73, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 74, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 75, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 76, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 77, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 78, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 80, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 81, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 83, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 86, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 87, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 89, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 90, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 92, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 93, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 94, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 96, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 97, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 101, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 102, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 103, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 104, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 105, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 107, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 109, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 110, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 115, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 117, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 118, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 119, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 120, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 121, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 122, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 123, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 124, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 126, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 127, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 128, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 132, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 134, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 136, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 142, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 8, chapter 1, Laws of 1983 2nd ex. sess. (uncodified); amending section 33, chapter 7, Laws of 1983 as amended by section 57, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.32.400; adding new sections to chapter 76, Laws of 1983 1st ex. sess.; creating new sections; repealing section 47, chapter 76, Laws of 1983 1st ex. sess. (uncodified); and declaring an emergency."

MOTIONS

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1156, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Fleming, further consideration of Engrossed Substitute House Bill No. 1156, as amended by the Senate, was deferred.

At 2:02 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 2:21 p.m.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute House Bill No. 1156, as amended by the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Sellar: "Senator Bottiger, in section 403, there is money for a joint study with the Department of Transportation and Washington Public Ports--part of that is a contribution by the Ports. In your opinion, could that contribution be a combination of cash and in-kind service?"

Senator Bottiger: "When the Department of Transportation and the Ports discussed this with me and it was anticipated that the Ports would provide the supervision for the study that would be put out on contract. There would be a request for proposals. The contract would be less than three hundred thousand and the Ports would have to come up with the balance to provide the supervision. That is what the fifteen percent is for."

Further debate ensued.

Senators Bottiger, Peterson and Shinpoch demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 27; nays, 21; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rinehart, Sellar, von Reichbauer - 21.

Absent: Senator McCaslin - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

Senator Metcalf moved that the Senate revert to the fifth order of business for the purpose of reading in Senate Concurrent Resolution No. 151.

Senator Bottiger moved that the motion be laid upon the table.

Senator von Reichbauer demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to lay the motion by Senator Metcalf on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger to lay the motion of Senator Metcalf on the table failed by the following vote:

Yeas, 24; nays, 25; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Voting nay: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 25.

Debate ensued.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Metcalf to revert to the fifth order of business for introduction and first reading of bills.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed by the following vote: Yeas, 24; nays, 25; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 24.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoeh, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 25.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1509, by Representatives Tanner, L. Smith, J. King, Struthers, Heck, Sutherland, Galloway, Hastings, Appelwick, Hankins, O'Brien, Bond, Wang, Barnes, Armstrong, Betrozoff, Jacobsen, Schmidt, Braddock, Walk, Schoon, D. Nelson, Kaiser, Sayan, Rust, Smitherman, Ballard, Monohon, Fisher, Gallagher, Locke, Powers, R. King, Burns, McMullen, Pruitt, Crane, Stratton, Egger, Dellwo, Zellinsky, Garrett, Sommers, Ellis, Scott, Belcher, Todd, Lux, Grimm, Isaacson, J. Williams, Brough, Dickie, C. Smith, Prince, Clayton, Van Luven, Patrick, Chandler, Fuhrman, Padden, Cantu, West, Vander Stoep, Barrett, Ebersole, Tilly, Allen, Long, Holland, B. Williams, Miller, Johnson and Silver

Authorizing a county tax on nonresidents of the state employed in the county.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, Engrossed House Bill No. 1509 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Patterson: "Senator Thompson, in your remarks, you referenced only the state of Oregon. I'm wondering whether or not the counties that border on Idaho, would be given this same opportunity under this legislation?"

Senator Thompson: "Senator Patterson, they would be similarly affected should a county choose to exercise its permissive authority."

Senator Patterson: "Then, what you are saying is that the residents of Idaho who are working in the state of Washington--the county where they work would have the authority, under this legislation, to levy the excise tax on their employment in the state of Washington from Idaho?"

Senator Thompson: "Yes, I am."

POINT OF INQUIRY

Senator Hurley: "Senator Thompson, because there has been no conflict between the border counties and Idaho, and I would like to speak for Spokane County, I think that it might be a good will measure to have you answer the question that I am going to ask? There is no intent, is there, by any other border counties that you know of to exercise this privilege?"

Senator Thompson: "There certainly is no intent to do so, Senator Hurley, and I would also like to key on your words 'good will.' I would hope that 'good will' would be maintained or obtained in our relationship with all our bordering states, even with the state of Oregon. This measure simply represents, with its delayed implementation date of July 1, 1985, a last resort option that the state of Washington would have in dealing with the Oregon situation."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: "Senator Thompson, I may have missed it, but just in case I did, maybe you could point it out to me. In lines 18 through 20, it states 'the county shall allocate to each city or town the amount of such taxes as are paid by nonresidents employed respectively in each such city or town.' What amount of this tax will go to the counties?"

Senator Thompson: "That proportion--that share that is represented by those numbers that are employed in the unincorporated area."

POINT OF INQUIRY

Senator Rasmussen: "Senator Thompson, I know you are one of those, as I am, and the rest of the body here, that want to encourage industries to come into the state--high-tech and all of that. Could you explain to me how we would handle a case such as Hewlett-Packard or Fairchild Camera, that have come into the state for the purposes of constructing the plants and engineering the plants, yet they are residents of California or New York? How would we handle that? This applies to all counties and I know Snohomish County has high-tech up there, with Hewlett-Packard. We have Fairchild Camera in Pierce County. We would then be obligated to assess fees against these industries that we have invited into the state--the employees of those--"

Senator Thompson: "May I answer now, Senator Rasmussen? This is a commuter tax, in effect, and I assume that there is no one that is going to commute from those distant states to Pierce County or any interior county. As a matter of fact, I don't anticipate that this measure will ever be implemented. I'm hopeful that it will be repealed prior to its effective date, but nevertheless in response to your concern, it is a commuter tax, in effect."

Senator Rasmussen: "Could you define 'commuter'? Is that the person that comes in once a month--once every six months--or twice a day? I don't see any definition in the bill. I don't even see 'commuter tax.'"

Senator Thompson: "It would be a tax on persons residing outside of the state who are employed inside the county. It is a county tax."

Senator Rasmussen: "And it covers all thirty-nine counties?" Senator Thompson: "Yes, it does." Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Thompson, recognizing your expertise here as chairman of the Local Government Committee, and I recognize that this is dealing with thirty-nine counties. Is it possible that we could offer an amendment or an amendment could fit into this section that would extend this to allow cities to do that same kind of thing?"

Senator Thompson: "Senator Fleming, this measure is drafted to provide for cities to be involved in the income from this tax. As a matter of practical fact, if it were ever to be implemented, which I wouldn't anticipate, cities would most assuredly derive most of the income, because most of the employment is within city limits."

Senator Fleming: "Well, my problem is that you are having problems with the Oregon state border, we, sometimes in Seattle, have problems with the bedroom cities, like Mercer Island and others that come across the bridge and use our streets, come work in our city and go back home to their bedroom and then don't want to help pay for any of those kinds of services that they used up. So, when I was in the House, we talked about a head tax and I am just wondering if I could get a little amendment on this so that every time Senator Clarke went across that bridge over to Seattle and made his money and then went back to Mercer Island, then we might be able to collect a head tax to help pay for the damage to those streets and some of the other services that he used up. I'm just using that as an example--I'm not picking on Senator Clarke--that could be in the south or in the north or whatever."

Senator Thompson: "Senator Fleming, you see possibilities in this context that I hope you hadn't noticed."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1509.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1509, and the bill passed the Senate by the following vote: Yeas, 44; nays, 05; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Craswell, Guess, Pullen, Quigg, Rasmussen - 5.

ENGROSSED HOUSE BILL NO. 1509, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the Senate resumed consideration of Substitute Senate Bill No. 4381 and the pending House of Representatives amendment, deferred on February 28, 1984.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Metcalf, the President finds that Substitute Senate Bill No. 4381 is an omnibus bill dealing with election procedures by modifying provisions relating to oaths of office, filing dates, precinct boundaries, ballot titles and port commissioner vacancies.

"The amendments proposed by the House of Representatives also deal with the subject of election procedures by incorporating the provisions of the original bill, and by adding procedures for filling a vacancy in the position of United States Senator or Representative, and by eliminating primaries for nonpartisan positions in certain instances.

"The President, therefore, finds that the proposed amendments do not expand the scope and object of the bill and that the point of order is not well taken."

The amendments by the House of Representatives were ruled in order.

MOTION

On motion of Senator Talmadge, the Senate did not concur in the House amendments to Substitute Senate Bill No. 4381 and requested a Conference thereon.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 4798 and the pending House of Representatives amendments, deferred on February 28, 1984.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President finds that Engrossed Senate Bill No. 4798 is a measure dealing with the subject of prison overcrowding by extending the Prison Overcrowding Reform Act, by appropriating funds to local communities where correctional facilities are located, and by providing for the development of a comprehensive system of alternative programs for nonviolent offenders by the Department of Corrections.

"The amendments proposed by the House of Representatives also deal with the subject of prison overcrowding by incorporating most of the provisions of the Senate Bill, by giving the Governor additional authority to deal with prison overcrowding, and by establishing a program to assist employees of the Department of Corrections who are injured by prison inmates, in recognition of prison overcrowding and the hazardous nature of that employment.

"The President, therefore, finds that the proposed amendments do not expand the scope and object of the bill and that the point of order is not well taken."

The amendments by the House of Representatives were ruled in order.

MOTION

On motion of Senator Granlund, the Senate did not concur in the House amendments to Engrossed Senate Bill No. 4798 and requested a Conference thereon.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4435 and the pending House of Representatives amendments, deferred on February 28, 1984.

MOTIONS

Senator Talmadge moved that the Senate do not concur in the House amendments to Engrossed Substitute Senate Bill No. 4435 and requested a Conference thereon.

Senator Hemstad moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4435.

Senator Hemstad demanded a roll call and the demand was sustained.

MOTIONS

On motion of Senator Vognild, Senator Bauer was excused.

On motion of Senator Bluechel, Senator Zimmerman was excused.

The President declared the question before the Senate to be the roll call on adoption of the motion by Senator Hemstad to concur in the House amendments to Engrossed Substitute Senate Bill No. 4435.

ROLL CALL

The Secretary called the roll and the motion by Senator Hemstad failed and the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 4435 by the following vote: Yeas, 23; nays, 24; absent, 00; excused, 02.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, von Reichbauer - 23.

Voting nay: Senators Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 24.

Excused: Senators Bauer, Zimmerman - 2.

The Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 4435 and requested a Conference thereon.

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

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3740 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 172, Laws of 1982 and RCW 70.136.030 are each amended to read as follows:

The governing body of each applicable political subdivision of this state ((shall)) may designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of the state department of emergency services or its successor agency. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. ((If a political subdivision has not designated an incident command agency within six months after April 1, 1982, the chief of the Washington state patrol shall be so notified by that political subdivision. The Washington state patrol shall then assume the role of incident command agency until a designation is made.))

Sec. 2. Section 5, chapter 172, Laws of 1982 and RCW 70.136.050 are each amended to read as follows:

Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act

or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or willful or wanton misconduct, if:

(1) The political subdivision has designated a hazardous materials incident command agency ((as required in RCW 70.136.036)); and

(2) The designated incident command agency and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms and conditions of RCW 70.136.060, except as specified in RCW 70.136.070;

(3) The request for assistance comes from the designated incident command agency.

NEW SECTION. Sec. 3. There is added to chapter 4.24 RCW a new section to read as follows:

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional action as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all applicable federal and state laws and regulations.

Any person responsible for causing the hazardous materials incident, other than operating employees of a transportation company, is liable to the state or any political subdivision thereof for extraordinary costs incurred by the state or the political subdivision in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident.

(2) "Extraordinary costs" as used in this section means those reasonable and necessary costs incurred by a governmental entity in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services, and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment or services required to protect the public during the hazardous materials incident."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3740.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3740, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3740, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 00; excused, 02.

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

Excused: Senators Bauer, Zimmerman - 2.

SUBSTITUTE SENATE BILL NO. 3740, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3758 with the following amendments:

On page 2, line 26, after "state" strike "between" and insert "from"

On page 2, line 28, after "commission," strike all the material down to and including "origin" on line 29 and insert "to any other location within the state of Washington and returning to that origin"

On page 2, line 30, after "passengers" strike all the material down to and including "vehicle" on line 31 and insert "after leaving and before returning to the area of origin".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 3758.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3758, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3758, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Kiskaddon, McDermott, Owen - 3.

Excused: Senator Bauer - 1.

SUBSTITUTE SENATE BILL NO. 3758, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 16, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3849 with the following amendments:

On page 1, following line 25, insert a new section as follows:

"Sec. 2. Section 4, Chapter 76, Laws of 1974 ex. sess. and RCW 46.04.355 are each amended to read as follows:

Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, county transportation authority, public transportation benefit area, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule."

On page 1, line 1 of the title after "buses:" insert "amending section 4, chapter 76, Laws of 1974 ex. sess. and RCW 46.04.355:".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3849.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3849, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3849, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3849, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 3901 with the following amendments:

On page 2, line 12, before "(b)" strike "or"

On page 2, line 14, after "66.24.206" and before the period insert "; (c) any brewer licensed under RCW 66.24.240 and producing less than fifty thousand barrels of malt liquor annually; or (d) any brewer or manufacturer of malt liquor producing less than fifty thousand barrels of malt liquor annually and holding a certificate of approval issued under RCW 66.24.270"

On page 2, line 29, after "resale" strike "in its respective distribution area"

On page 3, line 14, after "cancel," strike "fail to renew,"

On page 3, line 16, after "such termination" strike "or nonrenewal"

On page 3, line 26, after "cancel," strike "fail to renew,"

On page 3, line 35, strike "fail to renew,"

On page 3, line 36, after "termination" strike "or nonrenewal"

On page 4, line 2, after "intended termination," insert "or"

On page 4, line 2, after "cancellation," strike "or nonrenewal"

On page 4, line 5, after "proposed termination" insert "or"

On page 4, line 6, strike "or nonrenewal",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Lee, Senator Quigg was excused.

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 3901.

The President declared the question before the Senate to be the motion by Senator Vognild to concur in the House amendments to Engrossed Substitute Senate Bill No. 3901.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 3901.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3901, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3901, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 34; nays, 10; absent, 04; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 34.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Hayner, Kiskaddon, Lee, McDonald, Pullen - 10.

Absent: Senators Deccio, Haley, Metcalf, Woody - 4.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3901, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 3984 with the following amendments:

On page 2, beginning on line 19, strike all of subsections (1) and (2) and insert:

"(1) 'Misfeasance' or 'malfeasance' in office means any wrongful conduct that affects, interrupts, or interferes with the performance of official duty;

(a) Additionally, 'misfeasance' in office means the performance of a duty in an improper manner; and

(b) Additionally, 'malfeasance' in office means the commission of an unlawful act;"

Renumber the remaining subsections accordingly.

On page 3, line 20, after "encompasses" strike "a part of" and insert "an area in"

On page 3, line 36, after "resides" insert "and shall petition the superior court to approve the synopsis and to determine the sufficiency of the charges"

On page 4, line 2, after "follows:" strike all material through "synopsis." on line 8 and insert: "Within fifteen days after receiving the petition, the superior court shall have conducted a hearing on and shall have determined, without cost to any party, (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed, and (2) the adequacy of the ballot synopsis."

On page 8, beginning on line 19, after "rule" strike all material through "RCW," and insert "for canvassing initiative petitions under RCW 29.79.200."

On page 8, line 21, after "employed" strike ", and no" and insert ". No"

On page 11, beginning on line 23, after "recall." strike all material through "RCW," on line 25.

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 3984.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3984, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3984, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 44.

Absent: Senators Deccio, Haley, Metcalf, Zimmerman - 4.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 3984, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 23, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4050 with the following amendment:

On page 2, line 13, after "(8)" strike all the material through "services" on line 16 and insert "Motor vehicles of less than 8,000 pounds gross vehicle weight when transporting exclusively legal documents, pleadings, process, correspondence, depositions, briefs, medical records, photographs, books or papers, cash or checks, when moving shipments of the documents described at the direction of an attorney as part of providing legal services".

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Substitute Senate Bill No. 4050.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4050, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4050, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 06; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Pullen,

Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Bluechel, Deccio, Haley, Hayner, Metcalf, Moore - 6.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4050, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Clarke, Senator Bluechel was excused.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3616,

SENATE BILL NO. 4415,

SUBSTITUTE SENATE BILL NO. 4814,

SUBSTITUTE SENATE BILL NO. 4829.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed SENATE BILL NO. 4301 with the following amendment:

On page 1, after line 14 insert "If property is sold without notice, such property may not be purchased by a commissioner or an employee of the district, or relative of commissioners or employees."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4301.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4301, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4301, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Haley, Metcalf, Sellar - 4.

Excused: Senator Quigg - 1.

SENATE BILL NO. 4301, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4302 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 98, Laws of 1935 as last amended by section 17, chapter 338, Laws of 1981 and RCW 18.64.001 are each amended to read as follows:

There shall be a state board of pharmacy consisting of ~~((five))~~ seven members, to be appointed by the governor by and with the advice and consent of the senate. ~~((Four))~~ Five of the members shall be designated as pharmacist members and ~~((one))~~ two of the members shall be designated a public member.

Each pharmacist member shall be a citizen of the United States and a resident of this state, and at the time of his appointment shall have been a duly registered pharmacist under the

laws of this state for a period of at least five consecutive years immediately preceding his appointment and shall at all times during his incumbency continue to be a duly licensed pharmacist: PROVIDED, That subject to the availability of qualified candidates the governor shall appoint pharmacist members representative of the areas of practice and geographically representative of the state of Washington.

The public member shall be a citizen of the United States and a resident of this state. The public member shall be appointed from the public at large, but shall not be affiliated with any aspect of pharmacy.

Members of the board shall hold office for a term of four years, and the terms shall be staggered so that the terms of office of not more than two members will expire simultaneously on the third Monday in January of each year.

No person who has been appointed to and served for two four year terms shall be eligible for appointment to the board.

Each member shall qualify by taking the usual oath of a state officer, which shall be filed with the secretary of state, and each member shall hold office for the term of his appointment and until his successor is appointed and qualified.

In case of the resignation or disqualification of a member, or a vacancy occurring from any cause, the governor shall appoint a successor for the unexpired term.

Sec. 2. Section 3, chapter 98, Laws of 1935 as last amended by section 21, chapter 67, Laws of 1981 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and administer and enforce all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature of, and supervise the grading and administration of, examinations for applicants for pharmacists' licenses;

(3) Examine, inspect, and investigate all applicants for license as pharmacists or pharmacy interns and grant licenses to all applicants whom it shall judge to be properly qualified;

(4) ~~(Determine the fees for licenses and examinations)~~ Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board. In cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management;

(5) Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;

(6) Investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;

(7) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;

(8) Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;

(9) Issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board;

(10) Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;

(11) Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;

(12) Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter: ~~(and)~~

(13) Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of the board when acting at the direction of the board in the course of disciplinary proceedings;

(14) Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the director of licensing, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the

director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections (15), (16), (17), (18) and (19) of this section, and shall report to the legislature each biennium on the results of its and the board's activity under those subsections;

(15) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs;

(16) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs;

(17) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities;

(18) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends;

(19) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, the department of licensing, and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the board. The board shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

Sec. 3. Section 1, chapter 38, Laws of 1963 as last amended by section 29, chapter 182, Laws of 1982 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) "Person" means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) "Board" means the Washington state board of pharmacy.

(3) "Drugs" means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) "Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) "Nonlegend" or "nonprescription" drugs means any drugs which may be lawfully sold without a prescription.

(6) "Legend drugs" means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Controlled substance" means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) "Prescription" means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) "Practitioner" means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) "Practice of pharmacy" includes the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and

approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) "Pharmacy" means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words "drug" and "devices" shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word "drug" include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word "poison" shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) "Dispense" means ~~((to deliver a drug or device to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, and includes the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery))~~ the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

~~((+6))~~ (17) "Distribute" means the delivery of a drug or device other than by administering or dispensing.

~~((+7))~~ (18) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

~~((+8))~~ (19) "Wholesaler" shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

~~((+9))~~ (20) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

~~((20))~~ (21) "Manufacturer" shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

~~((21))~~ (22) "Labeling" shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

~~((22))~~ (23) "Administer" means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

~~((23))~~ (24) "Master license system" means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

Sec. 4. Section 12, chapter 213, Laws of 1909 as last amended by section 8, chapter 90, Laws of 1979 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the board, and annually thereafter, on or before a date to be determined by the board, a fee to be determined by the board, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the board may approve, for the ~~((year))~~ period ending on a date to be determined by the board, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the state board of pharmacy on a blank thereof provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the board of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 5. Section 17, chapter 90, Laws of 1979 as amended by section 30, chapter 182, Laws of 1982 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper (~~(licensed)~~) registered or exempt from registration as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to ~~((secure)) register as a ((shopkeeper's license through the master license system))~~ shopkeeper through the master license system, and he or she shall pay the fee determined by the board for ~~((the same)) registration~~, and ~~((annually)) on a date to be determined by the board~~ thereafter the fee determined by the board for renewal of the ~~((same)) registration~~; and shall at all times keep said ~~((license)) registration~~ or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's ~~((license)) registration~~ is not renewed by the master license expiration date, no renewal or new ~~((license)) registration~~ shall be issued except upon payment of the ~~((license)) registration renewal fee and the master license delinquency fee under chapter 19.02 RCW~~ (~~PROVIDED, That every shopkeeper with six or fewer drugs shall pay a fee to be determined by the board~~). This ~~((license)) registration~~ fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the board under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having ~~((a license)) registered~~ to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 6. Section 5, chapter 153, Laws of 1949 as last amended by section 9, chapter 90, Laws of 1979 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the board, and ~~((annually))~~ thereafter, on or before a date to be determined by the board, a fee to be determined by the board, for which the owner shall receive a license of location from the state board of pharmacy, which shall entitle the owner to manufacture drugs at the location specified for the ~~((year)) period~~ ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 7. Section 18, chapter 90, Laws of 1979 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the board, and ~~((annually))~~ thereafter, on or before a date to be determined by the board, a like fee to be determined by the board, for which the owner shall receive a license of location from the state board of pharmacy, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the ~~((year)) period~~ ending on a date to be determined by the board, and each such owner shall at the time of payment of such fee file with the state board of pharmacy, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the board of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 8. Section 16, chapter 121, Laws of 1899 as last amended by section 10, chapter 90, Laws of 1979 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a ~~((license))~~ registration fee determined by the board ~~((annually))~~ on a date to be determined by the board. The state board of pharmacy may issue a ~~((license))~~ registration to such vendor on an approved application made to the state board of pharmacy. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having ~~((a license))~~ registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such ~~((license))~~ registration fee remains unpaid for sixty days from date due, no renewal or new ~~((license))~~ registration shall be issued except upon payment of the ~~((license))~~ registration renewal fee and a penalty fee equal to the ~~((license))~~ renewal fee. This ~~((license))~~ registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 9. Section 9, chapter 98, Laws of 1935 as amended by section 6, chapter 38, Laws of 1963 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the board of pharmacy is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the board of pharmacy and the payment of a fee ~~((of five dollars))~~ determined by the board of pharmacy.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee ~~((of five dollars))~~ determined by the board of pharmacy.

Sec. 10. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 1, chapter 147, Laws of 1981 and RCW 18.64.080 are each amended to read as follows:

(1) The state board of pharmacy may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien;

(b) Has satisfied the board that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations given by the board.

(2) The state board of pharmacy shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The said examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the board for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the board shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the state board of pharmacy an application for registration as a pharmacy intern in which said application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the board a fee to be determined by the board. All certificates issued to pharmacy interns shall be valid for a period to be determined by the board, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the board may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The board may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is ~~((and, for at least one year next preceding, has been))~~ currently licensed as a pharmacist in

any other state, territory, or possession of the United States: PROVIDED, That the said person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which said person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the board.

(6) The board shall provide for, regulate, and require all persons licensed as pharmacists to renew their license (~~(annually)~~) periodically, and shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 11. Section 11, chapter 121, Laws of 1899 as last amended by section 12, chapter 90, Laws of 1979 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the board a license, the fee for which shall be determined by the board. The (~~(annual)~~) renewal fee shall also be determined by the board. The date of renewal may be established by the board by regulation and the board may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the board an inactive license. The initial license and renewal fees shall be determined by the board. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 12. Section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160 are each amended to read as follows:

The board of pharmacy shall have the power to refuse, suspend, or revoke the license of any pharmacist or intern upon proof that:

(1) His or her license was procured through fraud, misrepresentation, or deceit;

(2) He or she has been convicted of a felony relating to his or her practice as a pharmacist;

(3) He or she has committed any act involving moral turpitude, dishonesty, or corruption, if the act committed directly relates to the pharmacist's fitness to practice pharmacy. Upon such conviction, however, the judgment and sentence shall be conclusive evidence at the ensuing disciplinary hearing of the guilt of the respondent pharmacist of the crime described in the indictment or information, and of his or her violation of the statute upon which it is based;

(4) He or she is unfit to practice pharmacy because of habitual intemperance in the use of alcoholic beverages, drugs, controlled substances, or any other substance which impairs the performance of professional duties;

(5) ~~(In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, such pharmacist shall automatically have his or her license suspended by the board upon the entry of such judgment, regardless of the pendency of an appeal.)~~ He or she exhibits behavior which may be due to physical or mental impairment, which creates an undue risk of causing harm to him or herself or to other persons when acting as a licensed pharmacist or intern;

(6) He or she has incompetently or negligently practiced pharmacy, creating an unreasonable risk of harm to any individual;

~~((6))~~ (7) His or her legal authority to practice pharmacy, issued by any other properly constituted licensing authority of any other state, has been and is currently suspended or revoked;

~~(8) In the event that a pharmacist is determined by a court of competent jurisdiction to be mentally incompetent, the pharmacist shall automatically have his or her license suspended by the board upon the entry of the judgment, regardless of the pendency of an appeal;~~

~~((7))~~ (9) He or she has knowingly violated or permitted the violation of any provision of any state or federal law, rule, or regulation governing the possession, use, distribution, or dispensing of drugs, including, but not limited to, the violation of any provision of this chapter, chapter 18.81 RCW, Title 69 RCW, or rule or regulation of the board;

~~((8))~~ (10) He or she has knowingly allowed any unlicensed person to take charge of a pharmacy or engage in the practice of pharmacy, except a pharmacy intern or pharmacy assistant acting as authorized in this chapter or chapter 18.64A RCW in the presence of and under the immediate supervision of a licensed pharmacist;

~~((99))~~ (11) He or she has compounded, dispensed, or caused the compounding or dispensing of any drug or device which contains more or less than the equivalent quantity of ingredient or ingredients specified by the person who prescribed such drug or device: PROVIDED, HOWEVER, That nothing herein shall be construed to prevent the pharmacist from exercising professional judgment in the preparation or providing of such drugs or devices.

In any case of the refusal, suspension, or revocation of a license by said board of pharmacy under the provisions of this chapter, said board shall proceed in accordance with chapter 34.04 RCW.

Sec. 13. Section 2, chapter 28, Laws of 1939 as amended by section 1, chapter 99, Laws of 1971 ex. sess. and RCW 18.64.246 are each amended to read as follows:

To every box, bottle, jar, tube or other container of a prescription which is dispensed there shall be fixed a label bearing the name and address of the pharmacy wherein the prescription is compounded, the corresponding serial number of the prescription, the name of the prescriber, his directions, the name of the medicine and the strength per unit dose, name of patient, date, the expiration date, and initials of the ~~((registered))~~ licensed pharmacist who has compounded the prescription, and the security of the cover or cap on every bottle or jar shall meet safety standards promulgated by the state board of pharmacy: PROVIDED, That at the physician's request, the name and dosage of the drug need not be shown. If the prescription is for a combination drug product, the generic names of the drugs combined or the trade name used by the manufacturer or distributor for the product shall be noted on the label. This section shall not apply to the dispensing of medicines to in-patients in hospitals.

Sec. 14. Section 19, chapter 90, Laws of 1979 as amended by section 3, chapter 147, Laws of 1981 and RCW 18.64.255 are each amended to read as follows:

Nothing in this chapter shall operate in any manner:

(1) To restrict the scope of authorized practice of any practitioner other than a pharmacist, duly licensed as such under the laws of this state; or

(2) In the absence of the pharmacist from the hospital pharmacy, to prohibit a registered nurse designated by the hospital and the responsible pharmacist from obtaining from the hospital pharmacy such drugs as are needed in an emergency: PROVIDED, That proper record is kept of such emergency, including the date, time, name of prescriber, the name of the nurse obtaining the drugs, and a list of what drugs and quantities of same were obtained; or

(3) To prevent shopkeepers, itinerant vendors, peddlers, or salesmen from dealing in and selling nonprescription drugs, if such drugs are sold in the original packages of the manufacturer, or in packages put up by a licensed pharmacist in the manner provided by the state board of pharmacy, if such shopkeeper, itinerant vendor, salesman, or peddler shall have obtained a ~~((license))~~ registration.

Sec. 15. Section 3, chapter 223, Laws of 1982 and RCW 43.131.249 are each amended to read as follows:

The board of pharmacy and its powers and duties shall be terminated on June 30, ~~((1984))~~ 1990, as provided in RCW 43.131.250.

Sec. 16. Section 7, chapter 223, Laws of 1982 and RCW 43.131.250 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1985))~~ 1991:

(1) Section 1, chapter 98, Laws of 1935, section 16, chapter 38, Laws of 1963, section 1, chapter 18, Laws of 1973 1st ex. sess., section 17, chapter 338, Laws of 1981, section 1 of this 1984 act and RCW 18.64.001;

(2) Section 2, chapter 98, Laws of 1935, section 17, chapter 38, Laws of 1963, section 40, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 90, Laws of 1979 and RCW 18.64.003;

(3) Section 3, chapter 98, Laws of 1935, section 18, chapter 38, Laws of 1963, section 2, chapter 18, Laws of 1973 1st ex. sess., section 2, chapter 90, Laws of 1979, section 21, chapter 67, Laws of 1981, section 2 of this 1984 act and RCW 18.64.005;

(4) Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007; and

(5) Section 1, chapter 82, Laws of 1969 ex. sess., section 4, chapter 90, Laws of 1979 and RCW 18.64.009.

Sec. 17. Section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 and RCW 69.41.010 are each amended to read as follows:

As used in this chapter:

(1) "Administer" means the direct application of a legend drug whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner; or

(b) The patient or research subject at the direction of the practitioner.

(2) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a legend drug, whether or not there is an agency relationship.

(3) "Dispense" means ~~((to deliver a legend drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering,~~

packaging, labeling, or compounding necessary to prepare the substance for that delivery)) the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(4) "Dispenser" means a practitioner who dispenses.

(5) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(6) "Distributor" means a person who distributes.

(7) "Drug" means:

(a) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals;

(c) Substances (other than food, minerals or vitamins) intended to affect the structure or any function of the body of man or animals; and

(d) Substances intended for use as a component of any article specified in clause (a), (b), or (c) of this subsection. It does not include devices or their components, parts, or accessories.

(8) "Legend drugs" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(9) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(10) "Practitioner" means:

(a) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, an osteopathic physician's assistant under chapter 18.57A RCW, or a physician's assistant under chapter 18.71A RCW, or a pharmacist under chapter 18.64 RCW;

(b) A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a legend drug in the course of professional practice or research in this state; and

(c) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state, or province of Canada, which shares a common border with the state of Washington.

Sec. 18. Section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101 are each amended to read as follows:

As used in this chapter:

(a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(1) a practitioner, or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

(c) "Bureau" means the Bureau of Narcotics and Dangerous Drugs, United States Department of Justice, or its successor agency.

(d) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II.

(e) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.

(f) "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(g) "Dispense" means ((to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery)) the interpretation of a prescription or order for a controlled substance and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(h) "Dispenser" means a practitioner who dispenses.

(i) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(j) "Distributor" means a person who distributes.

(k) "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories.

(l) "Immediate precursor" means a substance which the state board of pharmacy has found to be and by rule designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

(m) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(1) by a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice, or

(2) by a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

(n) "Marihuana" means all parts of the plant of the genus *Cannabis* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(o) "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause 1, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(p) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RCW 69.50.201, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(q) "Opium poppy" means the plant of the genus *Papaver* L., except its seeds, capable of producing an opiate.

(r) "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(s) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(t) "Practitioner" means:

(1) A physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a chiropodist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, a pharmacist under chapter 18.64 RCW or a scientific investigator under this chapter, licensed, registered or otherwise permitted insofar as is consistent with those licensing laws to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of their professional practice or research in this state.

(2) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

(3) A physician licensed to practice medicine and surgery or a physician licensed to practice osteopathy and surgery in any state which shares a common border with the state of Washington.

(u) "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

(v) "State", when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(w) "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of his household or for administering to an animal owned by him or by a member of his household.

(x) "Board" means the state board of pharmacy.

(y) "Executive officer" means the executive officer of the state board of pharmacy.

NEW SECTION. Sec. 19. The department of social and health services shall examine the need for civil commitment procedures or other treatment system improvements for drug abusers, and report its findings and any specific legislative recommendations to the 1985 legislature. The department's determination of the need for action should include an assessment of the current operation and adequacy of the civil commitment program for alcoholics. It should consider the steps necessary to modify that or other treatment or treatment-financing mechanisms or legal processes to insure effective treatment for drug abusers.

In addition, the department shall report to the 1985 legislature its plans, in connection with the superintendent of public instruction, for a school and community based drug abuse and misuse prevention education program.

NEW SECTION. Sec. 20. There is added to chapter 69.50 RCW a new section to read as follows:

Any licensed health care practitioner with prescription or dispensing authority shall, as a condition of licensure and as directed by the practitioner's disciplinary board, consent to the requirement, if imposed, of complying with a triplicate prescription form program as may be established by rule by the department of licensing.

NEW SECTION. Sec. 21. There is added to chapter 69.50 RCW a new section to read as follows:

The license of any licensed health care practitioner shall be suspended for any violation of this chapter. The suspension shall run concurrently with, and not less than, the term of the sentence for the violation.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) Section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044;

(2) Section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047;

(3) Section 1, chapter 192, Laws of 1939 and RCW 18.81.010;

(4) Section 2, chapter 192, Laws of 1939 and RCW 18.81.020;

(5) Section 5, chapter 192, Laws of 1939 and RCW 18.81.025;

(6) 794 Section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035;

(7) Section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040;

(8) Section 8, chapter 192, Laws of 1939 and RCW 18.81.050;

(9) Section 6, chapter 192, Laws of 1939 and RCW 18.81.060;

(10) Section 9, chapter 192, Laws of 1939 and RCW 18.81.065;

(11) Section 10, chapter 192, Laws of 1939 and RCW 18.81.070;

(12) Section 7, chapter 192, Laws of 1939 and RCW 18.81.080; and

(13) Section 11, chapter 192, Laws of 1939 and RCW 18.81.900."

On page 1, on line 1 of the title, after "pharmacy," strike the remainder of the title and insert "amending section 1, chapter 98, Laws of 1935 as last amended by section 17, chapter 338, Laws of 1981 and RCW 18.64.001; amending section 3, chapter 98, Laws of 1935 as last amended by section 21, chapter 67, Laws of 1981 and RCW 18.64.005; amending section 1, chapter 38, Laws of 1963 as last amended by section 29, chapter 182, Laws of 1982 and RCW 18.64.011; amending section 12, chapter 213, Laws of 1909 as last amended by section 8, chapter 90, Laws of 1979 and RCW 18.64.043; amending section 17, chapter 90, Laws of 1979 as amended by section 30, chapter 182, Laws of 1982 and RCW 18.64.044; amending section 5, chapter 153, Laws of 1949 as last amended by section 9, chapter 90, Laws of 1979 and RCW 18.64.045; amending section 18, chapter 90, Laws of 1979 and RCW 18.64.046; amending section 16, chapter 121, Laws of 1899 as last amended by section 10, chapter 90, Laws of 1979 and RCW 18.64.047; amending section 9, chapter 98, Laws of 1935 as amended by section 6, chapter 38, Laws of 1963 and RCW 18.64.050; amending section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 1, chapter 147, Laws of 1981 and RCW 18.64.080; amending section 11, chapter 121, Laws of 1899 as last amended by section 12, chapter 90, Laws of 1979 and RCW 18.64.140; amending section 10, chapter 213, Laws of 1909 as last amended by section 13, chapter 90, Laws of 1979 and RCW 18.64.160; amending section 2, chapter 28, Laws of 1939 as amended by section 1, chapter 99, Laws of 1971 ex. sess. and RCW 18.64.246; amending section 19, chapter 90, Laws of 1979, as amended by section 3, chapter 147, Laws of 1981 and RCW

18.64.255; amending section 3, chapter 223, Laws of 1982 and RCW 43.131.249; amending section 7, chapter 223, Laws of 1982 and RCW 43.131.250; amending section 1, chapter 186, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 71, Laws of 1980 and RCW 69.41.010; amending section 69.50.101, chapter 308, Laws of 1971 ex. sess. as last amended by section 2, chapter 71, Laws of 1980 and RCW 69.50.101; adding new sections to chapter 69.50 RCW; creating a new section; repealing section 17, chapter 90, Laws of 1979, section 30, chapter 182, Laws of 1982 and RCW 18.64.044; repealing section 16, chapter 121, Laws of 1899, section 7, chapter 98, Laws of 1935, section 3, chapter 153, Laws of 1949, section 5, chapter 38, Laws of 1963, section 4, chapter 201, Laws of 1971 ex. sess., section 10, chapter 90, Laws of 1979 and RCW 18.64.047; repealing section 1, chapter 192, Laws of 1939 and RCW 18.81.010; repealing section 2, chapter 192, Laws of 1939 and RCW 18.81.020; repealing section 5, chapter 192, Laws of 1939 and RCW 18.81.025; repealing section 3, chapter 185, Laws of 1971 ex. sess. and RCW 18.81.035; repealing section 4, chapter 192, Laws of 1939, section 7, chapter 201, Laws of 1971 ex. sess. and RCW 18.81.040; repealing section 8, chapter 192, Laws of 1939 and RCW 18.81.050; repealing section 6, chapter 192, Laws of 1939 and RCW 18.81.060; repealing section 9, chapter 192, Laws of 1939 and RCW 18.81.065; repealing section 10, chapter 192, Laws of 1939 and RCW 18.81.070; repealing section 7, chapter 192, Laws of 1939 and RCW 18.81.080; repealing section 11, chapter 192, Laws of 1939 and RCW 18.81.900; and prescribing penalties."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4302.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4302, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4302, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 05; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Deccio, Haley, Metcalf, Sellar, Shipoch - 5.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4302, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4321 with the following amendments:

On page 1, line 14, after "Sec. 1." strike all material down to and including "Sec. 2." on page 2, line 16.

Re-number the remaining sections consecutively

On page 1, line 1 of the title, after "library;" strike all material down to and including "RCW 27.04.020;" on line 3.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Rasmussen, the Senate concurred in the House amendments to Substitute Senate Bill No. 4321.

The President declared the question to be the roll call on final passage of Substitute Senate Bill No. 4321, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4321, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 01; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senator Pullen - 1.

Absent: Senators Deccio, Haley, Metcalf, Sellar - 4.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4321, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4325 with the following amendments:

On page 2, beginning on line 21, after "lower," strike "less all trade discounts ((~~except~~)) and customary discounts for cash," and insert "~~((less all trade discounts except customary discounts for cash;))~~

On page 2, line 26, after "price," insert "The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) amount or rate of the discount, (b) date the discount was granted, (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five (5) years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed \$250 for each failure to maintain affidavits under this section.

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.

Beginning on page 4, after line 31 strike all of NEW SECTION, Sec. 2 and insert:

"NEW SECTION, Sec. 2. There is added to chapter 19.91 RCW a new section to read as follows:

(1) This chapter shall expire on June 30, 1986, unless extended by law indefinitely or for an additional fixed period of time. The legislative budget committee shall cause a performance audit to be conducted of this chapter. The final audit report shall be available to the legislature at least six months prior to the scheduled expiration date. The legislative budget committee shall make objective findings of fact, conclusions, and recommendations as to the continuation, modification, or expiration of this chapter.

(2) In conducting its audit, the legislative budget committee shall consider, but not be limited to, the following areas:

(a) Definition, adequacy, and methods of determining cigarette pricing;

(b) The advantages, disadvantages, and effects of including cash discounts in the act's pricing formula; and

(c) The effect that state deregulation of cigarette pricing would have on wholesalers, retailers, and consumers.

(3) The legislative budget committee shall hold meetings and hearings at the times and places it designates to accomplish the purposes of this section. It shall make use of existing legislative facilities and staff of the senate and house of representatives."

On page 5, after line 19, insert a new section as follows:

"NEW SECTION, Sec. 3. Section one of this act is effective July 1, 1984."

On page 1, beginning on line 2 of the title strike "a new section" and insert "new sections; and providing an effective date"

On page 1, line 2 of the title after "19.91.010;" insert "adding a new section to chapter 19.91 RCW;"

MOTION

Senator Vognild moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4325.

Debate ensued.

The President declared the question before the Senate to be adoption of the motion by Senator Vognild to concur in the House amendments to Engrossed Substitute Senate Bill No. 4325.

The motion by Senator Vognild carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4325.

The President declared the question to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4325, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4325, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Granlund, Hansen, Hemstad, Hughes, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Wojahn - 28.

Voting nay: Senators Barr, Benitz, Conner, Deccio, Goltz, Guess, Haley, Hayner, Hurley, Lee, McDermott, McManus, Moore, Pullen, Rasmussen, Shinpoch, Warnke, Williams - 18.

Absent: Senators Woody, Zimmerman - 2.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4325, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4329 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The purpose of sections 2 through 5 and 6 through 10 of this act is to set forth the state's policy regarding the approximately two hundred thirteen-mile corridor of land purchased by the state from the Milwaukee Railroad Company under section 17(21), chapter 143, Laws of 1981.

NEW SECTION, Sec. 2. There is added to chapter 43.51 RCW a new section to read as follows:

Management control of the portion of the Milwaukee Road corridor, beginning at the western terminus near Easton and concluding at the western end of the tunnel located in the southeast corner of section 20, township 19 north, range 17 east, W.M., approximately twenty-five miles east of the western terminus, shall be transferred by the department of natural resources to the state parks and recreation commission at no cost to the commission.

NEW SECTION, Sec. 3. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall do the following with respect to the portion of the Milwaukee Road corridor under its control:

(1) Manage the corridor as a recreational trail except when closed under section 4 of this act;

(2) Close the corridor to hunting;

(3) Close the corridor to all motorized vehicles except: (a) Emergency or law enforcement vehicles; (b) vehicles necessary for access to utility lines; and (c) vehicles necessary for maintenance of the corridor, or construction of the trail;

(4) Comply with legally enforceable conditions contained in the deeds for the corridor;

(5) Control weeds under the applicable provisions of chapters 17.04, 17.06, 17.08, and 17.10 RCW; and

(6) Clean and maintain culverts.

NEW SECTION, Sec. 4. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission may do the following with respect to the portion of the Milwaukee Road corridor under its control:

(1) Enter into agreements to allow the realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;

(2) Regulate activities and restrict uses, including, but not limited to, closing portions of the corridor to reduce fire danger or protect public safety;

(3) Place hazard warning signs and close hazardous structures;

(4) Renegotiate deed restrictions upon agreement with affected parties; and

(5) Approve and process the sale or exchange of lands or easements if such a sale or exchange will not adversely affect the recreational potential of the corridor.

NEW SECTION. Sec. 5. There is added to chapter 43.51 RCW a new section to read as follows:

The state parks and recreation commission shall identify opportunities and encourage volunteer work, private contributions, and support from tax-exempt foundations to develop, operate, and maintain the recreation trail on the portion of the Milwaukee Road under its control.

NEW SECTION. Sec. 6. There is added to chapter 79.08 RCW a new section to read as follows:

The portion of the Milwaukee Road corridor from the western end of the tunnel located in the southeast corner of section 20, township 19 north, range 17 east, W.M., approximately twenty-five miles east of the western terminus, to the Idaho border purchased by the state shall be under the management and control of the department of natural resources.

NEW SECTION. Sec. 7. There is added to chapter 79.08 RCW a new section to read as follows:

The portion of the Milwaukee Road corridor under management and control of the department of natural resources shall be open to individuals or organized groups which obtain permits from the department of natural resources to travel the corridor for recreational purposes. The department of natural resources shall, for the purpose of issuing permits for corridor use, promulgate rules necessary for the orderly and safe use of the corridor and protection of adjoining landowners. Permit fees shall be established at a level that will cover costs of issuance. Upon request of abutting landowners, the department shall notify the landowners of permits issued for use of the corridor adjacent to their property.

NEW SECTION. Sec. 8. There is added to chapter 79.08 RCW a new section to read as follows:

The department of natural resources may do the following with respect to the portion of the Milwaukee Road corridor under its control:

(1) Enter into agreements to allow the realignment or modification of public roads, farm crossings, water conveyance facilities, and other utility crossings;

(2) Regulate activities and restrict uses, including, but not limited to, closing portions of the corridor to reduce fire danger or protect public safety in consultation with local legislative authorities or fire districts;

(3) Place hazard warning signs and close hazardous structures;

(4) Renegotiate deed restrictions upon agreement with affected parties; and

(5) Approve and process the sale or exchange of lands or easements if (a) such a sale or exchange will not adversely affect the recreational, transportation or utility potential of the corridor and (b) the department has not entered into a lease of the property in accordance with section 9 of this act.

NEW SECTION. Sec. 9. There is added to chapter 79.08 RCW a new section to read as follows:

(1) The department of natural resources shall offer to lease, and shall subsequently lease if a reasonable offer is made, portions of the Milwaukee Road corridor under its control to the person who owns or controls the adjoining land for periods of up to ten years commencing with the effective date of this act. The lessee shall assume the responsibility for fire protection, weed control, and maintenance of water conveyance facilities and culverts. The leases shall follow standard department of natural resources leasing procedures, with the following exceptions:

(a) The lessee may restrict public access pursuant to section 7 and section 9(3) of this 1984 act.

(b) The right of renewal shall be to the current lessee if the lessee still owns or controls the adjoining lands.

(c) If two persons own or control opposite sides of the corridor, each person shall be eligible for equal portions of the available property.

(2) The department of natural resources has the authority to renew leases in existence on the effective date of this act.

(3) The leases shall contain a provision allowing the department of natural resources to issue permits to travel the corridor for recreational purposes.

(4) Unleased portions of the Milwaukee Road property under this section shall be managed by the department of natural resources. On these unleased portions, the department solely shall be responsible for weed control, culvert, bridge, and other necessary maintenance and fire protection services. The department shall place hazard warning signs and close hazardous structures on unleased portions and shall regulate activities and restrict uses, including closing the corridor during seasons of high fire danger.

NEW SECTION. Sec. 10. There is added to chapter 79.08 RCW a new section to read as follows:

The state, through the department of natural resources, shall reserve the right to terminate a lease entered into pursuant to section 9 of this act or modify authorized uses of the corridor for future recreation, transportation, or utility uses. If the state elects to terminate the lease, the state shall provide the lessee with a minimum of six months' notice.

NEW SECTION, Sec. 11. There is appropriated to the state parks and recreation commission for the biennium ending June 30, 1985, the sum of forty-nine thousand dollars, or so much thereof as may be necessary, from the general fund to carry out the purposes of sections 2 through 5 of this act."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Sellar, Senator Zimmerman was excused.

On motion of Senator Hansen, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4329.

The President declared the question to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4329, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4329, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 14; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Benitz, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Patterson, Peterson, Rasmussen, Sellar, Talmadge, Thompson, von Reichbauer, Warnke, Wojahn, Woody - 32.

Voting nay: Senators Bender, Bluechel, Bottiger, Guess, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Pullen, Rinehart, Shinpoeh, Vognild, Williams - 14.

Absent: Senator Owen - 1.

Excused: Senators Quigg, Zimmerman - 2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4329, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4332 with the following amendments:

On page 15, after line 5, insert the following:

"NEW SECTION, Sec. 22. (1) The joint committee on financial institutions created by section 114, chapter 3, Laws of 1982 is hereby extended until July 1, 1986.

(2) In addition to its other responsibilities, the committee shall study the practices of public depositories charging fees for cashing checks issued by governmental entities for unemployment compensation, workers' compensation, public assistance and social security.

(3) The committee shall make interim reports of its findings and recommendations to the legislature no later than January 1, 1985. A final report shall be submitted to the legislature no later than January 1, 1986.

(4) The committee shall cease to exist on July 1, 1986, unless extended by law for an additional fixed period of time."

On page 2, line 5 of the title, after "39.58 RCW;" insert "creating a new section:"

MOTION

On motion of Senator Moore, the Senate concurred in the House amendments to Substitute Senate Bill No. 4332.

The President declared the question to be the roll call on final passage of Substitute Senate Bill No. 4332, as amended by the House.

POINT OF INQUIRY

Senator Rasmussen: "Senator Moore, the original intention was to prohibit banks and depositories that had state funds from charging for the cashing of state checks, social security and so forth. We have done nothing about that, then?"

Senator Moore: "That is the House amendment."

Senator Rasmussen: "To study that?"

Senator Moore: "Yes."

Senator Rasmussen: "Only to study it?"

Senator Moore: "That's all it is, at this point."

Senator Rasmussen: "What will the poor people do in the meantime when they go into the bank and they have a state welfare check or a social security check and they want to charge them two and a half, three and a half or four dollars for the cashing of them?"

Senator Moore: "I hope, Senator Rasmussen, that as a result of your question and my answer that the banks will be alerted to a modest amount of trouble ahead for them if they continue this practice."

Senator Rasmussen: "Well, thank you, I'm glad to hear they are going to have trouble."

Senator Moore: "It will be the first time, Senator Rasmussen."

MOTION

On motion of Senator Sellar, Senator Bluechel was excused.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4332, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn - 44.

Absent: Senators Thompson, Woody - 2.

Excused: Senators Bluechel, Quigg, Zimmerman - 3.

SUBSTITUTE SENATE BILL NO. 4332, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 4:47 p.m., on motion of Senator Shinpoch, the Senate adjourned until 10:00 a.m., Friday, March 2, 1984.

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

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 2, 1984

The Senate was called to order at 10:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz, Metcalf, Quigg, Rasmussen, Rinehart and Thompson. On motion of Senator Vognild, Senators Rasmussen and Thompson were excused. On motion of Senator Sellar, Senator Benitz was excused.

The Sergeant at Arms Color Guard, consisting of Girl Scouts Sharon Rapach and Johanna Armstrong, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 1, 1984

SB 3385 Prime Sponsor, Senator Moore: Exempting precious metal bullion from sales and use taxation. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3385 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1984

SB 4409 Prime Sponsor, Senator Hansen: Lowering the business and occupation tax rate on the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hughes, Rinehart, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1984

SB 4412 Prime Sponsor, Senator Hurley: Exempting inhalation therapy systems sold for personal use from sales and use tax. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Craswell, Deccio, Fleming, Hughes, Rinehart, Shinpoch, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

March 1, 1984

SB 4457 Prime Sponsor, Senator Thompson: Reducing the B & O surtax rate on sales of motor vehicle fuel in border counties. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Hughes, Rinehart, Shinpoch, Warnke, Wojahn, Woody, Zimmerman.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 1, 1984

GA 155 JOHN D. JONES, to the position of Member of the Board of Tax Appeals, appointed by the Governor on September 1, 1983, for the term ending March 1, 1985, succeeding Charles E. Newschwander. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Hughes, Shinpoch, Warnke, Woody, Zimmerman.

Passed to Committee on Rules.

March 1, 1984

GA 195 MICHIKO FUJII, to the position of Member of the Board of Tax Appeals, appointed by the Governor on January 16, 1984, for the term ending March 1, 1989, succeeding Eleanor Brand. Reported by Committee on Ways and Means

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Craswell, Deccio, Fleming, Hughes, Shinpoch, Warnke, Woody, Zimmerman.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bills No. 3385, 4409, 4412 and 4457 and Gubernatorial Appointments No. 155 and 195 were placed on the second reading calendar.

MESSAGES FROM THE HOUSE

February 29, 1984

Mr. President:

The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1231, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

February 29, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3098, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 1, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3868,

SUBSTITUTE SENATE BILL NO. 4489,

SUBSTITUTE SENATE BILL NO. 4849,

SENATE BILL NO. 4852, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 1, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 448,

SUBSTITUTE HOUSE BILL NO. 626,

SUBSTITUTE HOUSE BILL NO. 1105,

SUBSTITUTE HOUSE BILL NO. 1125,

SECOND SUBSTITUTE HOUSE BILL NO. 1137,

HOUSE BILL NO. 1142,

SUBSTITUTE HOUSE BILL NO. 1311,

SUBSTITUTE HOUSE BILL NO. 1637,

SUBSTITUTE HOUSE BILL NO. 1655, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 1, 1984

Mr. President:

The House concurred in the Senate amendment(s) to the following listed House Bills and passed said bills as amended by the Senate:

SUBSTITUTE HOUSE BILL NO. 271,
 ENGROSSED HOUSE BILL NO. 706,
 SUBSTITUTE HOUSE BILL NO. 1106,
 SUBSTITUTE HOUSE BILL NO. 1123,
 SUBSTITUTE HOUSE BILL NO. 1124,
 ENGROSSED HOUSE BILL NO. 1149,
 HOUSE BILL NO. 1159,
 SECOND SUBSTITUTE HOUSE BILL NO. 1174,
 SUBSTITUTE HOUSE BILL NO. 1191,
 SUBSTITUTE HOUSE BILL NO. 1247,
 SUBSTITUTE HOUSE BILL NO. 1279,
 HOUSE BILL NO. 1378,
 SUBSTITUTE HOUSE BILL NO. 1438,
 SUBSTITUTE HOUSE BILL NO. 1514,
 HOUSE BILL NO. 1526,
 SUBSTITUTE HOUSE BILL NO. 1548,
 SUBSTITUTE HOUSE BILL NO. 1564,
 SUBSTITUTE HOUSE BILL NO. 1627.

DEAN R. FOSTER, Chief Clerk

February 28, 1984

Mr. President:

The House has concurred in the Senate amendments to the following listed bills and passed said bills as amended by the Senate:

HOUSE BILL NO. 217,
 SUBSTITUTE HOUSE BILL NO. 1127,
 HOUSE BILL NO. 1135,
 SUBSTITUTE HOUSE BILL NO. 1164,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1213,
 HOUSE BILL NO. 1248,
 SUBSTITUTE HOUSE BILL NO. 1282,
 HOUSE BILL NO. 1413,
 ENGROSSED HOUSE BILL NO. 1427,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1456.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4541 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. This chapter may be cited as the "Domestic Violence Prevention Act".

NEW SECTION. Sec. 2. As used in this chapter, the following terms shall have the meanings given them:

(1) "Domestic violence" means: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (b) sexual assault of one family or household member by another.

(2) "Family or household members" means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together, or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(3) "Court" includes the superior, district, and municipal courts of the state of Washington.

(4) "Judicial day" does not include Saturdays, Sundays, or legal holidays.

NEW SECTION. Sec. 3. (1) Any person may seek relief under this chapter by filing a petition with a court alleging that the person has been the victim of domestic violence committed by

the respondent. The person may petition for relief on behalf of himself or herself and on behalf of minor family or household members.

(2) The courts defined in section 2(3) of this act have jurisdiction over proceedings under this chapter. If a proceeding under chapter 26.09, 26.12, or 26.26 RCW is commenced in a superior court before or after the filing of an action in a district or municipal court under this chapter, then the superior court shall have exclusive jurisdiction over proceedings under this chapter. Any municipal or district court order entered while that court had jurisdiction remains valid until superseded by a superior court order.

(3) An action under this chapter shall be filed in the county or the municipality where the petitioner resides, unless the petitioner has left the residence or household to avoid abuse. In that case, the petitioner may bring an action in the county or municipality of the previous or the new household or residence.

(4) A person's right to petition for relief under this chapter is not affected by the person leaving the residence or household to avoid abuse.

(5) If an action under this chapter is commenced in a district or municipal court and a petitioner or respondent contests custody or visitation rights, then, upon the motion of either party containing proof that the petition for relief under this chapter has been filed with the superior court, the district or municipal court shall dismiss the action.

NEW SECTION. Sec. 4. There shall exist an action known as a petition for an order for protection in cases of domestic violence.

(1) A petition for relief shall allege the existence of domestic violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(2) A petition for relief may be made regardless of whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(3) All court clerk's offices shall make available simplified forms and instructional brochures. Any assistance or information provided by clerks under this section does not constitute the practice of law and clerks are not responsible for incorrect information contained in a petition.

(4) A filing fee of twenty dollars shall be charged for proceedings under this section. Forms and instructional brochures shall be provided free of charge.

(5) A person is not required to post a bond to obtain relief in any proceeding under this section.

NEW SECTION. Sec. 5. (1) Persons seeking relief under this chapter may file an application for leave to proceed in forma pauperis on forms supplied by the court. If the court determines that a petitioner lacks the funds to pay the costs of filing, the petitioner shall be granted leave to proceed in forma pauperis and no filing fee shall be charged by the court to the petitioner for relief sought under this chapter.

(2) For the purpose of determining whether a petitioner has the funds available to pay the costs of filing an action under this chapter, the income of the household or family member named as the respondent is not considered.

NEW SECTION. Sec. 6. Upon receipt of the petition, the court shall order a hearing which shall be held not later than fourteen days from the date of the order. Personal service shall be made upon the respondent not less than five court days prior to the hearing. If timely service cannot be made, the court may set a new hearing date.

NEW SECTION. Sec. 7. Upon notice and after hearing, the court may provide relief as follows:

(1) Restrain a party from committing acts of domestic violence;

(2) Exclude the respondent from the dwelling which the parties share or from the residence of the petitioner;

(3) On the same basis as is provided in chapter 26.09 RCW, award temporary custody and establish temporary visitation with regard to minor children of the parties, and restrain any party from interfering with the custody of the minor children;

(4) Order the respondent to participate in treatment or counseling services;

(5) Order other relief as it deems necessary for the protection of a family or household member, including orders or directives to a peace officer, as allowed under this chapter; and

(6) Require the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by the order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

NEW SECTION. Sec. 8. (1) Where an application under this section alleges that irreparable injury could result from domestic violence if an order is not issued immediately without prior notice to the respondent, the court may grant an ex parte temporary order for protection, pending a full hearing, and grant relief as the court deems proper, including an order:

(a) Restraining any party from committing acts of domestic violence;

(b) Excluding any party from the dwelling shared or from the residence of the other until further order of the court; and

(c) Restraining any party from interfering with the other's custody of the minor children or from removing the children from the jurisdiction of the court.

(2) Irreparable injury under this section includes but is not limited to situations in which the respondent has recently threatened petitioner with bodily injury or has engaged in acts of domestic violence against the petitioner.

(3) The court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day.

(4) An ex parte temporary order for protection shall be effective for a fixed period not to exceed fourteen days, but may be reissued. A full hearing, as provided in this chapter, shall be set for not later than fourteen days from the issuance of the temporary order. The respondent shall be served with a copy of the ex parte order along with a copy of the petition and notice of the date set for the hearing.

NEW SECTION. Sec. 9. When an order is issued under this chapter upon request of the petitioner, the court may order a peace officer to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in the execution of the order of protection. Orders issued under this chapter shall include a designation of the appropriate law enforcement agency to execute, serve, or enforce the order.

NEW SECTION. Sec. 10. (1) An order issued under this chapter shall be personally served upon the respondent, except as provided in subsection (6) of this section.

(2) The sheriff of the county or the peace officers of the municipality in which the respondent resides shall serve the respondent personally unless the petitioner elects to have the respondent served by a private party.

(3) If service by a sheriff or municipal peace officer is to be used, the clerk of the court shall have a copy of any order issued under this chapter forwarded on or before the next judicial day to the appropriate law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this chapter shall take precedence over the service of other documents unless they are of a similar emergency nature.

(4) If the sheriff or municipal peace officer cannot complete service upon the respondent within ten days, the sheriff or municipal peace officer shall notify the petitioner. The petitioner shall provide information sufficient to permit notification.

(5) Returns of service under this chapter shall be made in accordance with the applicable court rules.

(6) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

NEW SECTION. Sec. 11. A copy of an order for protection granted under this chapter shall be forwarded by the clerk of the court on or before the next judicial day to the appropriate law enforcement agency specified in the order.

Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

NEW SECTION. Sec. 12. (1) Whenever an order for protection is granted under this chapter and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from a residence is a misdemeanor.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter that restrains the person or excludes the person from a residence, if the person restrained knows of the order.

(3) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order for protection granted under this chapter, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 13. When a party alleging a violation of an order for protection issued under this chapter states that the party is unable to afford private counsel and asks the prosecuting attorney for the county or the attorney for the municipality in which the order was issued for assistance, the attorney shall initiate and prosecute a contempt proceeding if there is probable cause to believe that the violation occurred. In this action, the court may require the violator of the order to pay the costs incurred in bringing the action, including a reasonable attorney's fee.

NEW SECTION. Sec. 14. Upon application with notice to all parties and after a hearing, the court may modify the terms of an existing order for protection. In any situation where an order

is terminated or modified before its expiration date, the clerk of the court shall forward on or before the next judicial day a true copy of the modified order or the termination order to the appropriate law enforcement agency specified in the modified or termination order. Upon receipt of the order, the law enforcement agency shall promptly enter it in the law enforcement information system.

NEW SECTION. Sec. 15. Nothing in this act may affect the title to real estate.

NEW SECTION. Sec. 16. Any proceeding under this act is in addition to other civil or criminal remedies.

NEW SECTION. Sec. 17. No peace officer may be held criminally or civilly liable for making an arrest under section 12 of this act if the police officer acts in good faith and without malice.

Sec. 18. Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.040 are each amended to read as follows:

(1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second, or third degree shall be guilty of simple assault.

(2) Simple assault is a gross misdemeanor.

(3) Every person convicted of three offenses under this section against a family or household member as defined in RCW 10.99.020 is guilty of a class C felony.

Sec. 19. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 1, chapter 106, Laws of 1981 and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through ~~((3))~~ (4) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.... RCW (sections 1 through 17 of this 1984 act) restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person within the preceding four hours has assaulted that person's spouse, former spouse, or other person with whom the person resides or has formerly resided.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

~~((3))~~ (4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

~~((4))~~ (5) Except as specifically provided in subsections (2) ~~((and))~~, (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(6) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice.

Sec. 20. Section 2, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.020 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) ~~“(Cohabitant” means a person who is married or who is cohabiting with a person as husband and wife at the present time or at some time in the past. Any person who has one or more children in common with another person, regardless of whether they have been married or lived together at any time, shall be treated as a cohabitant) “Family or household members” means spouses, former spouses, adult persons related by blood or marriage, persons who~~

are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) "Domestic violence" includes but is not limited to any of the following crimes when committed by one (~~(cohabitant)~~) family or household member against another:

- (a) Assault in the first degree (RCW 9A.36.010);
- (b) Assault in the second degree (RCW 9A.36.020);
- (c) Simple assault (RCW 9A.36.040);
- (d) Reckless endangerment (RCW 9A.36.050);
- (e) Coercion (RCW 9A.36.070);
- (f) Burglary in the first degree (RCW 9A.52.020);
- (g) Burglary in the second degree (RCW 9A.52.030);
- (h) Criminal trespass in the first degree (RCW 9A.52.070);
- (i) Criminal trespass in the second degree (RCW 9A.52.080);
- (j) Malicious mischief in the first degree (RCW 9A.48.070);
- (k) Malicious mischief in the second degree (RCW 9A.48.080);
- (l) Malicious mischief in the third degree (RCW 9A.48.090);
- (m) Kidnapping in the first degree (RCW 9A.40.020);
- (n) Kidnapping in the second degree (RCW 9A.40.030); ~~((and))~~
- (o) Unlawful imprisonment (RCW 9A.40.040);

(p) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);

(q) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (section 7, 8, or 14 of this 1984 act);

(r) Rape in the first degree (RCW 9.79.170); and

(s) Rape in the second degree (RCW 9.79.180).

(3) "Victim" means a (~~(cohabitant)~~) family or household member who has been subjected to domestic violence.

Sec. 21. Section 3, chapter 105, Laws of 1979 ex. sess. as amended by section 5, chapter 145, Laws of 1981 and RCW 10.99.030 are each amended to read as follows:

(1) All training relating to the handling of domestic violence complaints by law enforcement officers shall stress enforcement of criminal laws in domestic situations, availability of community resources, and protection of the victim. Law enforcement agencies and community organizations with expertise in the issue of domestic violence shall cooperate in all aspects of such training.

(2) The primary duty of peace officers, when responding to a domestic violence situation, is to enforce the laws allegedly violated and to protect the complaining party.

(3)(a) When a peace officer responds to a domestic violence call and has probable cause to believe that a crime has been committed, the peace officer (~~(may)~~) shall exercise arrest powers with reference to the criteria in RCW 10.31.100. The officer shall notify the victim of the victim's right to initiate a criminal proceeding in all cases where the officer has not exercised arrest powers or decided to initiate criminal proceedings by citation or otherwise. The parties in such cases shall also be advised of the importance of preserving evidence.

(b) A peace officer responding to a domestic violence call shall take a complete offense report including the officer's disposition of the case.

(4) When a peace officer responds to a domestic violence call, the officer shall advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:

"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following: (a) An order restraining your abuser from further acts of abuse; (b) an order directing your abuser to leave your household; (c) an order preventing your abuser from entering your residence, school, business, or place of employment; (d) an order awarding you or the other parent custody of or visitation with your minor child or children; and (e) an order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.

Information about shelters and alternatives to domestic violence is available from a state-wide twenty-four-hour toll-free hotline at 1-800-562-6025. The battered women's shelter and other resources in your area are --- (include local information)."

(5) The peace officer may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.

((5)) (6) The law enforcement agency shall forward the offense report to the appropriate prosecutor within ten days of making such report if there is probable cause to believe that an offense has been committed, unless the case is under active investigation.

((6)) (7) Each law enforcement agency shall make as soon as practicable a written record and shall maintain records of all incidents of domestic violence reported to it.

((7)) (8) Records kept pursuant to subsections (3) and ((6)) (7) of this section shall be made identifiable by means of a departmental code for domestic violence.

Sec. 22. Section 4, chapter 105, Laws of 1979 ex. sess. as last amended by section 7, chapter 232, Laws of 1983 and RCW 10.99.040 are each amended to read as follows:

(1) Because of the serious nature of domestic violence, the court in domestic violence actions:

(a) Shall not dismiss any charge or delay disposition because of concurrent dissolution or other civil proceedings;

(b) Shall not require proof that either party is seeking a dissolution of marriage prior to instigation of criminal proceedings;

(c) Shall waive any requirement that the victim's location be disclosed to any person, other than the attorney of a criminal defendant, upon a showing that there is a possibility of further violence: PROVIDED, That the court may order a criminal defense attorney not to disclose to his client the victim's location; and

(d) Shall identify by any reasonable means on docket sheets those criminal actions arising from acts of domestic violence.

(2) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. The arresting jurisdiction authorizing the release shall determine whether the defendant should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting the defendant from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the defendant from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, the court may also require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping.

(3) Willful violation of a court order issued under subsection (2) of this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 10.99 RCW and will subject a violator to arrest. A certified copy of ((such)) the order shall be provided to the victim.

(4) Whenever an order prohibiting contact is issued under subsection (2) of this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 23. Section 7, chapter 145, Laws of 1981 as amended by section 8, chapter 232, Laws of 1983 and RCW 10.99.045 are each amended to read as follows:

(1) A defendant arrested for an offense involving domestic violence as defined by RCW 10.99.020(2) shall be required to appear in person before a magistrate within one judicial day after the arrest((-or));

(2) A defendant who is charged by citation, complaint, or information with an offense involving domestic violence as defined by RCW 10.99.020(2) and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information.

(3) At the time of the appearances provided in subsection (1) or (2) of this section, the court shall determine the necessity of imposing a no contact order or other conditions of pretrial release according to the procedures established by court rule for a preliminary appearance or an arraignment. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 in any further acts of violence, as one of the conditions of pretrial release, the court may require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping. The decision of the judge and findings of fact in support thereof shall be in writing.

(4) Appearances required pursuant to this section are mandatory and cannot be waived.

(5) The no-contact order shall be issued and entered with the appropriate law enforcement agency pursuant to the procedures outlined in RCW 10.99.040 (2) and (4).

Sec. 24. Section 5, chapter 105, Laws of 1979 ex. sess. and RCW 10.99.050 are each amended to read as follows:

(1) When a defendant is found guilty of a crime and a condition of the sentence restricts the defendant's ability to have contact with the victim, such condition shall be recorded and a written certified copy of that order shall be provided to the victim.

(2) Whenever an order prohibiting contact is issued pursuant to this section, the clerk of the court shall forward a copy of the order on or before the next judicial day to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any jurisdiction in the state.

Sec. 25. Section 8, chapter 145, Laws of 1981 as amended by section 9, chapter 232, Laws of 1983 and RCW 10.99.055 are each amended to read as follows:

((Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendants' ability to have contact with the victim and orders requiring defendants to surrender firearms.)) A peace officer in this state shall enforce an order issued by any court in this state restricting a defendant's ability to have contact with a victim by arresting and taking the defendant into custody, pending release on bail, personal recognizance, or court order, when the officer has probable cause to believe that the defendant has violated the terms of that order.

Sec. 26. Section 6, chapter 157, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 41, Laws of 1983 1st ex. sess. and RCW 26.09.060 are each amended to read as follows:

(1) In a proceeding for:

(a) Dissolution of marriage, legal separation, or a declaration of invalidity; or

(b) Disposition of property or liabilities, maintenance, or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse; either party may move for temporary maintenance or for temporary support of children entitled to support. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.

(2) As a part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary restraining order or preliminary injunction, providing relief proper in the circumstances, and restraining or enjoining any person from:

(a) Transferring, removing, encumbering, concealing, or in any way disposing of any property except in the usual course of business or for the necessities of life, and, if so restrained or enjoined, requiring him to notify the moving party of any proposed extraordinary expenditures made after the order is issued;

(b) Molesting or disturbing the peace of the other party or of any child and, upon a showing by clear and convincing evidence that the party so restrained or enjoined has used or displayed or threatened to use a deadly weapon as defined in RCW 9A.04.110 in an act of violence or has previously committed acts of domestic violence and is likely to use or display or threaten to use a deadly weapon in an act of domestic violence, requiring the party to surrender any deadly weapon in his immediate possession or control or subject to his immediate possession or control to the sheriff of the county having jurisdiction of the proceeding or to the restrained or enjoined party's counsel or to any person designated by the court. The court may order temporary surrender of deadly weapons without notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for response has elapsed;

(c) Entering the family home or the home of the other party upon a showing of the necessity therefor;

(d) Removing a child from the jurisdiction of the court.

(3) The court may issue a temporary restraining order without requiring notice to the other party only if it finds on the basis of the moving affidavit or other evidence that irreparable injury could result if an order is not issued until the time for responding has elapsed.

(4) The court may issue a temporary restraining order or preliminary injunction and an order for temporary maintenance or support in such amounts and on such terms as are just and proper in the circumstances.

(5) Restraining orders issued under this section restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.

(6) The court may order that any temporary restraining order granted under this section be forwarded by the clerk of the court on or before the next judicial day to the appropriate

law enforcement agency specified in the order. Upon receipt of the order, the law enforcement agency shall forthwith enter the order for one year into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. Entry into the law enforcement information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(7) A temporary order, temporary restraining order, or preliminary injunction:

(a) Does not prejudice the rights of a party or any child which are to be adjudicated at subsequent hearings in the proceeding;

(b) May be revoked or modified;

(c) Terminates when the final decree is entered or when the petition for dissolution, legal separation, or declaration of invalidity is dismissed;

(d) May be entered in a proceeding for the modification of an existing decree.

~~((6))~~ (8) A support debt owed to the state for public assistance expenditures which has been charged against a party pursuant to RCW 74.20A.040 and/or 74.20A.055 shall not be merged in, or otherwise extinguished by, the final decree or order, unless the office of support enforcement has been given notice of the final proceeding and an opportunity to present its claim for the support debt to the court and has failed to file an affidavit as provided in this subsection. Notice of the proceeding shall be served upon the office of support enforcement personally, or by certified mail, and shall be given no fewer than thirty days prior to the date of the final proceeding. An original copy of the notice shall be filed with the court either before service or within a reasonable time thereafter. The office of support enforcement may present its claim, and thereby preserve the support debt, by filing an affidavit setting forth the amount of the debt with the court, and by mailing a copy of the affidavit to the parties or their attorney prior to the date of the final proceeding.

Sec. 27. Section 18, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.180 are each amended to read as follows:

(1) Except as authorized for proceedings brought under chapter 26.-- RCW (sections 1 through 17 of this 1984 act) in district or municipal courts, a child custody proceeding is commenced in the superior court:

(a) By a parent:

(i) By filing a petition for dissolution of marriage, legal separation or declaration of invalidity; or

(ii) By filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found; or

(b) By a person other than a parent, by filing a petition seeking custody of the child in the county where the child is permanently resident or where he is found, but only if the child is not in the physical custody of one of its parents or if the petitioner alleges that neither parent is a suitable custodian.

(2) Notice of a child custody proceeding shall be given to the child's parent, guardian and custodian, who may appear and be heard and may file a responsive pleading. The court may, upon a showing of good cause, permit the intervention of other interested parties.

Sec. 28. Section 1, chapter 99, Laws of 1974 ex. sess. and RCW 26.09.300 are each amended to read as follows:

(1) ~~((Any person having had actual notice of the existence of a restraining order issued by a court of competent jurisdiction in an action for the dissolution of a marriage under this chapter who refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.~~

~~(2) The notice requirements of subsection (1) may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified to be an accurate copy of the original on file by a notary public or the clerk of the court of the court order which copy may be supplied by the court, the complainant or the complainant's attorney.~~

~~(3) The remedies provided by this section shall not apply unless restraining orders subject to this section shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND IS ALSO SUBJECT TO CIVIL CONTEMPT PROCEEDINGS.~~

~~(4)) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision excluding the person from the residence is a misdemeanor.~~

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from the residence.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule (PROVIDED: That no right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer employs otherwise lawful means to effect the arrest).

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

Sec. 29. Section 1, chapter 38, Laws of 1973 as last amended by section 5, chapter 330, Laws of 1981 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of seventy dollars except in proceedings filed under section 4 of this 1984 act where the petitioner shall pay a filing fee of twenty dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of seventy dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of seventy dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of seventy dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of four dollars.

(15) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of seventy dollars.

(17) With the exception of demands for jury hereafter made and garnishments hereafter issued, civil actions and probate proceedings filed prior to midnight, July 1, 1972, shall be completed and governed by the fee schedule in effect as of January 1, 1972: PROVIDED, That no fee shall be assessed if an order of dismissal on the clerk's record be filed as provided by rule of the supreme court.

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010 or for forms and instructional brochures provided under section 4 of this 1984 act.

NEW SECTION. Sec. 30. Sections 1 through 17 of this act shall constitute a new chapter in Title 26 RCW.

NEW SECTION. Sec. 31. The administrator for the courts shall develop and prepare, in consultation with interested persons, the forms and instructional brochures required under section 4(3) of this act. These forms shall be distributed to and available for use by the court clerks before September 1, 1984.

NEW SECTION. Sec. 32. Sections 1 through 29 of this act shall take effect on September 1, 1984.

NEW SECTION. Sec. 33. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 4541.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4541, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4541, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 02; excused, 03.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Bauer, Quigg - 2.

Excused: Senators Benitz, Rasmussen, Thompson - 3.

SUBSTITUTE SENATE BILL NO. 4541, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

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

SENATE RESOLUTION 1984-157

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

WHEREAS, The Girl Scouts of the United States of America will observe the 72nd anniversary of its founding on Monday, March 12, 1984; and

WHEREAS, Since 1912, the Girl Scout movement has opened new worlds of thought and action to more than 46 million members; and

WHEREAS, The organization reaffirms its commitment to work for world understanding and friendship among all the peoples of the world; and

WHEREAS, Girl Scouting prepares today's girls to be tomorrow's women; and

WHEREAS, Girl Scout Week will be celebrated by the Girl Scouts of our state from March 11 through 17, 1984; and

WHEREAS, Five members of this body, Senators Ellen Craswell, Barbara Granlund, Eleanor Lee, Nita Rinehart and Dianne Woody have participated in Girl Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington officially recognizes the valuable service the Girl Scouts of the United States of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the Senate applauds all of our state Girl Scout councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Girl Scouts of the United States of America; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to the National Office of the Girl Scouts of the United States of America in New York, the Regional Offices of the Girl Scouts and to the five Girl Scout Councils servicing Washington State.

MOTION

On motion of Senator Lee, all members and the Lieutenant Governor will be added as additional sponsors to Senate Resolution 1984-157.

INTRODUCTION OF SPECIAL GUESTS

The President introduced Girl Scouts Sheila Riggs, the guest of Senator Marc Gaspard, and Mary Koch, the guest of Senator Pat Patterson, who were seated with him on the rostrum.

With permission of the Senate, business was suspended to permit Scout Koch, the Girl Scout Gold Award recipient--Girl Scouts' highest award--to address the Senate. The President, also, introduced Scouts Tracy Rodherty, Monica Schwilke, Linda Cooper and Sandy Richards, as well as Mrs. Irena Durant, the mother of Scout Mary Koch, and a guest of Senator Bob McCaslin.

MOTION

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

SENATE RESOLUTION 1984-152

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

WHEREAS, The activities of volunteer organizations play an integral role in making our state a good place to live; and

WHEREAS, Two hundred sixty-three Lions Clubs in the State of Washington were responsible for collecting a calculated one million two hundred fifty thousand dollars to benefit the poor, the elderly, the young, and the handicapped citizens of this state during 1983; and

WHEREAS, The fourteen thousand members of these Lions Clubs also donated thousands of hours providing community services benefiting the citizens of this state; and

WHEREAS, Because of great sums of money collected and time volunteered, valuable public services were provided at no public expense;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the members of the Senate commend the members of the Lions Clubs throughout this state for their voluntary service to the people of this state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Lion Wait Bebich, Council Chairman, Multiple District 19, International Association of Lions Clubs.

MOTION

On motion of Senator Conner, all members and the Lieutenant Governor will be added as additional sponsors of 1984-152.

MOTION

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

SENATE RESOLUTION 1984-155

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

WHEREAS, The Auburn High School cheerleading squad won the National Cheerleading Competition in Anaheim, California on February 19, 1984; and

WHEREAS, The Auburn Trojan cheerleaders won the competition over nine other squads from across the nation; and

WHEREAS, The spirit and determination of the Auburn squad was demonstrated not only in the competition, but by their efforts in raising the funds necessary to send the fifteen member team and their coach, Ben Keylin, to the competition; and

WHEREAS, Coach Ben Keylin has given freely of his time and talent in directing the Auburn cheerleading squad for the past five years;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That congratulations for a superb performance be conveyed to the Auburn High School Trojan cheerleading squad, and Coach Ben Keylin, by adoption of this resolution; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to Coach Ben Keylin, and to each of the following members of the squad: Dean Godfrey, Holly Thorpe, Jorge Jazan, Bruce Jackman, Laurie Stehr, Dianne Kidd, David Zahnon, Robin Hall, Sandra Higgins, Dan Viens, Kelly Brady, Crystal Smith, Shannon Hader, Kristin Thompson and Kenneth McMullen.

MOTION

On motion of Senator Warnke, all members and the Lieutenant Governor will be added as additional sponsors of Resolution 1984-155.

INTRODUCTION OF SPECIAL GUESTS

The President introduced the members of the Auburn High School cheerleading squad who were seated in the gallery.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4228 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. Section 1, chapter 267, Laws of 1981 and RCW 9A.36.080 are each amended to read as follows:

(1) A person is guilty of malicious harassment if he maliciously and with the intent to intimidate or harass another person because of that person's race, color, religion, ancestry, ~~((or))~~ national origin, age, sex, sexual orientation, or mental, physical, or sensory handicap:

(a) Causes physical injury to another person; or

(b) By words or conduct places another person in reasonable fear of harm to his person or property or harm to the person or property of a third person: PROVIDED, HOWEVER, That it shall not constitute malicious harassment for a person to speak or act in a critical, insulting, or derogatory way so long as his or her words or actions do not constitute a threat of harm to the body or property of another person; or

(c) Causes physical damage to or destruction of the property of another person.

(2) Malicious harassment is a class C felony.

(3) In addition to the criminal penalty provided in subsection (2) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for actual damages and punitive damages of up to ten thousand dollars.

(4) The penalties provided in this section for malicious harassment do not preclude the victims from seeking any other remedies otherwise available under law.,

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

Senator Talmadge moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 4228.

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 4228 was deferred.

MESSAGE FROM THE HOUSE

February 28, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL No. 843 and asks the Senate to recede therefrom, and said bill, together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate receded from its amendment to section 7 and adhered to its position on the remaining amendments and once again asked the House to concur thereto.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House concurs in the Senate amendment to HOUSE BILL NO. 880 on page 1, line 8, and refuses to concur in the amendments to page 1, lines 10, 12 and 13, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Moore, the Senate receded from the amendments on page 1, lines 10 and 13 to House Bill No. 880.

Senator Moore moved that the Senate do not recede from the amendment to page 1, line 12 to House Bill No. 880 and asked the House for a conference thereon.

Senator Clarke moved that the Senate do recede from the amendment to page 1, line 12, to House Bill No. 880.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Bender, does the proposed amendment include triple damages--punitive damages?"

Senator Bender: "Yes, the present amendment does, so we're looking out for a compromise in terms of uniform commercial code--"

Senator Zimmerman: "But not including triple damages?"

Senator Bender: "That hasn't been decided, but we plan to reduce those damages--yes."

Further debate ensued.

POINT OF INQUIRY

Senator McCaslin: Senator Bender, I would like to support you, but Senator Bottiger says we may lose the bill. Do you anticipate that we would lose this bill if we go to conference?"

Senator Bender: "It's not my intent to lose this bill, because I think it is an important piece of legislation, but I think we can work out a compromise, take out the treble damages, and then put the attorney fees in there, which I think would be a good compromise."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Clarke to recede from the Senate amendment to page 1, line 12, to House Bill No. 880.

The motion by Senator Clarke failed and the Senate did not concur in the amendment to page 1, line 12, to House Bill No. 880, and requested a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 880 and the Senate amendment thereto: Senators Bender, Sellar and Moore.

MOTION

On motion of Senator Vognild, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1218, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate receded from the amendments to Engrossed House Bill No. 1218.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1218, without the Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1218, without the Senate amendments, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Craswell, Quigg - 2.

Excused: Senator Benitz - 1.

ENGROSSED HOUSE BILL NO. 1218, without the Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193, and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Dellwo and Patrick, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on Engrossed Second Substitute Senate Bill No. 3193 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3193 and the House amendments thereto: Senators Hughes, Lee and Talmadge.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House insists on its position in regard to the House amendments to SUBSTITUTE SENATE BILL NO. 4788 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Rust, Fisher and Allen, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Substitute Senate Bill No. 4788 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4788 and the House amendments thereto: Senators Hughes, Haley and Woody.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 392 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Grimm, Ebersole and Hankins, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the request of the House for a conference on Engrossed House Bill No. 392 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 392 and the Senate amendment thereto: Senators Thompson, Zimmerman and Granlund.

MOTION

On motion of Senator Newhouse, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendment to HOUSE BILL NO. 939, and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Moon, Appelwick and Van Dyken, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on House Bill No. 939 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 939 and the Senate amendment thereto: Senators Thompson, Barr and Bauer.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1133, and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Pruitt, Fisch and Miller, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on Engrossed House Bill No. 1133 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1133 and the Senate amendment thereto: Senators Talmadge, Newhouse and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1613, and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Burns, Powers and Silver, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request of the House for a conference on Substitute House Bill No. 1613 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1613 and the Senate amendments thereto: Senators Gaspard, Kiskaddon and Goltz.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MOTION

Senator Shinpoch moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 3926, Senate Bill No. 4340, Senate Concurrent Resolution No. 149, Engrossed Substitute House Bill No. 105, Engrossed Substitute House Bill No. 1157, House Bill No. 1201 and Substitute House Bill No. 1275, and that the bills be placed on the second reading calendar.

Debate ensued.

POINT OF INQUIRY

Senator Hayner: "Do I understand you, Senator Bottiger, to say we're going to take up this motion after we go to caucus?"

Senator Bottiger: "I intended to place the motion now so that we could get the things printed. I have tried to give everyone twenty-four hour notice before we take a bill up on the floor. I wanted them printed so you'd have it here and to be able to prepare amendments for tomorrow when we would take it up. The procedure is not unlike anything that has happened regularly in the twenty years that I've been here when we try to close the session down."

MOTION

At 11:16 a.m., on motion of Senator Bottiger, the Senate recessed until 11:45 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:48 a.m.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3740,
 SUBSTITUTE SENATE BILL NO. 3758,
 SUBSTITUTE SENATE BILL NO. 3849,
 SUBSTITUTE SENATE BILL NO. 3901,
 SUBSTITUTE SENATE BILL NO. 3984,
 SUBSTITUTE SENATE BILL NO. 4050,
 SENATE BILL NO. 4301,
 SUBSTITUTE SENATE BILL NO. 4302,
 SUBSTITUTE SENATE BILL NO. 4321,
 SUBSTITUTE SENATE BILL NO. 4325,
 SUBSTITUTE SENATE BILL NO. 4329,
 SUBSTITUTE SENATE BILL NO. 4332.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE HOUSE BILL NO. 448,
 SUBSTITUTE HOUSE BILL NO. 626,
 SUBSTITUTE HOUSE BILL NO. 1105,
 SUBSTITUTE HOUSE BILL NO. 1125,
 SECOND SUBSTITUTE HOUSE BILL NO. 1137,
 HOUSE BILL NO. 1142,
 SUBSTITUTE HOUSE BILL NO. 1311,
 SUBSTITUTE HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1655.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4794 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This act shall be known as the centennial partnership act.

NEW SECTION, Sec. 2. The legislature finds and declares that:

(1) Destination tourism attractions which attract visitors from other states will increase state tax revenues and provide direct and indirect civic and economic benefits to the state.

(2) People of other states have a strong interest in the historical, technical, and economic heritage of the state of Washington.

(3) A destination tourism attraction based on our Washington heritage, including but not limited to the agriculture, maritime, logging, or aviation heritage, advertises the inventiveness and productivity of the citizens and provides education and incentive to the state's youth.

NEW SECTION, Sec. 3. The purpose of this act is to provide for a study of the feasibility of creating one or more destination tourism attractions based on the Washington heritage. This study is to be conducted in cooperation with various nonprofit corporations interested in the

creation of such an attraction as a means of celebrating and sharing the state's unique heritage.

NEW SECTION. Sec. 4. (1) Subject to the provisions of section 10 of this act, there is created a public corporation of temporary duration to be known as the centennial partnership corporation. The corporation shall be governed by a board of directors composed of the following nine persons: The director of the department of commerce and economic development or the director's representative; the state historic preservation officer; four persons appointed by the governor who are members of the nonprofit corporations which meet the qualifications of section 7 of this act; two persons appointed by the governor from the hotel, motel, or restaurant businesses; and one person representing the governor and appointed by the governor.

(2) The corporation shall cease to exist on July 1, 1985.

(3) The board of directors shall select a president and such other officers as it considers appropriate. The directors shall receive travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 5. The centennial partnership corporation shall have the following powers and duties:

(1) It shall conduct a study on the feasibility of establishing one or more destination tourism attractions based on the Washington heritage.

(2) It shall report the results of this study, including any recommendations and proposed legislation, to the secretary of the senate and chief clerk of the house of representatives by January 1, 1985.

(3) It shall enter into such contracts as are appropriate for conducting the study and issuing the report required under this section.

(4) It shall carry out its powers and duties in cooperation with the nonprofit corporations who meet the qualifications of section 7 of this act and who have made donations under that section.

NEW SECTION. Sec. 6. The centennial partnership corporation may include within its recommendations to the legislature proposed contracts relating to the acquisition of land or construction of facilities.

NEW SECTION. Sec. 7. A nonprofit corporation shall not be considered qualified under this act unless it:

(1) Has qualified under section 501(c)(3) of the federal internal revenue code;

(2) Has a membership open to the public;

(3) Has preserved and maintained a part of the state's heritage;

(4) Owns or has available through cooperating individuals or organizations a substantial collection of artifacts depicting a part of the state's heritage;

(5) Periodically has made or makes part of the state's heritage available to the people;

(6) Is interested in establishing or assisting in the establishment of a destination tourist attraction based on the state's heritage; and

(7) Has deposited with the governor a donation of at least five thousand dollars to help defray the costs of the study and report required by this act.

NEW SECTION. Sec. 8. (1) The centennial partnership fund is created in the custody of the state treasurer. Moneys in the fund may be spent only for the purposes of this act. Disbursements from the fund shall be on authorization of the centennial partnership corporation. No appropriation is required for disbursements.

(2) All moneys donated to the state under section 7 of this act shall be deposited by the governor in the centennial partnership fund.

(3) There is hereby appropriated from the general fund to the centennial partnership fund the sum of fifteen thousand dollars. No part of this appropriation may be spent until such time as a matching amount of fifteen thousand dollars, received as donations under section 7 of this act, is deposited into the fund.

NEW SECTION. Sec. 9. The governor shall make available to the centennial partnership corporation such staff and administrative support as the governor considers appropriate for the corporation to carry out its functions in an orderly and appropriate manner. In order to implement this section, the governor may rely on the employees of any agency headed by an officer or employee who serves at the pleasure of the governor.

NEW SECTION. Sec. 10. The governor shall make all appointments to the centennial partnership corporation within twenty days from the date on which fifteen thousand dollars in donations is deposited into the centennial partnership fund. The centennial partnership corporation shall not be created and its powers and duties shall not be exercised unless by August 1, 1984, the governor has deposited fifteen thousand dollars in donations from qualified corporations into the centennial partnership fund. If such amount has not been deposited by such date, then the state treasurer shall promptly withdraw from the centennial partnership fund the amount of all donations made and return them to the donors.

NEW SECTION. Sec. 11. This act shall expire on July 1, 1985.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1, after "corporation;" strike all material down to and including "RCW;" on line 2 and insert "creating new sections; providing an expiration date;"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4794.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4794, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4794, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 03; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Deccio, Hansen, Owen - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4794, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of the motion by Senator Shinpoch, proposed earlier today, to relieve the Committee on Rules of further consideration of Senate Bill No. 3926, Senate Bill No. 4340, Senate Concurrent Resolution No. 149, Engrossed Substitute House Bill No. 105, Engrossed Substitute House Bill No. 1157, House Bill No. 1201 and Substitute House Bill No. 1275, and to place those bills on the second reading calendar.

MOTION

Senator Hayner moved that the question be divided and that the Senate first consider the motion to suspend the rules and relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 1157, and to place the bill on the second reading calendar.

The President declared the question before the Senate to be the motion by Senator Hayner to divide the question and relieve the Committee on Rules of further consideration of Engrossed Substitute House Bill No. 1157, and to place the bill on the second reading calendar.

The motion by Senator Hayner carried.

SPECIAL ORDER OF BUSINESS

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 1157 was made a special order of business for 2:00 p.m. today.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of the balance of the bills proposed by Senator Shinpoch to be relieved from the Committee on Rules.

PARLIAMENTARY INQUIRY

Senator Hayner: "Mr. President, a point of parliamentary inquiry. This takes a suspension of the rules?"

REPLY BY THE PRESIDENT

President Cherberg: "No, ma'am."

Senator Hayner: "It does not?"

President Cherberg: "It takes a simple majority, Senator."

REMARKS BY SENATOR METCALF

Senator Metcalf: "Thank you, Mr. President. I would like to offer an oral amendment to that motion and the oral amendment would be, 'and that the Rules Committee be disbanded and dissolved for the balance of the session.' And I would like to speak to the motion."

POINT OF ORDER

Senator Bottiger: "Mr. President, a point of order. The Senator's motion is out of order. It's an entirely different subject matter than the motion that I made. It would require a twenty-four hour notice of an amendment to the Senate rules."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger's remarks are well taken."
Further debate ensued.

POINT OF ORDER

Senator Guess: "Mr. President, I think the motion by Senator Shinpoch was out of order. The eighth order of business is for the presentation of petitions, memorials, resolutions and motions. We were not on the eighth order of business and, therefore, the motion before the body is out of order."

MOTION

At 12:03 p.m., on motion of Senator Shinpoch, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SENATE BILL NO. 4445 with the following amendment:

On page 1, line 20, after "retailers," insert "The promotional value of such educational activities or product information shall not be considered advancement of monies or of moneys' worth within the meaning of RCW 66.28.010."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Vognild, Senator McDermott was excused.

On motion of Senator Vognild, the Senate concurred in the House amendment to Senate Bill No. 4445.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4445, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4445, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 32; nays, 03; absent, 13; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Williams, Zimmerman - 32.

Voting nay: Senators Lee, Metcalf, Pullen - 3.

Absent: Senators Bauer, Conner, Craswell, Deccio, Hayner, Hemstad, Newhouse, Owen, Quigg, Talmadge, Warnke, Wojahn, Woody - 13.

Excused: Senator McDermott - 1.

SENATE BILL NO. 4445, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4532 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 102 is established as follows:

Beginning at the Washington Corrections Center, thence northeasterly to a junction of state route number 101 north of Shelton.

Before award of any construction contract for improvements to state route number 102 under either program A or program C, the department of transportation shall secure a portion of the construction cost from Mason county.

NEW SECTION. Sec. 2. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 547 is established as follows:

Beginning at the junction of state route number 542 in the vicinity of Kendall, thence northwesterly to a junction with state route number 9 at Sumas.

NEW SECTION. Sec. 3. There is added to chapter 47.17 RCW a new section to read as follows:

A state highway to be known as state route number 823 is established as follows:

Beginning at the junction of state route number 82 at the Selah interchange, thence northerly to a junction with Fasset Avenue in Selah.

Before award of any construction contract for improvements to state route number 823 under either program A or program C, the department of transportation shall secure a portion of the construction cost from the city of Selah or Yakima county, or both.

NEW SECTION. Sec. 4. The state highway known as state route number 540, beginning at a junction with a Whatcom county road known as Haxton Way in the vicinity of the easterly boundary of Range 1, E.W.M., thence easterly to a junction with state route number 5 northwest of Bellingham, is transferred to Whatcom county as a county road.

NEW SECTION. Sec. 5. Section 159, chapter 51, Laws of 1970 ex. sess., section 21, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.790 are each repealed."

On line 1 of the title, after "adding" strike "a new section" and insert "new sections",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4532.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4532, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4532, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 01; absent, 07; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipnorch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 40.

Voting nay: Senator Pullen - 1.

Absent: Senators Bottiger, Conner, Craswell, Newhouse, Quigg, Vognild, Wojahn - 7.

Excused: Senator McDermott - 1.

ENGROSSED SENATE BILL NO. 4532, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SENATE BILL NO. 4338 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 46.16 RCW a new section to read as follows:

(1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations include only those violations for which notice has been received from local agencies by the department one hundred fifty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred fifty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, and parking violations, or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, and parking violations exist, presents proof of payment and pays a ten dollar surcharge.

(2) The ten dollar surcharge shall be allocated as follows:

(a) Five dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations, at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.

Sec. 2. Section 8, chapter 136, Laws of 1979 ex. sess. as last amended by section 2, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.060 are each amended to read as follows:

(1) A notice of traffic infraction represents a determination that an infraction has been committed. The determination will be final unless contested as provided in this chapter.

(2) The form for the notice of traffic infraction shall be prescribed by rule of the supreme court and shall include the following:

(a) A statement that the notice represents a determination that a traffic infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this chapter;

(b) A statement that a traffic infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction; that the penalty for a traffic infraction may include sanctions against the person's driver's license including suspension, revocation, or denial;

(c) A statement of the specific traffic infraction for which the notice was issued;

(d) A statement of the monetary penalty established for the traffic infraction;

(e) A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

(f) A statement that at any hearing to contest the determination the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the person may subpoena witnesses including the officer who issued the notice of infraction;

(g) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction the person will be deemed to have committed the infraction and may not subpoena witnesses;

(h) A statement that the person must respond to the notice as provided in this chapter within ~~(seven)~~ fifteen days or the person's driver's license will not be renewed by the department until any penalties imposed pursuant to this chapter have been satisfied;

(i) A statement that failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in the refusal of the department to renew the person's driver's license until any penalties imposed pursuant to this chapter have been satisfied;

(j) A statement, which the person shall sign, that the person promises to respond to the notice of infraction in one of the ways provided in this chapter;

(k) A statement that failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 3. Section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.070 are each amended to read as follows:

(1) Any person who receives a notice of traffic infraction shall respond to such notice as provided in this section within ~~(seven)~~ fifteen days of the date of the notice.

(2) If the person determined to have committed the infraction does not contest the determination the person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department in accordance with RCW 46.20.270.

(3) If the person determined to have committed the infraction wishes to contest the determination the person shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be sooner than seven days from the date of the notice, except by agreement.

(4) If the person determined to have committed the infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing.

(5) (a) If any person issued a notice of traffic infraction:

(i) Fails to respond to the notice of traffic infraction as provided in subsection (2) of this section; or

(ii) Fails to appear at a hearing requested pursuant to subsection (3) or (4) of this section: the court shall enter an appropriate order assessing the monetary penalty prescribed for the traffic infraction and any other penalty authorized by this chapter and shall notify the department in accordance with RCW 46.20.270, of the failure to respond to the notice of infraction or to appear at a requested hearing.

(b) The department may not renew the driver's license, or in the case of a standing, stopping, or parking violation the vehicle license, of any person for whom the court has entered an order pursuant to (a) of this subsection until any penalties imposed pursuant to this chapter have been satisfied. For purposes of driver's license nonrenewal only, the lessee of a vehicle shall be considered to be the person to whom a notice of a standing, stopping, or parking violation has been issued for such violations of the vehicle incurred while the vehicle was leased or rented under a bona fide commercial lease or rental agreement between a lessor engaged in the business of leasing vehicles and a lessee who is not the vehicle's registered owner, if the lease agreement contains a provision prohibiting anyone other than the lessee from operating the vehicle. Such a lessor shall, upon the request of the municipality issuing the notice of infraction, supply the municipality with the name and driver's license number of the person leasing the vehicle at the time of the infraction.

NEW SECTION, Sec. 4. Section 1, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.16.215 are each repealed.

NEW SECTION, Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 6. This act shall take effect on July 1, 1984."

On line 1 of the title, after "violations;" strike everything through "46.20.270;" on line 11, and insert "amending section 8, chapter 136, Laws of 1979 ex. sess. as last amended by section 2, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.060; amending section 9, chapter 136, Laws of 1979 ex. sess. as last amended by section 3, chapter 14, Laws of 1982 1st ex. sess. and RCW 46.63.070; adding a new section to chapter 46.16 RCW;"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Peterson moved that the Senate do concur in the House amendments to Senate Bill No. 4338.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Peterson to concur in the House amendments to Senate Bill No. 4338.

The motion by Senator Peterson carried and the Senate concurred in the House amendments to Senate Bill No. 4338.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4338, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4338, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Kiskaddon, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Peterson, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Conner, Hayner, Hurley, Lee, McCaslin, Patterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, von Reichbauer - 12.

Absent: Senator Quigg - 1.

SENATE BILL NO. 4338, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4343 with the following amendments:

On page 1, line 18, after "dollars" strike all material through "dollars" on line 24

On page 2, line 32, strike "or in close sequence",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Bluechel, Senator Quigg was excused.

On motion of Senator Peterson, the Senate concurred in the House amendments to Substitute Senate Bill No. 4343.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4343, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4343, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 07; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McDonald, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Bluechel, Craswell, Haley, Lee, McCaslin, McManus, Metcalf - 7.

Absent: Senator Deccio - 1.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4343, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

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

Senator Bottiger moved that the Committee on Rules be relieved of further consideration of Senate Bill No. 3926, Senate Bill No. 4340, Senate Concurrent Resolution No. 149, Engrossed Substitute House Bill No. 105, House Bill No. 1201 and Substitute House Bill No. 1275, and the bills be placed on the second reading calendar.

POINT OF ORDER

Senator Guess: "A point of order, Mr. President, Senate Rules, since I've been here, require before we go to the eighth order of business for a motion to be made."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "I just did, Senator."

Senator Guess: "My apologies, Senator."

REPLY BY THE PRESIDENT

President Cherberg: "The ruling on your point of order that was raised before we recessed for lunch, your remarks were well taken, Senator Guess, but untimely in the sense that the question had been divided and the Senate had acted upon a portion of the motion. The President felt that it would be no more than fair to also consider the other parts of the motion."

Senators Bottiger, Peterson and Shinpoch demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger to relieve the Committee on Rules of Senate Bill No. 3926, Senate Bill No. 4340, Senate Concurrent Resolution No. 149, Engrossed Substitute House Bill No. 105, House Bill No. 1201, and Substitute House Bill No. 1275, and that the bills be placed on the second reading calendar.

POINT OF ORDER

Senator Newhouse: "A point of order, Mr. President. Have these bills all been ruled as beyond the cut-off?"

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, in response to the point of order, that point of order would be well placed when the bill is called before the consideration of the Senate."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger's remarks are well taken."

The motion by Senator Bottiger to relieve the Committee on Rules of the above listed bills carried on a rising vote, and the bills were placed on the second reading calendar.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Clarke moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 4767 failed to pass the Senate on February 23, 1984.

The President declared the question before the Senate to be the motion by Senator Clarke to reconsider the vote by which Substitute Senate Bill No. 4767 failed to pass the Senate.

The motion by Senator Clarke carried and the Senate resumed consideration of Substitute Senate Bill No. 4767, on reconsideration.

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 4767, on reconsideration, was deferred.

MOTIONS

On motion of Senator Bottiger, the Senate reverted to the sixth order of business.

On motion of Senator Bottiger, the Senate commenced consideration of the Special Order of Business, Engrossed Substitute House Bill No. 1157.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, by Committee on Ways and Means (originally sponsored by Representatives Grimm, Cantu and Braddock) (by Governor Spellman request)

Adopting the supplemental capital budget.

The bill was read the second time.

MOTION

Senator McDermott moved adoption of the following Committee on Ways and Means amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this 1984 act and in chapter 57, Laws of 1983 1st ex. sess., the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1985, out of the several funds specified in this act.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct necessary land and boundary surveys at McNeil Island.

	Reappropriation	Appropriation
CEP & RI Acct		175,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		175,000

NEW SECTION. Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for domestic water system and roof repairs at the Northern State Multi-service Center.

	Reappropriation	Appropriation
GF. State Bldg Constr Acct		1,065,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,065,000

NEW SECTION. Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for OB-II fire damage repairs, replacements and operating expense reimbursement: PROVIDED, That \$1,871,000 of the amount appropriated be utilized for building repair and \$726,482 be utilized for office equipment replacement and DSHS operating expense reimbursement: PROVIDED FURTHER, That \$884,832 of the amount appropriated be used for repairs and fire safety retrofits to Office Building 2, as necessary to correct hazardous building characteristics identified by the City of Olympia and the OB-2 Fire Task Force.

	Reappropriation	Appropriation
GF. State Bldg Constr Acct		3,482,314
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,482,314

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reimbursement of capital appropriations used for OB-II emergency clean-up and first and third floor repairs.

	Reappropriation	Appropriation
GF. State Bldg Constr Acct		1,687,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,687,000

NEW SECTION. Sec. 6. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a structural inspection of the Temple of Justice.

	Reappropriation	Appropriation
GF. Cap Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		15,000

Sec. 7. Section 202, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

(1) Construct and equip facilities for the care, training, and rehabilitation of persons with sensory, physical or mental handicaps (Referendum 37-Phase III).

(2) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps involving twenty projects and totaling

\$2,645,000. The moneys allocated in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1983, and approved by March 31, 1984 (Referendum 37-Phase IV).

(3) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps including as many of the following nine projects as are finally recommended by the Department of Social and Health Services and totaling no more than \$587,931.

(a) For Cowlitz County to purchase equipment to expand a vocational rehabilitation program for chronically mentally ill adults to increase their ability to function in a living, learning, and working environment: \$13,347.

(b) For Cowlitz County to purchase equipment to expand the number of maintenance and janitorial jobs and income producing contracts available to developmentally disabled adults: \$7,813.

(c) For Grays Harbor County to construct an addition and purchase equipment to expand vocational training and employment opportunities for developmentally disabled adults: \$308,607.

(d) For Spokane County to make specified improvements at the community center previously funded by Referendum 37 to permit increased use by blind and deaf clients: \$1,585.

(e) For Spokane County to construct a building to permit training, recreation, and treatment of ten psychiatrically ill children, housed in a residential facility previously funded by Referendum 37: \$140,129.

(f) For Walla Walla County to renovate a training center to improve programming for and productivity of developmentally disabled adults: \$20,026.

(g) For Whatcom County to construct a storage building and make certain improvements to an existing workshop already funded by Referendum 37 to enhance services to developmentally disabled adults: \$39,124.

(h) For Yakima County to purchase a module to serve as a diagnostic and day treatment facility for seriously mentally ill children and their families: \$27,531.

(i) For Yakima County to purchase microfilming equipment to train and employ developmentally disabled adults: \$29,769.

The moneys authorized in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1984, and approved by March 31, 1985 (Referendum 37 Phase V).

	Reappropriation	Appropriation
GF. Hndcp Fac Constr Acct	12,057,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
12,943,000		25,000,000

Sec. 8. Section 208, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Renovation, repair, and construction related to small projects.

	Reappropriation	Appropriation
GF. DSHS Constr Acct		((2,637,666))
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((2,637,666))
		2,801,200

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Fire safety improvements—State-wide.

	Reappropriation	Appropriation
GF. DSHS Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,500,000

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

For kitchen renovation and correct security safety hazards—Mission Creek Youth Camp.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		60,000

Sec. 11. Section 216, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate and equip the main building, Phase III—Yakima Valley School.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	83,700	6,031,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
(7,882,366)	(6,276,166)	(14,242,166)
7,721,700	3,295,300	17,132,200

Sec. 12. Section 221, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

(Repair cottages) For critical interim repairs, design of cottage replacement and preparation of facility plan—Child Study and Treatment Center—Western State Hospital campus.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		245,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		245,000

Sec. 13. Section 226, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Eastern State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		(562,366)
		3,293,900
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	(16,791,666)	11,293,900
	8,000,000	

Sec. 14. Section 227, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Western State Hospital.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		(377,166)
		4,004,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	(16,696,866)	16,473,900
	12,469,200	

NEW SECTION, Sec. 15. FOR THE DEPARTMENT OF CORRECTIONS

Design and construct co-located housing units providing approximately three hundred beds—State Penitentiary, Walla Walla.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		11,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		11,600,000

Sec. 16. Section 229, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Renovate heating and ventilation system and replace electrical cable and generator—McNeil Island.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	395,000	
<u>GF, CEP & RI Acct</u>		<u>2,415,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
105,000		((500,000))
		<u>2,915,000</u>

Sec. 17. Section 231, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Repair facilities and utilities—McNeil Island.

	Reappropriation	Appropriation
GF, CEP & RI Acct	<u>335,000</u>	
GF, DSHS Constr Acct	((1,000,000))	
	<u>665,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,667,406		2,667,406

Sec. 18. Section 243, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Replace old, small-capacity passenger ferry boat with larger-capacity boat—McNeil Island; PROVIDED, That the department of corrections and department of general administration shall evaluate the financial and scheduling feasibility of acquiring a locally-built vessel.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		((335,000))
		<u>485,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((335,000))
		<u>485,000</u>

Sec. 19. Section 235, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Provide facilities for 600 additional inmates—Washington Corrections Center, Shelton.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		((18,510,000))
		<u>21,773,758</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((18,510,000))
		<u>21,773,758</u>

NEW SECTION, Sec. 20. FOR THE DEPARTMENT OF CORRECTIONS

Design, construct, and equip a one hundred twenty-four bed intensive management unit at the Monroe Reformatory.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		7,100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		7,100,000

NEW SECTION, Sec. 21. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To provide payment for the assessment against the Washington Veterans Home at Retstil by Utility Local Improvement District No. 1 for expanded sewage treatment facilities, including interest.

	Reappropriation	Appropriation
GF, CEP & RI Acct		358,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		358,000

NEW SECTION. Sec. 22. FOR THE DEPARTMENT OF NATURAL RESOURCES

To acquire fragile and endangered natural lands for conservancy.

	Reappropriation	Appropriation
GF, ORA—State		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		2,000,000

NEW SECTION. Sec. 23. FOR THE STATE PARKS AND RECREATION COMMISSION

To replace county park facilities destroyed by the Mount St. Helens eruption and relocate them in Seaquest State Park.

	Reappropriation	Appropriation
GF, ORA—State		285,000
General Fund, Federal		530,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		815,000

NEW SECTION. Sec. 24. FOR THE STATE PARKS AND RECREATION COMMISSION

Appraise and acquire land for a state park—Little Spokane.

	Reappropriation	Appropriation
GF, ORA—State		550,000
GF, ORA—Federal		550,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,100,000

Sec. 25. Section 511, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

To construct a one-half acre adult salmon holding pond, including a fishway system from the Lewis River, and spawning and rearing pens.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	((370,000))	
	<u>64,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
69,500		((439,500))
		<u>133,500</u>

Sec. 26. Section 517, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

To replace a portion of the Hurd Creek ponds main water supply line.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	((177,300))	
	<u>300</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,200		((178,500))
		<u>1,500</u>

NEW SECTION. Sec. 27. FOR THE DEPARTMENT OF FISHERIES

To renovate adult holding ponds—Nooksak and Samish hatcheries.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct		483,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		483,000

Sec. 28. Section 635, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

Construct public access facilities—I-82, Yakima County.

	Reappropriation	Appropriation
GF, ORA—State		((266,566))
		<u>185,500</u>
GF, ORA—Federal		((266,566))
		<u>185,500</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((413,666))
		<u>371,000</u>

NEW SECTION. Sec. 29. FOR THE UNIVERSITY OF WASHINGTON

Remodel existing space to house operations of the Washington Technology Center.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		570,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		570,000

NEW SECTION. Sec. 30. FOR THE UNIVERSITY OF WASHINGTON

The state finance committee is authorized and requested to lend to the University Building Account such amounts at such times as may be necessary to support appropriations heretofore made from that account: PROVIDED, That said amounts loaned shall not exceed \$1,900,000, and such loans shall be repaid as directed by the Forty-Ninth Legislature in 1985.

NEW SECTION. Sec. 31. FOR WASHINGTON STATE UNIVERSITY

Food processing pilot plant and human nutrition lab—Planning through working drawings: PROVIDED, That part of the planning effort by the university shall include the identification of industries which will benefit from the programs that will be affected by the project, and to what extent matching funds may be generated to support such programs from the benefited industries. The university shall report the results to the ways and means committees of the house and senate by December 1, 1984: PROVIDED FURTHER, That \$184,000 of the amount appropriated by section 822, Laws of 1983 1st ex. sess. to design a new facility for the department of chemistry, the energy institute and the biological chemistry institute shall revert to the Washington State University Building Account.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		772,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	12,496,000	13,268,000

Sec. 32. Section 829, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

((Complete the)) Design, renovation, and equipping of the manual arts building and Sutton Hall and mothballing of Sutton Hall.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	((4,781,066))	
	<u>2,528,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
450,000		((5,231,066))
		<u>2,978,000</u>

NEW SECTION. Sec. 33. FOR EASTERN WASHINGTON UNIVERSITY

(1) Payment of Farm Credit Bank Building, Spokane, remodeling contract: PROVIDED, That no renovation contracts be signed after January 1, 1984.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		176,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		176,700

(2) Acquisition of Farm Credit Bank Building, Spokane, to house existing Spokane area programs: PROVIDED, That no new remodeling or improvements related to program improvements above those required for programs as of the end of spring quarter 1983 shall be undertaken unless notice is provided to the ways and means committees of the house of representatives and senate and the office of financial management approves the project.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		2,253,000
GF, EWU Cap Proj Acct		822,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,075,000

Sec. 34. Section 833, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY
Handicap access.

	Reappropriation (56,000)	Appropriation 50,000
GF, EWU Cap Proj Acct		Estimated
Project	Estimated	Total
Costs	Costs	Costs
Through	7/1/85 and	
6/30/83	Thereafter	
		50,000

NEW SECTION. Sec. 35. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION
Design and installation of heating system—Clark College.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		4,715,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
120,000		4,835,500

Sec. 36. Section 873, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGES
Code requirement repairs at Bellevue and Centralia Community College.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		57,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		57,000

Sec. 37. Section 874, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGES
Heat system repairs at Clark College.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		396,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		396,000

NEW SECTION. Sec. 38. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for emergency repair projects to six campuses: Lower Columbia, Seattle Central, Shoreline (2), Spokane Falls, and Yakima Valley.

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		1,246,800
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
		1,246,800

NEW SECTION. Sec. 39. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION To provide for design and construction of a facility on Clark College campus: PROVIDED, That priority be given to the Evergreen State College's off-campus program in the use of the facility.

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		1,500,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
		1,500,000

NEW SECTION. Sec. 40. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION For the purchase of relocatables on the Edmonds Community College campus.

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		162,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
		162,000

NEW SECTION. Sec. 41. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION To design core facility for Whatcom Community College, to include working drawings.

GF, St H Ed Constr Acct	Reappropriation	Appropriation
Project		220,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
	3,934,700	4,157,700

Sec. 42. Section 17, chapter 143, Laws of 1981 as amended by section 110, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Prepare sites for commercial leases and land development projects.

GF, Res Mgmt Cost Acct	Reappropriation	Appropriation
Project		2,541,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/81	7/1/83 and	Costs
965,000	Thereafter	
	1,578,000	5,084,000

(2) Provide equipment repair and vehicle storage facility, Clearwater Correction Center Annex.

GF, CEP & RI Acct	Reappropriation	Appropriation
Project		268,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/81	7/1/83 and	Costs
268,300	Thereafter	
		536,300

(3) Construct roads and bridges to state land, Cavanaugh Block Access.

GF, For Dev Acct	Reappropriation	Appropriation
Project		450,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/81	7/1/83 and	Costs
25,000	Thereafter	
		475,000

(4) Develop irrigation for state land, Black Rock Project.

GF, Res Mgmt Cost Acct	Reappropriation	Appropriation
Project		206,000
	Estimated	Estimated

Costs Through 6/30/81	Costs 7/1/83 and Thereafter	Total Costs
		290,000
(5) Improve road for timber sales activities, Elbe Hills Betterment.		
	Reappropriation	Appropriation
GF. For Dev Acct	300,000	
GF. Res Mgmt Cost Acct	135,000	
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
105,000		540,000
(6) Acquire recreational property on Mt. Si.		
	Reappropriation	Appropriation
GF. ORA—State	200,000	
GF. ORA—Federal	200,000	
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
1,400,000		1,800,000
(7) Replace existing water system at department of natural resources Lacey compound.		
	Reappropriation	Appropriation
General Fund—State		16,000
GF. Res Mgmt Cost Acct		34,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
6/30/81		50,000
(8) Purchase land for resource management, Natural Resources Land Bank.		
	Reappropriation	Appropriation
GF. For Dev Acct		2,000,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
1,000,000	4,000,000	7,000,000
(9) Construct and improve roads and bridges, management ponds.		
	Reappropriation	Appropriation
GF. For Dev Acct		240,000
GF. Res Mgmt Cost Acct	1,273,000	929,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
193,000	4,000,000	6,958,000
(10) Develop irrigation projects on state-owned land.		
	Reappropriation	Appropriation
GF. Res Mgmt Cost Acct	2,742,000	4,899,400
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
2,968,000	12,000,000	22,609,400
(11) Acquire rights-of-way access for land management.		
	Reappropriation	Appropriation
GF. For Dev Acct		169,000
GF. Res Mgmt Cost Acct		676,000
Project Costs	Estimated Costs	Estimated Total Costs
Through 6/30/81	7/1/83 and Thereafter	
6/30/81		3,311,000
(12) Construct boat launch ramp and breakwater, Marine Research Center.		
	Reappropriation	Appropriation
GF. Res Mgmt Cost Acct		19,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
(13) Purchase culverts and other materials for honor camp road maintenance.		19,000
	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project Costs Through 6/30/81 20,000	Estimated Costs 7/1/83 and Thereafter 200,000	Estimated Total Costs 370,000
(14) Increase seedling quality and production. Forest Nursery.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		110,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 310,000
(15) Improve forest fire protection facilities.		
	Reappropriation	Appropriation
General Fund—State		49,000
Project Costs Through 6/30/81 15,000	Estimated Costs 7/1/83 and Thereafter 40,000	Estimated Total Costs 104,000
(16) Provide access to potential commercial lease property, highway 18 interchange.		
	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 250,000
(17) Construct access to road to state land, Rock Creek Road rehabilitation.		
	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 250,000
(18) Construct and improve campsites, roads, trails, and other recreation projects.		
	Reappropriation	Appropriation
GF, ORV	507,000	429,000
GF, Snowmobile Acct		67,000
GF, ORA—State	99,000	310,000
GF, ORA—Federal	300,000	310,000
Project Costs Through 6/30/81 2,470,000	Estimated Costs 7/1/83 and Thereafter 1,379,000	Estimated Total Costs 5,871,000
(19) Construct bridge and access road to state lands, McDonald Mainline.		
	Reappropriation	Appropriation
GF, For Dev Acct		69,700
GF, Res Mgmt Cost Acct		135,300
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 205,000
(20) Remodel five field buildings.		
	Reappropriation	Appropriation
General Fund—State		27,000

GF, For Dev Acct		23,000
GF, Res Mgmt Cost Acct		46,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		96,000

(21) Acquire the Milwaukee Railroad right-of-way and existing bridges from Easton in Kittitas County to Tekoa in Whitman County(~~(- PROVIDED- That any funds not expended for this acquisition shall be retained by the department of natural resources for the purpose of acquiring dredge spoil sites on the Cowlitz, Coweeman and Toutle rivers).~~).

GF, ORA--State	Reappropriation	Appropriation
		((3,500,000))
		<u>2,500,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		((3,500,000))
		<u>2,500,000</u>

Sec. 43. Section 901, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR SUCCESSOR AGENCY—PUBLIC FACILITIES CONSTRUCTION LOAN REVOLVING FUND

For public works financing through the community economic revitalization board.

Ten percent of the appropriation in this section shall be used to fund projects certified by the planning and community affairs agency or successor agency in the ((community block)) state urban development action grant program and approved by the community economic revitalization board.

If Substitute House Bill No. 245 is not enacted before July 1, 1983, the appropriation in this section shall lapse.

GF, St Bldg Constr Acct	Reappropriation	Appropriation
		20,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		20,000,000

NEW SECTION. Sec. 44. Section 126, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 45. Sections 2 through 6, 9, 10, 15, 20 through 24, 27, 29 through 31, 33, 35, 40, and 41 of this act are each added to chapter 57, Laws of 1983 1st ex. sess.

NEW SECTION. Sec. 46. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Lee moved that the following amendment to the Committee on Ways and Means amendment be adopted:

On page 2, after line 40, insert the following new section:

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a programmatic and facility utilization feasibility study of providing medical services at Northern State Multi-Service Center to low-risk inmates of correctional facilities: PROVIDED, That the study will be conducted in conjunction with Skagit County and Medical Innovations Incorporated.

GP, CEP & RI Acct	Reappropriation	Appropriation
		45,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		45,000

Renumber the remaining sections accordingly.

Debate ensued.

The President declared the question before the Senate to be adoption of the Lee amendment to the Committee on Ways and Means amendment.

The motion by Senator Lee failed and the amendment to the committee amendment was not adopted.

MOTION

On motion of Senator McDermott, the following amendment by Senators McDermott and Hughes to the Committee on Ways and Means amendment was adopted:

On page 4, after line 37 insert the following:

NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Plan and design a therapy pool—Interlake School, Medical Lake.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter 690,000	
		750,000

Renumber consecutive sections accordingly.

MOTION

On motion of Senator McDermott, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 6, after line 22, insert the following:

Section 18, Section 230, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Construct 500-bed medium security corrections center on the grounds of the Monroe Reformatory.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	((12,970,000))	
	13,667,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
((20,892,300))		33,862,300
20,195,300		

Renumber the remaining sections consecutively.

MOTION

Senator McDermott moved that the following amendment by Senators McDermott and Hayner to the Committee on Ways and Means amendment be adopted:

On page 7, after line 24, insert the following:

NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Design funds for a one hundred bed skilled nursing facility in Walla Walla.

	Reappropriation	Appropriation
GF, CEP & RI acct		203,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	2,296,500	2,500,000

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Senator Hayner, Senator McDonald was the one that kind of came down on the cost and the comparison to what private nursing home care facilities had been constructed for. He isn't here, but I was looking to ask him if this was more in line, because I was impressed with his argument."

Senator Hayner: "Yes, this is more in line. The figure he had was twenty-two thousand dollars a bed, but then when we compared the fact that the private nursing homes are not under the same constraints, as far as building—as is the

state—we added a little bit of money to that, but as I say, the original figure was 3.3 million dollars, so we have reduced it to 2.5, which I think is definitely in the ball park.”

Senator Bottiger: “Senator Hayner, the other concern, in committee, was that we are counting on the federal government to continue funding this, when the statement is made that, in fact, it is going to operate at no cost to the general fund. I’m concerned about the current administration cutting this program out and leaving us with a new bill to pick up.”

Senator Hayner: “Well, let me speak to that, too. As I said, this is a building that is integrated into the veterans’ hospital site. There’s no way, I think, that they would eliminate it. I can also speak to the fact that the federal government provides seventeen dollars and five cents per day per veteran to the state veterans’ nursing facilities, and in addition to that, the veterans’ contribution of twenty-eight dollars per day and they are contracting for twenty-five beds at fifty dollars a day. So, I think, on that basis it is something that is very viable. We’ve been working on this actually for three years—it isn’t a new thing.”

Further debate ensued.

POINT OF INQUIRY

Senator Shinpoch: “Senator Hayner, do we have any long-term contracts with the federal government that assures that they’re going to continue to pay the kinds of money and provide the kinds of services that you’ve listed?”

Senator Hayner: “I guess there is no way that I can guarantee that there’s going to be seventeen dollars and twenty-eight dollars and so on, but I guess if the Veterans’ Hospital there goes out of business, then it will not be there. It’s been there for years and years and years. It’s about the size of Old Fort Walla Walla, and I suspect it was one of the very early hospitals in that area. I don’t think there’s any chance it’s going out of business.”

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators McDermott and Hayner to the Committee on Ways and Means amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

MOTION

Senator Hemstad moved that the following amendment by Senators Hemstad, Zimmerman and Fuller to the Committee on Ways and Means amendment be adopted:

On page 11, after line 2, insert the following new section:

***NEW SECTION. Sec. 35. FOR THE EVERGREEN STATE COLLEGE**
To construct a multi-purpose recreation center.

State Higher Education Construction Act	Reappropriation	Appropriation
		8,930,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		8,930,000

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hemstad, Zimmerman and Fuller to the Committee on Ways and Means amendment.

The motion by Senator Hemstad failed and the amendment to the committee amendment was not adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTION

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

On page 1, on line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending section 202, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 208, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 216, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 221, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 226, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 227, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 229, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 231, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 243, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 235, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 511, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 517, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 635, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 829, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 833, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 873, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 874, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 17, chapter 143, Laws of 1981 as amended by section 110, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 901, chapter 57, Laws of 1983 1st ex. sess. (uncodified); adding new sections to chapter 57, Laws of 1983 1st ex. sess.; creating a new section; repealing section 126, chapter 57, Laws of 1983 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1157, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, concerning section 2, I merely ask -- a hundred seventy-five thousand dollars necessary to survey land and boundary at McNeil Island--is that divided up between the seals and the Blue Herons? I'm not a member of the Ways and Means Committee, but I was wondering--I know the circumference of the island and you really can't survey much of an island as long as you're finding deep water, but what is the purpose of the survey?"

Senator McDermott: "My understanding, Senator, is that the entire island does not belong to the state of Washington. Some part of it is still going to be used as a sanctuary for our feathered friends and so we want to make sure we have it just right as we get the title from the federal government. I know you wouldn't want us to get more than our fair share."

Senator Rasmussen: "No, but a hundred seventy-five thousand dollar survey is a very expensive survey. It involves a lot of extra planning. My understanding is that the government has a monument there already and I don't understand the tremendous cost. Well, I hope this is only in general--and when the contract is let, it probably will be for less, I presume."

Senator McDermott: "That's my understanding."

Senator Rasmussen: "I would hope so. Then the other one is the total appropriation for McNeil Island--in the supplemental--amounts to about fifteen million dollars. That's turning out to be quite an expensive island for a prison. That's why the federal government left the prison over there. Do you anticipate further costs?"

Senator McDermott: "Yes."

Senator Rasmussen: "It's going to be just as expensive for us, but we will not be able to leave the island. That is the reason the feds left--of course--because of expense."

Senator McDermott: "Yes, they did, and I think no one thought carefully about our original acquisition of the island--thought it was going to be without some expense. It had been allowed to deteriorate in many respects. We had a problem of purchasing a ferry boat of sufficient size to carry people back and forth. We now have almost a thousand prisoners there, which is more than the federal government ever had, so that we have strained the capacity almost to the maximum and much of what is happening is to deal with that--really to try and relieve the overcrowding of our prison systems."

Senator Rasmussen: "No suggestions of Senator Haley's bridge?"

Senator McDermott: "They're certainly not even planning money. No one even thinks about something like that."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1157, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1157, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 35; nays, 14; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Boltiger, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Guess, Haley, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Shinpoch - 14.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, the following bills were returned to the Committees as listed:

SHB 1238 to Committee on Education,
 SHB 1234 to Committee on Energy and Utilities,
 ESHB 1584 to Committee on Local Government,
 2SHB 307 to Committee on Institutions,
 ESHB 1558 to Committee on Judiciary,
 RESHB 711 to Committee on Judiciary,
 SHB 1365 to Committee on Local Government,
 ESHB 685 to Committee on Parks and Ecology,
 ESHB 1380 to Committee on Local Government,
 EHB 1402 to Committee on Commerce and Labor,
 SHB 749 to Committee on Local Government,
 SHB 710 to Committee on Energy and Utilities,
 EHB 1408 to Committee on Local Government,
 SHB 1139 to Committee on Agriculture,
 EHB 517 to Committee on Commerce and Labor,
 HB 1253 to Committee on State Government,
 ESHB 1169 to Committee on Commerce and Labor.

MOTION

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

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 3429 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, P. King and Padden, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 3429 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3429 and the House amendment thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4403 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Kreidler, McClure and Lewis, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 4403 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4403 and the House amendments thereto: Senators McDermott, Sellar and Talmadge.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1163 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Lux, Zellinsky and Schmidt, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute House Bill No. 1163 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1163 and the Senate amendments thereto: Senators Moore, Deccio and Bender.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1386 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives R. King, McMullen and Betzoff, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed House Bill No. 1386 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1386 and the Senate amendments thereto: Senators Talmadge, Newhouse and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

February 29, 1984

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 1636 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives J. King, Ellis and B. Williams, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed House Bill No. 1636 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 1636 and the Senate amendment thereto: Senators Vognild, Newhouse and Bottiger.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1262 on page 5, line 19, page 8, lines 6 and 34; refuses to concur in the amendment to page 8, line 11, and asks the Senate to recede therefrom.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate receded from the amendment to page 8, line 11 to Substitute House Bill No. 1262.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1262, without the Senate amendment to page 8, line 11.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1262, without the Senate amendment, and the bill passed the Senate by the following vote: Yeas, 36; nays, 13; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Pullen - 13.

SUBSTITUTE HOUSE BILL NO. 1262, without the Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4362 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28, chapter 165, Laws of 1983 and RCW 46.61.519 are each amended to read as follows:

(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.

(2) It is a traffic infraction for a person to have in his possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.

(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for compensation in a for-hire vehicle licensed under city, county, or state law, or to a privately-owned vehicle operated by a person possessing a valid operator's license with a special endorsement issued under RCW 46.20.440 in the course of his usual employment transporting passengers at the employer's direction: PROVIDED, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway.

NEW SECTION. Sec. 2. There is added to chapter 46.61 RCW a new section to read as follows:

Nothing in RCW 46.61.519 or section 2 of this 1984 act prohibits any city or town from enacting a local ordinance that proscribes the acts proscribed by those sections and that provides penalties equal to or greater than the penalties provided in those sections.

NEW SECTION. Sec. 3. There is added to chapter 46.61 RCW a new section to read as follows:

(1) It is a traffic infraction to incorrectly label the original container of an alcoholic beverage and to then violate RCW 46.61.519.

(2) It is a traffic infraction to place an alcoholic beverage in a container specifically labeled by the manufacturer of the container as containing a nonalcoholic beverage and to then violate RCW 46.61.519."

On page 1, line 3 of the title strike "a new section" and insert "new sections",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Talmadge moved that the Senate do concur in the House amendment to Substitute Senate Bill No. 4362.

POINT OF INQUIRY

Senator Rasmussen: "Senator Talmadge, when I read the House amendment, 'in addition, local municipalities may enact ordinances governing open container restrictions that are more strict than state law.' Say, I picked up at the border of the state of Washington a copy of the state law--I'm driving through--I'm a state tourist and know nothing about the particulars, but I imagine this is supposed to be given out at the tourist center to advise them of the hazards. Then I drive through a city that has different or stricter regulations. What does that do? It doesn't give a uniform application of the law and apparently puts people in a trap?"

Senator Talmadge: "Senator, we permit local municipalities to have more stringent penalties than what we provide with respect to certain violations in many, many instances. I don't think the standard would be any different. The fact that if someone had an open container of alcohol in the car, that would be a violation of state law and it would probably be, also, a violation of a municipal ordinance. We provided for punishment of this violation as a misdemeanor. The local jurisdiction

could, I suppose, treat it, in effect, as a gross misdemeanor if they so chose, but I suspect that the change would be that the local municipality could enact more stringent penalties than what we have provided. Probably not a different standard--it would be hard to come up with a standard other than an open container of alcohol in the car."

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

The President declared the question before the Senate to be the motion by Senator Talmadge to concur in the House amendment to Substitute Senate Bill No. 4362.

The motion by Senator Talmadge carried and the Senate concurred in the House amendment to Substitute Senate Bill No. 4362.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4362, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4362, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Newhouse, Quigg - 2.

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 4362, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SENATE BILL NO. 4401 with the following amendments:

On page 1, line 8, after "sale" insert "by at least a two-thirds vote of the full commission"

On page 1, line 17, after "appraisals" insert "performed by licensed real estate brokers of professionally designated real estate appraisers as defined in RCW 74.46.020".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4401.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4401, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4401, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 03; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Voting nay: Senators Craswell, Pullen, Rasmussen - 3.

Absent: Senators Quigg, Sellar - 2.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 4401, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4407 with the following amendment:

On page 2, after line 12 insert "(5) The superintendent of public instruction shall ensure compliance with this section and shall adopt rules under chapter 34.04 RCW for that purpose. The superintendent shall monitor the salary and compensation increases provided to employees and administrators by school districts."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate did not concur in the House amendment to Engrossed Senate Bill No. 4407 and asked the House to recede therefrom.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Deccio served notice that he would move to reconsider the vote by which the House amendment to Substitute Senate Bill No. 4362 was adopted by the Senate.

POINT OF ORDER

Senator Rasmussen: "A point of order. After the fiftieth day, doesn't it require immediate reconsideration?"

REPLY BY THE PRESIDENT

President Cherberg: "Not immediate, but in the same day, Senator."

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4419 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 15.36 RCW a new section to read as follows:

(1) If the results of an antibiotic or pesticide residue test are above the actionable level as determined by procedures set forth in the current edition of "Standard Methods for the Examination of Dairy Products," a producer holding a grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to one-half the value of the sum of the volumes of milk equivalent produced under the permit on the day prior to and the day of the adulteration. The value of the milk shall be computed by the weighted average price for the federal market order under which the milk is delivered.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.04 RCW. Tests performed for antibiotic or pesticide residues by a state or certified industry laboratory of a milk sample drawn by a department official or a licensed dairy technician shall be admitted as prima facie evidence of the presence or absence of an antibiotic or pesticide residue.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department. The penalty shall be deducted by the violator's marketing organization from the violator's final payment for the month following the issuance of the final order. The department shall promptly notify the violator's marketing organization of any penalties contained in the final order.

(4) All penalties received or recovered from violations of this section shall be remitted monthly by the violator's marketing organization to the Washington state dairy products commission and deposited in a revolving fund to be used solely for the purposes of education and research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the antibiotic or pesticide residue test requirements, an investigation shall be made to determine the cause of the residue which shall be corrected. Additional samples shall be taken as soon as possible and tested as soon as feasible for antibiotic or pesticide residue by the department or a certified laboratory. After the notice has been received by the producer and the results of a test of such an additional sample indicate that residues are above the actionable level or levels referred to in subsection (1) of this section, the producer's milk may not be sold until a sample is shown to be below the actionable levels established for the residues.

Sec. 2. Section 15.36.060, chapter 11, Laws of 1961 and RCW 15.36.060 are each amended to read as follows:

The word "person" means any individual, partnership, firm, corporation, company, trustee, or association.

"Director" means the director of agriculture of the state of Washington or his duly authorized representative.

"Department" means the state department of agriculture.

"Health officer" means the county or city health officer as defined in Title 70 RCW, or his authorized representatives.

Where the term "and/or" is used "and" shall apply where possible, otherwise "or" shall apply.

Sec. 3. Section 15.36.120, chapter 11, Laws of 1961 as amended by section 2, chapter 297, Laws of 1981 and RCW 15.36.120 are each amended to read as follows:

Grades of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 ~~((te))~~ through 15.36.460, ~~((inclusive;))~~ with the grading of milk products being identical with the grading of milk, ~~((and))~~ except that bacterial standards are omitted in the case of ((sour cream and buttermilk)) cultured milk products. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

Sec. 4. Section 15.36.140, chapter 11, Laws of 1961 as amended by section 3, chapter 297, Laws of 1981 and RCW 15.36.140 are each amended to read as follows:

Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 ~~((te))~~ through 15.36.280, ~~((inclusive;))~~ and the bacterial plate count does not exceed twenty thousand per milliliter and the coliform count does not exceed ten per milliliter.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of ~~((said))~~ the same items of sanitation except RCW 15.36.265 (bottling and capping), 15.36.270 (personnel health), and ~~((such))~~ portions of other items as ~~((are))~~ indicated ~~((therein))~~, and the bacterial plate count, as delivered from the farm, does not exceed ~~((one hundred))~~ eighty thousand per milliliter as determined in accordance with RCW 15.36.110.

Sec. 5. Section 15.36.260, chapter 11, Laws of 1961 and RCW 15.36.260 are each amended to read as follows:

Milk and milk products for consumption in the raw state or for pasteurization shall be cooled within ~~((thirty minutes after))~~ two hours of completion of milking to ~~((fifty))~~ forty degrees Fahrenheit or less and maintained at that temperature until ~~((delivery as determined))~~ picked up, in accordance with RCW 15.36.110, so long as the blend temperature after the first and following milkings does not exceed fifty degrees Fahrenheit. ~~((Milk delivered daily for pasteurization shall be cooled within thirty minutes after completion of milking to sixty degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.~~

~~Milk delivered every other day for pasteurization shall be cooled to forty degrees Fahrenheit or lower at the place of production and shall not exceed forty-five degrees Fahrenheit at any time prior to pasteurization;))"~~

On page 1, line 1 of the title, after "products;" insert "amending section 15.36.060, chapter 11, Laws of 1961 and RCW 15.36.060;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 4419.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4419, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4419, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator von Reichbauer - 1.

SUBSTITUTE SENATE BILL NO. 4419, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 22, 1984

Mr. President:

The House has passed SENATE BILL NO. 4376 with the following amendments:

On page 3, line 35, delete "This act applies" and insert "Sections 1 and 2 of this act apply"

On page 4, after line 7, insert the following:

"Sec. 5. Section 21, chapter 49, Laws of 1982 1st ex. sess. as amended by section 1, chapter 99, Laws of 1983 and RCW 82.14.200 are each amended to read as follows:

There is created in the state general fund a special account to be known as the "county sales and use tax equalization account." Into this account shall be placed a portion of all motor vehicle excise tax receipts as provided in RCW 82.44.150(2). Funds in this account shall be allocated by the state treasurer according to the following procedure:

(1) Prior to April 1st of each year the director of revenue shall inform the state treasurer of the total and the per capita levels of revenues for the unincorporated area of each county and the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties imposing the sales and use tax authorized under RCW 82.14.030(1) for the previous calendar year.

(2) At such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than one hundred fifty thousand dollars from the tax for the previous calendar year, an amount from the county sales and use tax equalization account sufficient, when added to the amount of revenues received the previous calendar year by the county, to equal one hundred fifty thousand dollars.

The department of revenue shall establish a governmental price index as provided in this subsection. The base year for the index shall be the end of the third quarter of 1982. Prior to November 1, 1983, and prior to each November 1st thereafter, the department of revenue shall establish another index figure for the third quarter of that year. The department of revenue may use the implicit price deflators for state and local government purchases of goods and services calculated by the United States department of commerce to establish the governmental price index. Beginning on January 1, 1984, and each January 1st thereafter, the one hundred fifty thousand dollar base figure in this subsection shall be adjusted in direct proportion to the percentage change in the governmental price index from 1982 until the year before the adjustment. Distributions made under this subsection for 1984 and thereafter shall use this adjusted base amount figure.

(3) Subsequent to the distributions under subsection (2) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(1) at the maximum rate and receiving less than seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties as determined by the department of revenue under subsection (1) of this section, an amount from the county sales and use tax equalization account sufficient, when added to the per capita level of revenues for the unincorporated area received the previous calendar year by the county, to equal seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties determined under subsection (1) of this section, subject to reduction under subsections ~~((5) and)~~ (6) and (7) of this section. When computing distributions under this section, any distribution under subsection (2) of this section shall be considered revenues received from the tax imposed under RCW 82.14.030(1) for the previous calendar year.

(4) Subsequent to the distributions under subsection (3) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (2) of this section, a third distribution from the county sales and use tax equalization account. The distribution to each qualifying

county shall be equal to the distribution to the county under subsection (2) of this section, subject to the reduction under subsections (6) and (7) of this section. To qualify for the total distribution under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

(5) Subsequent to the distributions under subsection ((3)) (4) of this section and at such times as distributions are made under RCW 82.44.150, as now or hereafter amended, the state treasurer shall apportion to each county imposing the sales and use tax under RCW 82.14.030(2) at the maximum rate and receiving a distribution under subsection (3) of this section, a ((third)) fourth distribution from the county sales and use tax equalization account. The distribution to each qualifying county shall be equal to the distribution to the county under subsection (3) of this section, subject to the reduction under subsections ((5) and) (6) and (7) of this section. To qualify for the distributions under this subsection, the county must impose the tax under RCW 82.14.030(2) for the entire calendar year. Counties imposing the tax for less than the full year shall qualify for prorated allocations under this subsection proportionate to the number of months of the year during which the tax is imposed.

((5)) (6) Revenues distributed under this section in any calendar year shall not exceed an amount equal to seventy percent of the state-wide weighted average per capita level of revenues for the unincorporated areas of all counties during the previous calendar year. If distributions under subsections (3) ((or (4)) through (5) of this section cannot be made because of this limitation, then distributions under subsections (3) ((or (4)) through (5) of this section shall be reduced ratably among the qualifying counties.

((6)) (7) If inadequate revenues exist in the county sales and use tax equalization account to make the distributions under subsections (3) ((or (4)) through (5) of this section, then the distributions under subsections (3) ((or (4)) through (5) of this section shall be reduced ratably among the qualifying counties. At such time during the year as additional funds accrue to the county sales and use tax equalization account, additional distributions shall be made under subsections (3) ((and (4)) through (5) of this section to the counties.

((7)) (8) If the level of revenues in the county sales and use tax equalization account exceeds the amount necessary to make the distributions under subsections (2) through ((4)) (5) of this section, then the additional revenues shall be credited and transferred to the state general fund.

Sec. 6. Section 4, chapter 49, Laws of 1982 1st ex. sess. as amended by section 5, chapter 99, Laws of 1983 and RCW 35.21.870 are each amended to read as follows:

(1) No city or town may impose a tax on the privilege of conducting an electrical energy, natural gas, steam energy, or telephone business at a rate which exceeds six percent unless the rate is first approved by a majority of the voters of the city or town voting on such a proposition.

(2) If a city or town is imposing a rate of tax under subsection (1) of this section in excess of six percent on April 20, 1982, the city or town shall decrease the rate to a rate of six percent or less by reducing the rate each year on or before November 1st by ordinances to be effective on January 1st of the succeeding year, by an amount equal to one-tenth the difference between the tax rate on April 20, 1982, and six percent.

Nothing in this subsection prohibits a city or town from reducing its rates by amounts greater than the amounts required in this subsection.

Voter approved rate increases under subsection (1) of this section shall not be included in the computations under this subsection."

Renumber the remaining sections.

On page 1, line 1 of the title, after "government," insert "amending section 21, chapter 49, Laws of 1982 1st ex. sess. as amended by section 1, chapter 99, Laws of 1983 and RCW 82.14.200; amending section 4, chapter 49, Laws of 1982 1st ex. sess. as amended by section 5, chapter 99, Laws of 1983 and RCW 35.21.870;"

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4376.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4376, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4376, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 00; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Hayner, Pullen, Quigg, Rasmussen - 4.

Excused: Senator von Reichbauer - 1.

SENATE BILL NO. 4376, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

WITHDRAWN MOTION FOR RECONSIDERATION

On motion of Senator Deccio, and there being no objection, the motion for reconsideration of the vote on the House amendments to Substitute Senate Bill No. 4362 was withdrawn.

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4430 and the pending motion by Senator Talmadge to concur in the House amendments, deferred on February 29, 1984.

The President declared the question before the Senate to be the motion by Senator Talmadge to concur in the House amendments to Engrossed Substitute Senate Bill No. 4430.

The motion by Senator Talmadge carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4430.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4430, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4430, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 01; absent, 00; excused, 01.

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

Voting nay: Senator Pullen - 1.

Excused: Senator von Reichbauer - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4430, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4432 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that high technology is important to the state's economy and the welfare of its citizens. The legislature finds that certain groups, as characterized by sex or ethnic background, are traditionally underrepresented in mathematics, engineering, and the science-related professions in this state. The legislature finds that women and minority students have been traditionally discouraged from entering the fields of science and mathematics. The legislature finds that attitudes and knowledges acquired during the kindergarten through eighth grade prepare students to succeed in high school science and mathematics programs and that special skills necessary for these fields need to be acquired during the ninth through twelfth grades. It is the intent of the legislature to promote a mathematics, engineering, and science achievement program to help increase the number of people in these fields from groups underrepresented in these fields.

NEW SECTION, Sec. 2. A program to increase the number of people from groups underrepresented in the fields of mathematics, engineering, and the physical sciences in this state shall be established by the University of Washington. The program shall be administered through the University of Washington and designed to:

(1) Encourage students in the targeted groups in the common schools, with a particular emphasis on those students in the ninth through twelfth grades, to acquire the academic skills

needed to study mathematics, engineering, or related sciences at an institution of higher education;

(2) Promote the awareness of career opportunities and the skills necessary to achieve those opportunities among students sufficiently early in their educational careers to permit and encourage the students to acquire the skills;

(3) Promote cooperation among institutions of higher education, the superintendent of public instruction and local school districts in working towards the goals of the program; and

(4) Solicit contributions of time and resources from public and private institutions of higher education, high schools, and private business and industry.

NEW SECTION. Sec. 3. A coordinator shall be hired to administer the program. Additional staff as necessary may be hired.

NEW SECTION. Sec. 4. The coordinator shall develop standards and criteria for selecting students who participate in the program which may include predictive instruments to ascertain aptitude and probability of success. The standards shall include requirements that students take certain courses, maintain a certain grade point average, and participate in activities sponsored by the program. Women and students from minority groups, which are traditionally underrepresented in mathematics and science-related professions and which meet the requirements established by the coordinator shall be selected.

NEW SECTION. Sec. 5. The coordinator shall establish local program centers throughout the state to implement sections 2 through 4 of this act. Each center shall be managed by a center director. Additional staff as necessary may be hired.

NEW SECTION. Sec. 6. Implementation of this act shall be subject to funds being appropriated or otherwise available for such purposes.

NEW SECTION. Sec. 7. Sections 2 through 5 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4432.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4432, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4432, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Kiskaddon, Lee, McDermott, McManus, Moore, Peterson, Rinehart, Shimpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Hurley, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Rasmussen, Sellar - 22.

Absent: Senator Zimmerman - 1.

ENGROSSED SENATE BILL NO. 4432, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 22, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4443 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Any mineral interest, if unused for a period of twenty years, may be extinguished by the surface owner as set forth in sections 5 and 6 of this act.

NEW SECTION. Sec. 2. A mineral interest means the interest which is created by an instrument transferring, either by grant, assignment, or reservation, or otherwise an interest, of any kind, in any subsurface mineral.

NEW SECTION. Sec. 3. A mineral interest is used if:

(1) Any minerals produced have been in connection with the mineral interest;

(2) Operations for injection, withdrawal, storage or disposal of water, gas, or other fluid substances have been conducted in connection with the mineral interest;

(3) Rents or royalties have been paid for the purpose of delaying or enjoying the use or exercise of the mineral interest;

(4) The use or the exercise of the mineral interest has been carried out on any tract with which the mineral interest may be unitized or pooled for production purposes;

(5) In the case of coal or other solid minerals, minerals have been produced from a common vein or seam;

(6) Taxes have been paid on such mineral interest;

(7) Any use pursuant to or authorized by the instrument creating such mineral interest has been taken;

(8) A sale, lease, mortgage, or other transfer of the mineral interest has been recorded in the county auditor's office in the county in which the land affected by the mineral interest is located prior to the end of the twenty-year period set forth in section 1 of this act or within two years after the effective date of this act, whichever is later; or

(9) A statement of claim has been filed by the owner of the mineral interest in the manner set forth in section 4 or 6 of this act.

NEW SECTION, Sec. 4. The statement of claim referred to in section 3(9) of this act shall be filed by the current owner of the mineral interest prior to the end of the twenty-year period set forth in section 1 of this act or within two years after the effective date of this act, whichever is later. The statement of claim shall contain the name and address of the current owner of such interest, and the name of the original holder of the mineral interest substantially as that name is shown on the instrument that originally created the mineral interest and shall be accompanied by payment of the fees provided in RCW 36.18.010.

The statement of claim shall be filed in the county auditor's office in the county in which such land affected by the mineral interest is located.

NEW SECTION, Sec. 5. (1) After the later of the expiration of the twenty-year period set forth in section 1 of this act or two years after the effective date of this act, the surface owner may extinguish the mineral interest held by another person and acquire ownership of that interest by providing sixty days notice of intention to file a claim of abandonment and extinguishment of the mineral interest upon the current mineral interest owner. Notice shall be served by personal service or by mailing the notice by registered mail to the last known address of the current mineral interest owner. The county treasurer shall supply the name and address of the current mineral interest owner as they appear on the county property tax records to the surface owner without charge. If the current mineral interest owner is unknown to the county treasurer, and the current mineral interest owner cannot be determined after due diligence, the surface owner may serve the notice upon the current mineral interest owner by publishing the notice at least once each week for three consecutive weeks in a newspaper of general circulation published in the county in which the property interest is located, and if there is no newspaper of general circulation in the county, then in a newspaper of general circulation published in an adjoining county, and if there is no such newspaper in an adjoining county, then in a newspaper of general circulation published at the capital of the state.

(2) The notice of intention to file a claim of abandonment and extinguishment shall contain:

(a) The name and address, if known, of the holder of the mineral interest, as shown of record;

(b) A reference to the instrument originally creating the mineral interest, including where it is recorded;

(c) A description of the lands affected by the mineral interest;

(d) The name and address of the person giving notice;

(e) The date of the first publication of the notice if notice is by publication; and

(f) A statement that a claim of abandonment and extinguishment of the mineral interest will be filed upon the expiration of a period of sixty days after the date of the last publication or the date service was perfected by personal service or registered mail on the current mineral interest owner, unless the current mineral interest owner files a statement of claim of mineral interest in the form prescribed in section 4 of this act.

(3) A copy of the notice of intention to file a claim of abandonment and extinguishment and an affidavit of publication shall be submitted to the county auditor within fifteen days after the date of the last publication or the date service was perfected by personal service or registered mail on the current mineral interest owner.

(4) The affidavit of publication shall contain either:

(a) A statement that a copy of the notice has been personally served upon or mailed to the owner of the current mineral interest and the address to which it was mailed; or

(b) If a copy of the notice was not mailed, a detailed description, including dates, of the efforts made to determine with due diligence the address of the current owner of the mineral interest.

NEW SECTION, Sec. 6. Upon payment of fees provided in RCW 36.18.010, and if the surface owner files the claim of abandonment and extinguishment, together with a copy of the notice and the affidavit of publication, as required in section 5 of this act, in the county auditor's office for the county where such interest is located then the mineral interest shall be conclusively presumed to be extinguished.

If a statement of claim of mineral interest is filed by the current mineral interest owner within the sixty-day period provided in section 5 of this act, together with payment of fees provided in RCW 36.18.010, the county auditor shall record, index, and make special notation in the index of the filing.

NEW SECTION. Sec. 7. Upon receipt, the county auditor shall record a statement of claim or a notice and affidavit of publication in the dormant mineral interest index. When possible, the auditor shall also indicate by marginal notation on the instrument originally creating the mineral interest the recording of the statement of claim or notice and affidavit of publication. The county auditor shall record a statement of claim by cross-referencing in the dormant mineral interest index the name of the current owner of the mineral interest and the name of the original holder of the mineral interest as set out in the statement of claim.

NEW SECTION. Sec. 8. Mineral interests retained or owned by any public entity or mineral interests resulting from land exchanges between public and private owners shall not be subject to a claim of abandonment and extinguishment.

NEW SECTION. Sec. 9. The provisions of this chapter may not be waived at any time prior to the expiration of the twenty-year period under section 1 of this act.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 78 RCW."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Owen moved that the Senate do concur in the House amendment to Engrossed Substitute Senate Bill No. 4443.

POINT OF INQUIRY

Senator Rasmussen: "Senator Bottiger, the House amendment eliminates the duties imposed upon the county auditors with regard to locating mineral interest owners and notifying surface owners when mineral interest owners submit statements of claims. How is the owner going to find out if the auditor doesn't notify them?"

Senator Bottiger: "One of the problems, Senator, was the fiscal issue of the imposing on the county a new obligation. The counties said that since the surface owner had started the process, it would be up to him to check and see if someone filed an acknowledgment that they were the owner of the mineral rights and if the surface owner wasn't interested enough to go down and find out, then he wasn't interested enough to file a claim in the first place. It seemed to me to be the logical solution. The county then would have no financial impact and the surface owner's obligation would be to both start the process and to go down and see if anything has turned up."

Senator Rasmussen: "Well, Senator Bottiger, if I may, Mr. President. At the present time, of course, when a lien is filed on something, there's a notice posted. This doesn't require a posting of any notice."

Senator Bottiger: "Senator, this is entirely different. The mineral rights--the dormant, or mystery or lost mineral rights turn up on your title insurance policy. When you go look to see who this is, quote, Chicago Coal Company or the unknown heirs of Joe McGuire, you can't find them. The bill says, 'the surface owner,'--if there has been no activity for twenty years, can start a process to send notification as best as possible and if there has been no activity for twenty years, the courts may order him to do so--publish the notice, make the proper publication in the newspapers and then if nobody appears for two years--he goes down and checks to see if anybody has filed with the county treasurer. if nobody has, then the mineral right is extinguished."

Senator Rasmussen: "Mr. President, one further question of Senator Bottiger, if I may. Senator Bottiger, in the instance when your title reads 'mineral rights reserved' and that's quite common where the railroads own the majority of the land. Does that also apply to those continued titles--the mineral rights in reserve, if there is no activity for twenty years and you can file to recover the mineral rights?"

Senator Bottiger: "Senator, only if the person is unknown. Now the bill provides that if you claim you own mineral rights in Pierce County as a result of transactions beginning originally with Chicago Coal Company, all you have to do is go down and notify the county treasurer, then you can find out who's got the Chicago Coal

Company mineral rights because they expired in 1908 in Chicago. There's no trace of them since that time.

"After the House amendment was adopted, the Washington Association of Title Companies, the Washington Association of Title Attorneys, the Board of Realtors--everybody was satisfied with the bill and I think it passed the House 93 to 5."

POINT OF INQUIRY

Senator Pullen: "Senator Bottiger, does the twenty-year period that is identified in the bill start running immediately retroactive to 1964 or does the twenty-year period start running with the time zero being the effective date of this act, or is it some other combination?"

Senator Bottiger: "Senator, the twenty years begins running after the last activity, which if you'll look in sections about one through eight describe all the things that would be activity. Merely filing a notice of mineral right is a use of the mineral right and the twenty years would start from that point."

Senator Pullen: "If none of the activity had occurred since say 1964, then would the effective date of this act--"

Senator Bottiger: "Then the two years would begin."

The President declared the question before the Senate to be the motion by Senator Owen to concur in the House amendment to Engrossed Substitute Senate Bill No. 4443.

The motion by Senator Owen carried and the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 4443.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4443, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4443, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Benitz, Bluechel, Craswell, Hayner, McCaslin, McDonald, Pullen, Quigg, Sellar, von Reichbauer - 10.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4443, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4448 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is in the public interest that limited authority to administer skin tests and subcutaneous, intradermal, intramuscular, and intravenous injections and to perform minor invasive procedures to withdraw blood in this state be granted to health care assistants who are not so authorized under existing licensing statutes, subject to such regulations as will assure the protection of the health and safety of the patient.

NEW SECTION. Sec. 2. As used in this chapter:

- (1) "Director" means the director of licensing.
- (2) "Health care assistant" means an unlicensed person who assists a licensed health care practitioner in providing health care to patients pursuant to this chapter.
- (3) "Health care practitioner" means a physician licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or, acting within the scope of their respective licensures, a podiatrist licensed under chapter 18.22 RCW or a registered nurse licensed under chapter 18.88 RCW.
- (4) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility

during the administration of injections, as defined in this chapter, but need not be present during procedures to withdraw blood.

(5) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, renal dialysis center or facility federally approved under 42 C.F.R. 405.2100, or blood bank federally licensed under 21 C.F.R. 607.

(6) "Delegation" means direct authorization granted by a licensed health care practitioner to a health care assistant to perform the functions authorized in this chapter which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee.

NEW SECTION. Sec. 3. A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in section 1 of this act subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office. No certification made by one health care facility or health care practitioner is transferable to another health care facility or health care practitioner.

NEW SECTION. Sec. 4. The director, or the director's designee, with the advice of designees of the board of medical examiners, the board of osteopathic medicine and surgery, the podiatry board, and the board of nursing, shall adopt rules necessary to administer, implement, and enforce this chapter and establish the minimum uniform requirements necessary for a health care facility or health care practitioner to certify a health care assistant capable of performing the functions authorized in this chapter. These requirements shall ensure that the public health and welfare are protected and shall include, but not be limited to, the following factors:

(1) The education and occupational qualifications of the health care assistant including types and limitation of drugs or diagnostic agents which may be administered by injection by a health care assistant;

(2) The work experience of the health care assistant; and

(3) The instruction and training provided to the health care assistant.

NEW SECTION. Sec. 5. (1) Any health care facility may certify a health care assistant to perform the functions authorized in this chapter in that health care facility; and any health care practitioner may certify a health care assistant capable of performing such services in any health care facility, or in his or her office, under a health care practitioner's supervision. Before certifying the health care assistant, the health care facility or health care practitioner shall verify that the health care assistant has met the minimum requirements established by the director under this chapter. These requirements shall not prevent the certifying entity from imposing such additional standards as the certifying entity considers appropriate. The health care facility or health care practitioner shall provide the licensing authority with a certified roster of health care assistants who are certified.

(2) Certification of a health care assistant shall be effective for a period of two years. Recertification is required at the end of this period. Requirements for recertification shall be established by rule.

NEW SECTION. Sec. 6. Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures.

NEW SECTION. Sec. 7. The licensing authority of health care facilities or the disciplinary board of the delegating or supervising health care practitioner shall investigate all complaints or allegations of violations of proper certification of a health care assistant or violations of delegation of authority or supervision. A substantiated violation shall constitute sufficient cause for disciplinary action by the licensing authority of a health care facility or the disciplinary board of the health care practitioner.

NEW SECTION. Sec. 8. The director or the director's designee shall decertify a health care assistant based on a finding that the assistant has obtained certification through misrepresentation or concealment of a material fact or has engaged in unsafe or negligent practices.

NEW SECTION. Sec. 9. The performance of the functions authorized in this chapter by a health care assistant pursuant to this chapter does not constitute unlicensed practice as a health care practitioner.

NEW SECTION. Sec. 10. The department of licensing shall provide to the legislature on January 3, 1985, a report on the standards and rules established to implement sections 1 through 9 of this act.

NEW SECTION. Sec. 11. There is added to chapter 18.36 RCW a new section to read as follows:

A person licensed to practice drugless healing as a naturopathic physician may draw blood for diagnostic purposes.

NEW SECTION. Sec. 12. Sections 1 through 9 of this act shall constitute a new chapter in Title 18 RCW."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; adding a new section to chapter 18.36 RCW; and creating a new section."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McManus moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4448.

POINT OF ORDER

Senator Haley: "Mr. President, I would raise the point of scope and object on these amendments and ask for a ruling thereon. The bill was intended to simply allow certain health providers to delegate the drawing of blood, whereas the amendments by the naturopaths would expand their practice act, which would expand the scope and object of the bill."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Haley, the President finds that Engrossed Substitute Senate Bill No. 4448 is a measure which provides for the certification of unlicensed health care professionals to perform certain procedures when working under the supervision of a physician, podiatrist or registered nurse, after meeting certain minimum requirements.

"The amendments proposed by the House of Representatives, while incorporating the provisions of the original bill, also authorize persons licensed to practice drugless healing as a naturopathic physician to draw blood for diagnostic purposes.

"The President, therefore, finds that the proposed amendments do expand the scope and object of the bill and that the point of order is well taken."

The amendments by the House of Representatives were ruled out of order.

MOTION

On motion of Senator Haley, the Senate did not concur in the House amendments to Engrossed Substitute Senate Bill No. 4448 and asked the House to recede therefrom.

MOTION

On motion of Senator Vognild, Senators Granlund and Woody were excused.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4477 with the following amendments:

On page 1, after line 4 insert a new section to read as follows:

"NEW SECTION. Sec. 1. There is added to chapter 41.04 RCW a new section to read as follows:

(1) The sole purpose of sections 2 and 3 of this act is to allow the members of the retirement systems created in chapters 2.10, 2.12, 41.26, 41.32, 41.40 and 43.43 RCW to enjoy the tax deferral benefits allowed under 26 USC 414 (h). This act does not alter in any manner the provisions of RCW 41.26.450, 41.32.775 and 41.40.650 which require that the member contribution rates shall be set so as to provide fifty percent of the costs of the respective retirement plans.

(2) Should the legislature revoke any benefit allowed under this act, no affected employee shall be entitled thereafter to receive such benefit as a matter of contractual right."

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 3, line 8 after "application" insert ": PROVIDED, That the employee proportional contributions required under RCW 41.26.450, 41.32.775 and 41.40.650 may not be altered in any manner."

On page 3, line 13 after "affected" insert ": PROVIDED, That the employee proportional contributions required under RCW 41.26.450, 41.32.775 and 41.40.650 may not be altered in any manner."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Substitute Senate Bill No. 4447.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4477, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4477, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Hughes, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 45.

Absent: Senators Hansen, Hurley - 2.

Excused: Senators Granlund, Woody - 2.

SUBSTITUTE SENATE BILL NO. 4477, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4484 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that the provisions made for safety, emergency care, and athletic health care and training for persons of junior high or high school age are dramatically inferior to those made for athletes at either the postsecondary or professional levels. The legislature further finds that when care is provided at the junior high and high school level, participants in different athletic activities are not provided with equal care.

The legislature finds that the health and safety of the participants in athletics who are between twelve and eighteen years of age is of great importance. The legislature further finds that standards and guidelines for the health and safety of participants in organized athletics both in the high schools and junior high schools will help protect the young people of this state.

NEW SECTION, Sec. 2. (1) The athletic health care and training council is created. The council shall consist of fourteen members selected by the governor to serve four-year staggered terms. The terms of the initial members shall be as follows: Two members will serve a one-year term, four members will serve two-year terms, four members will serve three-year terms, and four members will serve four-year terms. The governor shall select the members to represent diverse racial and ethnic backgrounds, the different geographical areas of the state, and both men and women as follows: Two members shall be physicians licensed under chapter 18.57 or 18.71 RCW, two members shall be physical therapists licensed under chapter 18.74 RCW, two members shall be athletic trainers, two members shall be principals of public junior high schools in this state with one from a large district and one from a small district, two members shall be principals of public high schools in this state with one from a large district and one from a small district, two members shall be school district superintendents with one from a large district and one from a small district, one member shall be a representative of a private school which conducts junior and senior high school athletic programs, and one member shall be employed by or be an officer of an organization to which a school district has delegated control, supervision, and regulation of an activity under RCW 28A.58.125.

(2) The members of the council shall select the chairperson from among their members.

NEW SECTION, Sec. 3. Members of the council shall serve without compensation but shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

NEW SECTION, Sec. 4. The council shall meet at regularly scheduled meetings and may meet more frequently as necessary as determined by the chairperson. Eight members shall constitute a quorum for conducting business.

NEW SECTION. Sec. 5. The council may employ staff as necessary to help the council carry out its duties. The council may contract for services when necessary for preliminary investigations of violations of this chapter or rules adopted under this chapter.

NEW SECTION. Sec. 6. (1) The council shall conduct a study of health and safety conditions in organized athletic programs designed for persons between the ages of twelve and eighteen either in public or private junior high schools and high schools in this state. The study shall be completed by September 1, 1984.

(2) No later than September 1, 1984, the council shall develop proposed rules that establish standards for the health and safety of persons in organized athletic programs designed for persons between the ages of twelve and eighteen either in public or private junior high schools and high schools in the state. The proposed rules shall establish standards for staff training, athletic facilities, athletic equipment, training areas, the provision of athletic health care and training services, record keeping, and emergency procedures.

(3) Upon completion, the proposed rules shall be distributed for comment to the state superintendent of public instruction, every local school district board in the state, and other interested persons. The council shall accept comments pertaining to the proposed rules until January 1, 1985.

(4) The council may modify the proposed rules where deemed appropriate and shall adopt the rules in accordance with chapter 34.04 RCW no later than May 1, 1985.

(5) The council shall periodically review the rules adopted under this section and modify them to the extent it considers it appropriate.

NEW SECTION. Sec. 7. When the council receives reports of violations of this chapter or the rules adopted under this chapter, the council may conduct investigations. At the request of the council, the prosecuting attorney of the county wherein a violation has occurred or the attorney general shall take such action as appropriate to enforce this chapter and the rules adopted under this chapter and to collect the fines specified in section 8 of this act.

NEW SECTION. Sec. 8. A school district or person may be fined up to five thousand dollars for a willful violation of this chapter or rules adopted under this chapter. Injunctive relief may be granted to prevent future violations.

NEW SECTION. Sec. 9. There is added to chapter 28A.04 RCW a new section to read as follows:

The state board of education shall, in exercising its powers and duties, conform to the provisions of chapter 43.____ RCW (sections 2 through 8 of this act) and to the rules adopted under it by the athletic health care and training council.

Sec. 10. Section 1, chapter 32, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.125 are each amended to read as follows:

Each school district board of directors is hereby granted and shall exercise the authority to control, supervise and regulate the conduct of interschool athletic activities and other interschool extracurricular activities of an athletic, cultural, social or recreational nature for students of the district. This authority shall be exercised in conformity with the provisions of chapter 43.____ RCW (sections 2 through 8 of this 1984 act) and the rules adopted under it by the athletic health care and training council. A board of directors may delegate control, supervision and regulation of any such activity to the Washington Interscholastic Activities Association or any other voluntary nonprofit entity and compensate such entity for services provided, subject to the following conditions:

(1) The voluntary nonprofit entity shall submit an annual report to the state board of education of student appeal determinations, assets, and financial receipts and disbursements at such time and in such detail as the state board shall establish by rule;

(2) The voluntary nonprofit entity shall not discriminate in connection with employment or membership upon its governing board, or otherwise in connection with any function it performs, on the basis of race, creed, national origin, sex or marital status;

(3) Any rules and policies applied by the voluntary nonprofit entity which govern student participation in any interschool activity shall be written and subject to the annual review and approval of the state board of education at such time as it shall establish;

(4) All amendments and repeals of such rules and policies shall be subject to the review and approval of the state board; and

(5) Such rules and policies shall provide for notice of the reasons and a fair opportunity to contest such reasons prior to a final determination to reject a student's request to participate in or to continue in an interschool activity. Any such decision shall be considered a decision of the school district conducting the activity in which the student seeks to participate or was participating and may be appealed pursuant to RCW 28A.88.010 through 28A.88.015, as now or hereafter amended.

NEW SECTION. Sec. 11. There is added to chapter 43.131 RCW a new section to read as follows:

The athletic health care and training council and its powers and duties shall be terminated on June 30, 1990.

NEW SECTION. Sec. 12. There is added to chapter 43.131 RCW a new section to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1991:

- (1) Section 2 of this act and RCW 43.....;
- (2) Section 3 of this act and RCW 43.....;
- (3) Section 4 of this act and RCW 43.....;
- (4) Section 5 of this act and RCW 43.....;
- (5) Section 6 of this act and RCW 43.....;
- (6) Section 7 of this act and RCW 43.....;
- (7) Section 8 of this act and RCW 43.....; and
- (8) Section 9 of this act and RCW 28A.04.....

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. Sections 2 through 8 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 15. There is appropriated from the state general fund to the athletic health care and training council for the remainder of the 1983-85 biennium the sum of fifty thousand dollars or so much thereof as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "council;" insert "amending section 1, chapter 32, Laws of 1975-'76 2nd ex. sess. and RCW 28A.58.125; adding a new section to chapter 28A.04 RCW; adding new sections to chapter 43.131 RCW; providing an expiration date;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Warnke, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4484.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4484, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4484, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 01; excused, 01.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Hansen, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 19.

Absent: Senator Bauer - 1.

Excused: Senator Granlund - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4484, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4500 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.58.560, chapter 223, Laws of 1969 ex. sess. as last amended by section 113, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.58.560 are each amended to read as follows:

The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents are authorized to provide and pay for tax deferred annuities for their respective employees in lieu of a portion of salary or wages as authorized under the provisions of 26 U.S.C., section 403(b), as amended by Public Law 87-370, 75 Stat. 796, as now or hereafter amended. The

superintendent of public instruction and educational service district superintendents, if eligible, may also be provided with such annuities.

At the request of at least five employees, the employees' employer shall arrange for the purchase of tax deferred annuity contracts which meet the requirements of 26 U.S.C., section 403(b), as now or hereafter amended, for the employees from any company the employees may choose that is authorized to do business in this state through a Washington-licensed insurance agent that the employees may select. Payroll deductions shall be made in accordance with the arrangements for the purpose of paying the entire premium due and to become due under the contracts. Employees' rights under the annuity contract are nonforfeitable except for the failure to pay premiums.

The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents shall not restrict, except as provided in this section, employees' right to select the tax deferred annuity of their choice or the agent, broker, or company licensed by the state of Washington through which the tax deferred annuity is placed or purchased, and shall not place limitations on the time or place that the employees make the selection.

The board of directors of any school district, the Washington state teachers' retirement system, the superintendent of public instruction, and educational service district superintendents may each adopt rules regulating the sale of tax deferred annuities which: (1) Prohibit solicitation of employees for the purposes of selling tax deferred annuities on school premises during normal school hours; (2) only permit the solicitation of tax deferred annuities by agents, brokers, and companies licensed by the state of Washington; and (3) require participating companies to execute reasonable agreements protecting the respective employers from any liability attendant to procuring tax deferred annuities."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Moore, the Senate concurred in the House amendment to Engrossed Senate Bill No. 4500.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4500, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4500, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Granlund - 1.

ENGROSSED SENATE BILL NO. 4500, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4534 with the following amendments:

On page 1, line 17, after "governor," strike "The" and insert "Notwithstanding the provisions of chapter _____ (HB 1159), Laws of _____, the"

On page 1, line 18 after "governor," strike "subsequent to a recommendation from the department of personnel," and insert "not to exceed the range of salary recommended by the State Salary Committee on Salaries."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Williams moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 4534.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the motion by Senator Williams to concur in the House amendments to Engrossed Senate Bill No. 4534.

ROLL CALL

The Secretary called the roll and the motion by Senator Williams carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 4534 by the following vote: Yeas, 25; nays, 23; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, Vognild, von Reichbauer, Zimmerman - 23.

Absent: Senator Bluechel - 1.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4534, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator Williams, what I would like to know, is the federal government also paid for the fringe benefit program that goes with this position?"

Senator Williams: "I don't know if I can specifically answer that, but as far as I know the DOE staff are paid for--everything comes out of the federal appropriation or the grant to the state--all the salaries, all the benefits and everything, as far as I know come out of the federal money."

Senator Patterson: "You're assuring me then that the state of Washington and its pension system and its medical aid--health care--program are not going to be paid for this position out of the revenues of the state of Washington?"

Senator Williams: "I suspect that somebody else will have to answer that question. That's an area that I don't know about but I know, to my knowledge at least, everything related to the cost of this program is paid for by the federal government. Now, I don't know what happens with those state employees, once the program is over, whether they then become absorbed back into the system and so forth. There are people presently involved in this who have been with the DOE in the past and are now transferred to this. As far as I know, everything is paid out of the federal fund."

Further debate ensued.

MOTIONS

On motion of Senator von Reichbauer, Senator Bluechel was excused.

On motion of Senator Zimmerman, Senator Quigg was excused.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4534, as amended by the House, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; absent, 01; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 22.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, McCaslin, McDonald, Metcalf, Moore, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Vognild, von Reichbauer, Zimmerman - 24.

Absent: Senator McManus - 1.

Excused: Senators Bluechel, Quigg - 2.

ENGROSSED SENATE BILL NO. 4534, as amended by the House, having failed to receive the constitutional majority, was declared lost.

MESSAGE FROM THE HOUSE

February 17, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4560 with the following amendments:

On page 2, line 27 strike all of New Section 10

On page 1, line 2 of the title after "RCW;" insert "and" and after "penalties" strike all material through "emergency" on line 3.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Williams, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4560.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4560, as amended by the House.

Debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Williams, looking at the disclosure of 'standard repair charges, if any,' is it correct to say that nothing in the bill requires a seller to develop or maintain standard repair charges?"

Senator Williams: "That is correct."

Senator Hemstad: "Is it also correct to say that if a retailer has no standard repair charges, the disclosure would not apply?"

Senator Williams: "That is also correct."

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4560, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; nays, 07; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Lee, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Barr, Craswell, Guess, Haley, Kiskaddon, McCaslin, Pullen - 7.

Absent: Senator Hughes - 1.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4560, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SENATE BILL NO. 4619 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030 are each amended to read as follows:

Any fire protection district organized under this ~~((act shall have authority))~~ title may:

(1) ~~((To))~~ Lease, acquire, own, maintain, operate, and provide fire ((engines)) and emergency medical apparatus and all other necessary or proper ~~((apparatus:))~~ facilities, machinery, and equipment for the prevention and ~~((extinguishment))~~ suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) ~~((To))~~ Lease, acquire, own, maintain, and operate real property, improvements, and fixtures ((thereon suitable and convenient)) for housing, repairing, and ((caring for fire fighting equipment)) maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) ~~((To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To))~~ Contract with ((another county fire protection district, or with any town, city or municipal corporation or governmental agency)) any governmental entity or private person or ((persons)) entity to consolidate or cooperate for ((mutual)) fire ((fighting protection and)) prevention, protection, fire suppression, and emergency medical purposes. ((Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention

facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency)) In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity:

(4) ~~((Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.~~

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

~~Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: PROVIDED, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation:~~

~~(5) To) Encourage uniformity and coordination of fire protection district operations ((programs)); The fire commissioners of ((two or more)) fire protection districts(;) may form an association ((thereof, for the purpose of securing data and)) to secure information of value in ((fighting and in)) suppressing and preventing fires(;) and other district purposes, to hold and attend meetings ((thereof)), and to promote more economical and efficient operation of the associated fire protection districts. The ((directors)) commissioners of fire protection districts ((so associated)) in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman ((and)), secretary, and ((such)) other officers as they may determine, and may employ and discharge ((such)) agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from ((fire protection district expense)) funds ((upon vouchers of the respective associated)) paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by ((any)) a district in ((any)) a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;~~

~~((6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof.~~

~~Such contracts shall be executed by the commissioners of the contracting districts and when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly.~~

~~(7) To do all things and perform all acts not otherwise prohibited by law.~~

~~(8) May) (5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts (but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district);~~

~~(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;~~

~~(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;~~

~~(8) Perform acts consistent with this title and not otherwise prohibited by law.~~

Sec. 2. Section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050 are each amended to read as follows:

In ~~(case)~~ the event of a vacancy occurring in the office of fire commissioner, ((such)) the vacancy shall, within ~~((thirty))~~ sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners ~~((and))~~. The person appointed shall serve until ~~((his))~~ a successor has been elected or appointed and has qualified. If the board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority shall make the appointment. If ((there should be at the same time such)) the number of vacancies is such that there are not ~~((in office))~~ a majority of the full number of commissioners in office as fixed by law, the county legislative authority shall within thirty days of ~~((such))~~ the vacancies appoint the required number to create a majority as prescribed by law to fill the vacancies ad interim through the next general election. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner ~~((as herein provided))~~, after the filling of any vacancy in ~~((such))~~ the office ~~((as aforesaid))~~, ~~((there shall be elected))~~ a fire commissioner shall be elected to serve for the remainder of the unexpired term.

If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board ~~((his))~~, the office shall be declared vacant by the board of ~~((county))~~ commissioners and ~~((such))~~ the vacancy shall be filled as provided for in this section ~~((but provided that no))~~. However, such an action shall not be taken unless ~~((he))~~ the commissioner is notified by mail after two consecutive unexcused absences that ~~((his))~~ the position will be declared vacant if ~~((he))~~ the commissioner is absent without being excused from the next regularly scheduled meeting.

NEW SECTION. Sec. 3. There is added to chapter 52.14 RCW a new section to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) Emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being addressed appropriately. The term emergency means an occurrence that creates an immediate threat to life or property;

(2) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ten thousand dollars;

(3) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment;

(4) Purchases which are clearly and legitimately limited to a single source of supply, or services, in which instances the purchase price may be best established by direct negotiation: PROVIDED, That this subsection shall not apply to purchases or contracts relating to public works as defined in chapter 39.04 RCW; and

(5) Purchases of insurance and bonds.

NEW SECTION. Sec. 4. There is added to chapter 52.14 RCW a new section to read as follows:

(1) Notice of the call for bids shall be given by posting notice in three public places in the district and by publication once each week for two consecutive weeks. The posting and first

publication shall be at least two weeks before the date fixed for opening of the bids, and the publication shall be in a newspaper of general circulation within the district. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without a further call.

(2) A public work involving three or more specialty contractors requires that the district retain the services of a general contractor as defined in RCW 18.27.010.

NEW SECTION. Sec. 5. Section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110 are each repealed."

On page 1, on line 1 of the title, after "districts;" strike the remainder of the title and insert "amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030; amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050; adding new sections to chapter 52.14 RCW; and repealing section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Thompson moved that the Senate do concur in the House amendments to Senate Bill No. 4619.

POINT OF ORDER

Senator McCaslin: "Thank you, Mr. President. A point of order and I raise scope and object on the House amendments. I think the bill originally--the intent of the bill is to change the current vacancies in the fire commission. Now, the House amendments address bidding processes, bidding limits and raising to ten thousand dollars the amount the fire commission can purchase without a bidding process."

MOTION

On motion of Senator Shinpoch, further consideration of Senate Bill No. 4619 was deferred.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Gaspard moved that the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 4534, as amended by the House, failed to pass the Senate earlier today.

Debate ensued.

Senator Williams demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the motion by Senator Gaspard that the Senate reconsider the vote by which Engrossed Senate Bill No. 4534, as amended by the House, failed to pass the Senate.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard for reconsideration carried by the following vote: Yeas, 26; nays, 20; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Rasmussen, Sellar, Vogtild, von Reichbauer, Zimmerman - 20.

Absent: Senators Bluechel, Hughes - 2.

Excused: Senator Quigg - 1.

The Senate resumed consideration of Engrossed Senate Bill No. 4534, on reconsideration.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Senate Bill No. 4534, on reconsideration, was deferred.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4628 with the following amendments:

On page 1, after line 4, insert the following:

"Sec. 1. Section 12, chapter 1, Laws of 1959 as last amended by section 1, chapter 133, Laws of 1982 and RCW 41.14.120 are each amended to read as follows:

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, ~~((or)) demoted, or discharged~~ except for cause, and only upon written accusation of the appointing power or any citizen or taxpayer; a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, discharged, or demoted may within ten days from the time of his removal, suspension, discharge, or demotion file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. Upon receipt of the written demand for an investigation, the commission shall within ten days set a date for a public hearing which will be held within thirty days from the date of receipt. The investigation shall be confined to the determination of the question of whether the removal, suspension, ~~((or)) demotion, or discharge~~ was made in good faith for cause. After such investigation the commission shall render a written decision within ten days and may affirm the removal, suspension, demotion, or discharge, or if it finds that removal, suspension, ~~((or)) demotion, or discharge~~ was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position, or employment from which he was removed, suspended, ~~((or)) demoted, or discharged~~, which reinstatement shall, if the commission so provides, be retroactive, and entitle such person to pay or compensation from the time of the removal, suspension, ~~((or)) demotion, or discharge~~. The commission upon such investigation, in lieu of affirming a removal, suspension, demotion, or discharge, may modify the order by directing the removal, suspension, demotion, or discharge without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade, or pay. The findings of the commission shall be certified, in writing to the appointing power, and shall be forthwith enforced by such officer.

All investigations made by the commission pursuant to this section shall be by public hearing, after reasonable notice to the accused of the time and place thereof, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting his defense. If order of removal, suspension, ~~((or)) demotion, or discharge~~ is concurred in by the commission or a majority thereof, the accused may appeal therefrom to the superior court of the county wherein he resides. Such appeal shall be taken by serving the commission, within thirty days after the entry of its order, a written notice of appeal, stating the grounds thereof, and demanding that a certified transcript of the record and of all papers on file in the office of the commission affecting or relating to its order, be filed by the commission with the court. The commission shall, within ten days after the filing of the notice, make, certify, and file such transcript with the court. The court shall thereupon proceed to hear and determine the appeal in a summary manner. Such hearing shall be confined to the determination of whether the order of removal, suspension, ~~((or)) demotion, or discharge~~ made by the commission, was or was not made in good faith for cause, and no appeal shall be taken except upon such ground or grounds. The decision of the superior court may be appealed to the supreme court or the court of appeals."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 1, line 2 of the title after "sheriffs;" insert "amending section 12, chapter 1, Laws of 1959 as last amended by section 1, chapter 133, Laws of 1982 and RCW 41.14.120;".

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 4628.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4628, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4628, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 06; absent, 04; excused, 01.

Voting yea: Senators Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McDermott, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 38.

Voting nay: Senators Barr, Bluechel, Craswell, Haley, McDonald, Metcalf - 6.

Absent: Senators Deccio, Hughes, McCaslin, McManus - 4.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4628, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator McCaslin, and there being no objection, the question of scope and object on the House amendments to Senate Bill No. 4619 was withdrawn.

On motion of Senator Thompson, and there being no objection, the motion to concur in the House amendments to Senate Bill No. 4619 was withdrawn.

On motion of Senator Thompson, the Senate did not concur in the House amendments to Senate Bill No. 4619 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4647 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360 are each amended to read as follows:

(1) The secretary is hereby authorized to appoint such advisory committees or councils as may be required by any federal legislation as a condition to the receipt of federal funds by the department. The secretary may appoint state-wide committees or councils in the following subject areas: ((+)) (a) Health facilities; ((2)) (b) radiation control; ((3)) (c) children and youth services; ((4)) (d) blind services; ((5)) (e) medical and health care; ((6)) (f) drug abuse and alcoholism; ((7)) (g) social services; ((8)) (h) economic services; ((9)) (i) vocational services; ((+0)) (j) rehabilitative services; ((++)) (k) public health services; and on such other subject matters as are or come within the department's responsibilities. The secretary shall appoint committees or councils advisory to the department in each service delivery region to be designated by the secretary. The state-wide and the regional councils shall have representation from both major political parties and shall have substantial consumer representation. Such committees or councils shall be constituted as required by federal law or as the secretary in his or her discretion may determine. The members of the committees or councils shall hold office ~~((as follows: one third to serve one year; one third to serve two years; and one third to serve three years. Upon expiration of said original terms, subsequent appointments shall be))~~ for three years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms.

(2) The department shall limit, eliminate, or consolidate advisory committees to a maximum of one per division or bureau. If exceptional circumstances require more than one advisory committee per division or bureau, the department shall document the exceptional circumstances to the appropriate committees of the senate and house of representatives.

(3) Members of such state advisory committees or councils may be paid their travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended. Members of regional advisory committees may, in the discretion of the secretary, be paid the same travel expenses as set forth above.

(4) The department shall not establish any new advisory committees unless it is demonstrated to the appropriate committees of the senate and house of representatives that: (a) No existing committee, subcommittee, or special time-limited task group made up of existing advisory committee members can perform the necessary advisory task; and (b) the advisory committee is essential to the adequate performance of the department's responsibilities.

Sec. 2. Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370 are each amended to read as follows:

There is hereby created a state advisory committee to the department of social and health services which shall serve in an advisory capacity to the secretary of the department of social and health services. The committee shall be composed of not less than nine nor more than fifteen members, to be appointed by the governor, who shall appoint a chairman, who shall serve as such at the governor's pleasure. In selecting members of the committee, the governor shall provide for a reasonable age, sex, and ethnic balance from throughout the state. A

broad range of interests, including business owners, professions, labor, local government, and consumers should be considered for membership. A representative from each of the regional advisory committees established under RCW 43.20A.360 shall serve as a member of the state advisory committee. The members of the committee shall (hold office as follows: Two members to serve two years; two members to serve three years; and three members to) serve four years (Upon expiration of said original terms, subsequent appointments shall be for), except the terms of the regional advisory committee representatives shall be for a duration specified by the secretary not to exceed four years (except in the case of a vacancy, in which event) to facilitate their participation. Appointments to fill a vacant unexpired term shall be only for the remainder of the unexpired term for which the vacancy occurs. No member shall serve more than two consecutive terms. A member of the state advisory committee with two unexcused absences in a twelve-month period shall be deemed to have vacated the position held on the state advisory committee.

Sec. 3. Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375 are each amended to read as follows:

The state advisory committee shall have the following powers and duties:

(1) To serve in an advisory capacity to the secretary on all matters pertaining to the department of social and health services.

(2) To acquaint themselves fully with the operations of the department and periodically recommend such changes to the secretary as they deem advisable.

(3) ~~(No person shall be eligible to hold the office of member of the state advisory committee who holds any public office, whether appointive or elective, with the exception of nonsalaried positions.)~~ To biennially review and make recommendations as to the continued operation of department advisory committees other than those provided for by federal law or specifically created by statute. The review shall include review of the statement of purpose for each advisory committee and the time frames during which the committee is accountable to achieve its stated purposes. The state advisory committee shall conduct the review using the criteria specified in RCW 43.131.070 and other appropriate criteria.

(4) To develop agendas to foster periodic meetings with and communication between representatives of program-specific advisory committees other than those provided for by federal law.

Sec. 4. Section 37, chapter 99, Laws of 1979 and RCW 43.131.221 are each amended to read as follows:

The state advisory committee to the department of social and health services and its powers and duties shall be terminated on June 30, ~~((1983))~~ 1989, as provided in RCW 43.131.222.

Sec. 5. Section 79, chapter 99, Laws of 1979 and RCW 43.131.222 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1984))~~ 1990:

(1) Section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370;

(2) Section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; and

(3) Section 15, chapter 189, Laws of 1971 ex. sess., section 99, chapter 34, Laws of 1975-76 2nd ex. sess. and RCW 43.20A.380."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending section 2, chapter 189, Laws of 1971 ex. sess. as last amended by section 6, chapter 151, Laws of 1981 and RCW 43.20A.360; amending section 13, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.370; amending section 14, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.375; amending section 37, chapter 99, Laws of 1979 and RCW 43.131.221; and amending section 79, chapter 99, Laws of 1979 and RCW 43.131.222."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator McManus moved that the Senate do concur in the House amendments to Engrossed Substitute Senate Bill No. 4647.

POINT OF INQUIRY

Senator Pullen: "Senator McManus, according to the terms of the bill, as I understand it, the membership of the advisory committee is supposed to be represented by age, sex and ethnic balance. Could you tell me what balance age, sex and ethnicity is?"

Senator McManus: "Well, Senator Pullen, that's a very good question. I think we could probably debate that into 1985. Obviously, what we're trying to do here is just to make sure that all ranges of age and both sexes and as large a range of ethnic representation is available, as much as possible, so that the secretary can obtain a well-rounded set of advice and counsel for running her department."

The President declared the question before the Senate to be the motion by Senator McManus to concur in the House amendments to Engrossed Substitute Senate Bill No. 4647.

The motion by Senator McManus carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4647.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4647, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4647, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 04; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, Hayner, Pullen, Rasmussen - 4.

Absent: Senators Deccio, Hughes - 2.

Excused: Senator Quigg - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4647, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 26, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4708 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 141, Laws of 1967 as amended by section 238, chapter 141, Laws of 1979 and RCW 72.33.660 are each amended to read as follows:

The charges for care, support and treatment as provided in RCW 72.33.655 shall be based on the rates established for the purpose of receiving federal reimbursement for the same services. For those services for which there is no applicable federal reimbursement-related rate, charges shall be based on the average ((monthly)) per capita costs, adjusted for inflation, of operating ((such)) each of the state residential schools for the previous ((calendar)) reporting year taking into consideration all expenses of institutional operation, maintenance and repair, salaries and wages, equipment and supplies: PROVIDED, That all expenses directly related to the cost of education((~~vocational training and capital construction~~)) for persons under the age of twenty-two years shall be excluded from the computation of the average per capita cost. ((The average per capita cost shall be computed by the department of social and health services annually and adopted as a)) The department shall establish rates on a per capita basis and promulgate those rates or the methodology used in computing costs and establishing rates as rules of the department in accordance with ((the provisions of chapter 42.32 RCW and of)) chapter 34.04 RCW. The department ((of social and health services)) shall be charged with the duty of collection of ((such)) charges incurred under RCW 72.33.650 through 72.33.700, which may be enforced by civil action instituted by the attorney general within or without the state."

On page 1, beginning on line 2 of the title, after "institutions;" strike the remainder of the title and insert "and amending section 3, chapter 141, Laws of 1967 as amended by section 238, chapter 141, Laws of 1979 and RCW 72.33.660."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendments to Substitute Senate Bill No. 4708.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4708, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4708, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senators Craswell, Hughes - 2.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4708, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SENATE BILL NO. 4650 with the following amendments:

On page 1, line 25, beginning with "If" strike all the matter down to and including "resolution" on page 2, line 1 and insert "(If) The commissioners of ((such)) a district ((~~desire to assume the privilege of issuing such fire permits, they shall~~) may adopt a resolution ((to that effect, and publish it)) authorizing the district to issue fire permits and establishing the terms and conditions under which the permit shall be issued. Notice of the resolution shall be published"

On page 3, line 2, beginning with "There" strike all the matter down to and including "Sec. 7." on line 7.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Senate Bill No. 4650.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4650, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4650, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 46.

Absent: Senators Hughes, Zimmerman - 2.

Excused: Senator Quigg - 1.

SENATE BILL NO. 4650, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 24, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4711 with the following amendments:

On page 11, beginning on line 9, strike "action of the board ((:))" and insert "board:))" action of the county legislative authority"

On page 14, line 5, strike "taxes" and insert "(taxes) assessments"

On page 24, beginning on line 25, strike all of section 43 and renumber the following sections consecutively

On page 26, beginning on line 2 strike all of sections 45, 46, 47 and 48 and renumber the following sections consecutively

On page 38, beginning on line 33 strike sections 71, 72 and 73 and renumber the following sections consecutively

On page 56, line 23 beginning with "The" strike all the material down to and including "(2)" on line 27

On page 56, line 28 after "52.36.095" insert "are each repealed"

On page 2, line 27 of the title beginning with "amending" strike all the material down to and including "52.16.061;" on line 29 and on page 2, line 31 of the title beginning with "amending" strike all of the material down to and including "52.16.120;" on page 3, line 2

On page 4, beginning on line 21 of the title strike "adding new sections to chapter 52.12 RCW;"

On page 4, line 27 of the title beginning with "repealing" strike all the material down to and including "52.22.030;" on line 28.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Thompson, the Senate concurred in the House amendments to Substitute Senate Bill No. 4711.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4711, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4711, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Hughes - 1.

Excused: Senator Quigg - 1.

SUBSTITUTE SENATE BILL NO. 4711, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 25, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4730 with the following amendment:

On page 1, line 9, after "if" insert "all of the following conditions are met",

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTIONS

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator McManus, the Senate concurred in the House amendment to Substitute Senate Bill No. 4730.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4730, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4730, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 45.

Absent: Senators Hughes, Wojahn - 2.

Excused: Senators Quigg, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4730, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

February 15, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4111 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 35, Laws of 1935 as amended by section 1, chapter 329, Laws of 1981 and RCW 6.24.010 are each amended to read as follows:

Before the sale of property under execution, order of sale or decree, notice thereof shall be given as follows:

(1) In case of personal property, the sheriff shall post typed or printed notice of the time and place of sale in three public places in the county where the sale is to take place, for a period of not less than thirty days prior to the day of sale. Not less than thirty days prior to the day of sale, the judgment creditor shall cause a copy of the notice of sale to be transmitted by regular and certified mail, return receipt requested, to the judgment debtor at the debtor's last known address, and by mail to the attorney of record for the judgment debtor.

(2) In case of real property, the sheriff shall post a notice as provided in RCW 6.24.015, particularly describing the property for a period of not less than four weeks prior to the day of sale in ((three)) two public places in the county, one of which shall be at the court house door, where the property is to be sold, and in case of improved real estate, one of which shall be at the front door of the principal building constituting such improvement. The sheriff shall also publish a ((copy)) notice thereof once a week, consecutively, for the same period, in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

Plaintiff,

CAUSE NO.

vs.

SHERIFF'S PUBLIC NOTICE OF
SALE OF REAL PROPERTY

Defendant.

TO: (Judgment Debtor)

The Superior Court of County has directed the undersigned Sheriff of County to sell the property described below to satisfy a judgment in the above-entitled action. If developed the property address is:

The sale of the above described property is to take place:

Time:

Date:

Place:

The judgment debtor can avoid the sale by paying the judgment amount of \$ together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

. SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy

Address

(City)

Washington 9

Phone (...)

PROVIDED, HOWEVER, That if there ((be)) is more than one legal newspaper published in the county, then the plaintiff or moving party in the action, suit or proceeding shall have the exclusive right to designate in which of such qualified newspapers such notice shall be published: PROVIDED, FURTHER, That if there is no legal newspaper published in the county, then such notice shall be published in ((the)) a legal newspaper published in ((this state nearest to the place of sale)) a contiguous county. Not less than thirty days prior to the date of sale, the judgment creditor shall cause a copy of the notice as provided in RCW 6.24.015 to be (a) served on the judgment debtor or debtors and each of them in the same manner as a summons in a civil action, ((and)) or (b) transmitted by both regular and certified mail, return receipt requested, to the judgment debtor or debtors and to each of them separately if there is more than one judgment debtor at the judgment debtor's last known address, and the judgment creditor shall mail a copy of the notice of sale to the attorney of record for the judgment debtor.

(3) The judgment creditor shall file an affidavit with the court that the judgment creditor has complied with the notice requirements of this section.

Sec. 2, Section 2, chapter 329, Laws of 1981 and RCW 6.24.015 are each amended to read as follows:

The notice of sale shall be printed or typed and shall ~~((contain the following information))~~ be in substantially the following form:

~~((1) That the court has directed the sheriff or other officer to sell the property described in the notice to satisfy a judgment:~~

~~(2) The caption, cause number, and court in which the judgment to be executed upon was entered;~~

~~(3) A legal description of the property to be sold, including the street address;~~

~~(4) The scheduled date, time, and place of the sale;~~

~~(5) An itemized account of the amount required to satisfy the judgment prior to sale, where the debtor can satisfy the judgment to avoid sale, and that failure to pay this amount will result in the sale of the property on the date specified in the notice;~~

~~(6) A statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment; that if the debtor does have sufficient personal property to satisfy the judgment, the debtor should contact the sheriff's office immediately. However, this subsection is not applicable if the sale of real property is pursuant to a judgment of foreclosure of a mortgage; and~~

~~(7) Unless redemption rights have been precluded under RCW 61.12.093, the date by which the debtor may redeem the property; that the debtor may redeem the property by paying the amount of the bid at sale, with interest at the rate of eight percent per annum to the time of redemption, together with the amount of any assessment or taxes which may have been paid after purchase, and interest on such amount; that other creditors having a lien against the property by judgment, decree, or mortgage may also have a right to redeem the property and, if they redeem the property, the debtor may be required to pay additional sums in order to redeem; and that if the property to be sold is the permanent residence of the judgment debtor and is occupied by the debtor at the time of sale, the judgment debtor has the right to retain possession during the redemption period, if any, without payment of any rent or occupancy fee. The information contained in this subsection shall be captioned "IMPORTANT NOTICE" and shall be in boldface print or typed in capital letters.))~~

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

)	
)	
<u>Plaintiff,</u>)	<u>CAUSE NO.</u>
)	
<u>vs.</u>)	<u>SHERIFF'S NOTICE TO</u>
)	<u>JUDGMENT DEBTOR OF</u>
)	<u>SALE OF REAL PROPERTY</u>
<u>Defendant.</u>)	
)	

TO: (Judgment Debtor)
The Superior Court of County has directed the undersigned Sheriff of County to sell the property described below to satisfy a judgment in the above-entitled action. The property to be sold is described on the reverse side of this notice. If developed the property address is:

The sale of the above described property is to take place:

Time:
Date:
Place:

The judgment debtor can avoid the sale by paying the judgment amount of \$ together with interest, costs, and fees before the sale date. For the exact amount, contact the sheriff at the address stated below:

This property is subject to: (check one)

- 1. No redemption rights after sale.
- 2. A redemption period of eight months which will expire at 4:30 p.m. on the day of 19..
- 3. A redemption period of one year which will expire at 4:30 p.m. on the day of 19..

The judgment debtor or debtors or any of them may redeem the above described property at any time up to the end of the redemption period by paying the amount bid at the sheriff's sale plus additional costs, taxes, assessments, and fees. If you are interested in redeeming the property contact the undersigned sheriff at the address stated below to determine the exact amount necessary to redeem.

IMPORTANT NOTICE: IF THE JUDGMENT DEBTOR OR DEBTORS DO NOT REDEEM THE PROPERTY BY 4:30 p.m. ON THE ... DAY OF, 19.., THE END OF THE REDEMPTION PERIOD, THE PURCHASER AT THE SHERIFF'S SALE WILL BECOME THE OWNER AND MAY EVICT THE

OCCUPANT FROM THE PROPERTY. IF THE PROPERTY TO BE SOLD IS A PERMANENT RESIDENCE AND IS OCCUPIED BY THE JUDGMENT DEBTOR OR DEBTORS AT THE TIME OF SALE, HE, SHE, THEY, OR ANY OF THEM HAVE THE RIGHT TO RETAIN POSSESSION DURING THE REDEMPTION PERIOD, IF ANY, WITHOUT PAYMENT OF ANY RENT OR OCCUPANCY FEE.
 SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy

Address

..... (City)

Washington 9

Phone (...)

If the sale is not pursuant to a judgment of foreclosure of a mortgage, the above notice should also contain a statement that the sheriff has been informed that there is not sufficient personal property to satisfy the judgment and that if the judgment debtor or debtors do have sufficient personal property to satisfy the judgment, the judgment debtor or debtors should contact the sheriff's office immediately.

Sec. 3, Section 6, chapter 53, Laws of 1899 as amended by section 3, chapter 329, Laws of 1981 and RCW 6.24.100 are each amended to read as follows:

Upon the return of any sale of real estate as aforesaid, the clerk shall enter the cause, on which the execution or order of sale issued, by its title, on the motion docket, and mark opposite the same: "Sale of land for confirmation"; notice of the filing of the return of sale shall be mailed by the clerk to all parties (appearing) who have entered a written notice of appearance in the action and who have not had an order of default entered against them and proof of such mailing shall be filed in the action; and the following proceedings shall be had:

(1) The judgment creditor or successful purchaser at the sheriff's sale at any time after twenty days have elapsed from the mailing of the notice of the filing of such return shall be entitled, on motion with notice given to all parties (appearing) who have entered a written notice of appearance in the action and who have not had an order of default entered against them, to have an order confirming the sale, unless the judgment debtor, or in case of his death, his representative, shall file with the clerk within twenty days after the mailing of the notice of the filing of such return, his objections thereto.

(2) If such objections be filed the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion, it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be as upon an execution received of that date.

(3) Upon the return of the execution, the sheriff shall pay the proceeds of sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment including interest as provided in the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale together with interest as is provided in the judgment.

(4) Upon a resale, the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken, except for a greater amount. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale as to all persons in any other action, suit or proceeding whatever.

(5) If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made upon the motion to confirm the sale: PROVIDED, Such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to said party of course; otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

Sec. 4, Section 8, chapter 53, Laws of 1899 as last amended by section 4, chapter 80, Laws of 1965 and RCW 6.24.140 are each amended to read as follows:

Unless redemption rights have been precluded pursuant to RCW 61.12.093 et seq., the judgment debtor or his successor in interest, or any redemptioner, may redeem the property at any time within one year after the sale, on paying the amount of the bid, with interest thereon at the rate (of eight percent per annum) provided in the judgment to the time of redemption, together with the amount of any assessment or taxes which the purchaser or his successor in interest may have paid thereon after purchase, and like interest on such amount together with any sum paid on a prior lien or obligation secured by an interest in the property to the extent the payment was necessary for the protection of the interest of the judgment debtor, the judgment debtor's successor in interest, or a redemptioner which the purchaser or the purchaser's successor in interest may have paid thereon with interest upon every payment made by the purchaser or the purchaser's successor in interest at the rate provided in the judgment from the date of payment thereof to the time of redemption; and if the purchaser be also a creditor having a lien, by judgment, decree or mortgage, prior to that of the redemptioner, other than

the judgment under which such purchase was made, the amount of such lien with interest: PROVIDED, HOWEVER, That whenever there is an execution sale of property pursuant to judgment and decree of foreclosure of any mortgage executed after June 30, 1961, which mortgage declares in its terms that the mortgaged property is not used principally for agricultural or farming purposes, and in which complaint the judgment creditor has expressly waived any right to a deficiency judgment, the period of redemption shall be eight months after the said sale.

Sec. 5. Section 6, chapter 329, Laws of 1981 and RCW 6.24.145 are each amended to read as follows:

~~((Every two months during the redemption period provided by RCW 6.24.140, the purchaser or his assignee shall send by certified mail, return receipt requested, and by first class mail to the judgment debtor or his successor in interest a notice advising the judgment debtor that the redemption period is expiring, how many months have expired, and how many months remain. The notice shall also state the amount for which the property may be redeemed and shall advise the judgment debtor that if the property is not redeemed he will face eviction at the end of the redemption period. The notice shall be sent to the judgment debtor at the judgment debtor's last known address and, if different, the property address. The notice shall be sent between the first day and tenth day of the second calendar month after the calendar month of the sale and the equivalent days of each succeeding second calendar month thereafter during the redemption period. The sole effect of noncompliance with this section shall be that the redemption period provided by RCW 6.24.140 shall be extended two months for each missed or noncomplying notice.))~~ If the property is subject to a homestead as provided in RCW 6.17.045 or 6.17.050, the purchaser or the purchaser's assignee, or the redemptioner or the redemptioner's assignee if the property has been redeemed shall send a notice at least forty but not more than sixty days before the expiration of the redemption period by certified mail, return receipt requested, and by first class mail to the judgment debtor or debtors and to each of them separately, if there is more than one judgment debtor, at their last known address and to "occupant" at the property address. The notice shall be in substantially the following form:

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR COUNTY

<u>Plaintiff,</u>	}	<u>CAUSE NO.</u>
vs.	}	<u>NOTICE OF EXPIRATION</u>
<u>Defendant.</u>	}	<u>OF REDEMPTION PERIOD</u>
	}	

TO: (Judgment Debtor)

THIS IS AN IMPORTANT NOTICE AFFECTING YOUR RIGHT TO RETAIN YOUR PROPERTY.

NOTICE IS HEREBY GIVEN that the period for redemption of the following described real property ("the property") is expiring. The property is situated in the County of State of Washington, to wit:

. (legal description)
and commonly known as which was sold by County Sheriff, in County, Washington on the day of 19 under and by virtue of a writ of execution and order of sale issued by the court in the above-entitled action.

THE REDEMPTION PERIOD FOR THE PROPERTY IS MONTHS. THE REDEMPTION PERIOD COMMENCED ON 19 AND WILL EXPIRE AT 4:30 p.m. ON 19

If you intend to redeem the property described above you must give written notice of your intention to the County Sheriff on or before 19

Following is an itemized account of the amount required to redeem the property to date:

<u>Item</u>	<u>Amount</u>
<u>Purchase price paid at sale</u>	\$
<u>Interest from date of sale to date of this notice at percent per annum</u>	\$
<u>Real estate taxes</u>	\$
<u>Assessments</u>	\$
<u>Liens or other costs paid during redemption period</u>	\$

TOTAL REQUIRED TO REDEEM AS OF THE DATE OF THIS NOTICE

You may redeem the property by 4:30 p.m. on or before the day of 19 by paying the amount set forth above and such other amounts as may be required by law. Payment must be in the full amount and in cash, certified check, or cashier's check. Because such other amounts as may be required by law to redeem may include presently unknown expenditures required to operate, preserve, protect, or insure the property, or the amount to comply with state or local laws, or the amounts of prior liens, with interest, held by the purchaser or a redemptioner, it will be necessary for you to contact the County Sheriff

at the address stated below prior to the time you tender the redemption amount so that you may be informed exactly how much you will have to pay to redeem the property.

SHERIFF-DIRECTOR, COUNTY, WASHINGTON.

By Deputy
Address (City)
Washington 9
Phone (...)

IF YOU FAIL TO REDEEM THE PROPERTY BY 4:30 p.m. ON OR BEFORE THE DAY OF 19, THE DATE UPON WHICH THE REDEMPTION PERIOD WILL EXPIRE, THE PURCHASER OR THE PURCHASER'S ASSIGNEE WILL BE ENTITLED TO POSSESSION OF THE PROPERTY AND MAY BRING AN ACTION TO EVICT YOU FROM POSSESSION OF THE PROPERTY.

DATED THIS DAY OF 19

(Purchaser)
By
(Purchaser's attorney)
Attorneys for

STATE OF WASHINGTON)
) ss.
COUNTY OF)

The undersigned being first duly sworn on oath states: That on this day affiant deposited in the mails of the United States of America a properly stamped and addressed envelope directed to the judgment debtor at the address stated on the face of this document and to "occupant" at the property address, both by certified mail, return receipt requested, and by first class mail, all of the mailings containing a copy of the document to which this affidavit is attached.

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 19
NOTARY PUBLIC in and for the
State of Washington, residing at:

In the event that the redemption period is extended no further notice need be sent. The party who sends the notice shall file a copy of the notice with an affidavit of mailing with the clerk of the court and deliver or mail a copy to the sheriff. Failure to comply with this section extends the redemption period for six months.

Sec. 6, Section 12, chapter 53, Laws of 1899 and RCW 6.24.180 are each amended to read as follows:

The mode of redeeming shall be as provided in this section. The person seeking to redeem shall give the sheriff at least five days written notice of his intention to apply to the sheriff for that purpose. It shall be the duty of the sheriff to notify the purchaser or redemptioner, as the case may be, or his attorney, of the receipt of such notice, if such person be within such county. At the time and place specified in such notice the person seeking to redeem may do so by paying to the sheriff the sum required. The sheriff shall give the person redeeming a certificate stating therein the sum paid on redemption, from whom redeemed, the date thereof and a description of the property redeemed. A person seeking to redeem shall submit to the sheriff the evidence of his right thereto, as follows:

- (1) If he be a lien creditor, a copy of the docket of the judgment or decree under which he claims the right to redeem, certified by the clerk of the court where such judgment or decree is docketed; or if he seeks to redeem upon mortgage, the certificate of the record thereof; also an affidavit, verified by himself or agent, showing the amount then actually due thereon.
(2) A copy of any assignment necessary to establish his claim, verified by the affidavit of himself or agent, showing the amount then actually due on the judgment, decree or mortgage.
(3) If the redemptioner or purchaser has a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the sheriff the evidence thereof, and the amount due thereon, or the same may be disregarded.
(4) If the purchaser or the purchaser's successor in interest has paid a sum on a prior lien or obligation secured by an interest in the property, he or she shall submit to the sheriff an affidavit, verified by the purchaser or the purchaser's successor in interest or an agent showing the amount paid on the prior lien or obligation or the prior lien or obligation may be disregarded.

Sec. 7, Section 351, page 91, Laws of 1869 as last amended by section 6, chapter 3, Laws of 1983 and RCW 6.04.100 are each amended to read as follows:

When the writ of execution is against the property of the judgment debtor, the sheriff shall set the date of sale and serve on the debtor, in the same manner as service of a summons in a civil action, a copy of the writ, together with copies of RCW 6.12.010, 6.12.045, 6.12.050, 6.16.020, and 6.16.090, each as now existing or hereafter amended, shall at the time of service notify the judgment debtor of the date of sale, and shall execute the writ as follows:

(1) If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith the amount of the proceeds of sales of perishable property or debts due the defendant received by him, sufficient to satisfy the judgment.

(2) If the judgment is not then satisfied, and property has been attached and remains in his custody, he shall sell the same, or sufficient thereof to satisfy the judgment.

(3) If then any portion of the judgment remains unsatisfied, or if no property has been attached or the same has been discharged, he shall levy on the property of the judgment debtor, sufficient to satisfy the judgment.

(4) Property shall be levied on in like manner and with like effect as similar property is attached.

(5) Until a levy, personal property shall not be affected by the execution. When property has been sold or debts received by the sheriff on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, as commanded in the writ.

(6) When property has been attached and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property, or the proceeds thereof, remain in the custody of the sheriff, he shall deliver the same to the judgment debtor.

NEW SECTION, Sec. 8. The 1984 amendments to RCW 6.04.100, 6.24.010, 6.24.015, 6.24.100, 6.24.140, 6.24.145, and 6.24.180 shall apply to all executions under chapter 6.24 RCW commenced after the effective date of this act.

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendment to Substitute Senate Bill No. 4111.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4111, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4111, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 01; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senator Hughes - 1.

Excused: Senators Quigg, von Reichbauer - 2.

SUBSTITUTE SENATE BILL NO. 4111, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection the Senate resumed consideration of Engrossed Senate Bill No. 4228 and the pending motion by Senator Talmadge to concur in the House amendment earlier today.

POINT OF ORDER

Senator Rasmussen: "Mr. President, a point of order. I want to raise scope and object on the House amendment to Engrossed Senate Bill No. 4228. The House amendment adds sexual orientation to the bill, which was not in the bill at the time it passed the Senate--and greatly expands the identification that's in the bill. I would urge the President to rule on the scope and object."

Debate ensued.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Rasmussen, the President finds that Engrossed Senate Bill No. 4228 is a measure which makes it a crime to maliciously harass a person because of a mental, physical or sensory handicap.

"The amendment proposed by the House of Representatives, makes it a crime to maliciously harass someone because of three additional categories--age, sex and sexual orientation.

"The President, therefore, finds that the proposed amendment does expand the scope and object of the bill and that the point of order is well taken."

The House of Representatives amendment was ruled out of order.

MOTION

On motion of Senator Talmadge, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 4228 and asked the House to recede therefrom.

REPORT OF CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, HOUSE BILL NO. 939, modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, line 23, after "different" insert ", and to each person or party having a recorded right, title, estate, lien or interest in the property"

Signed by: Senators Thompson, Bauer and Barr; Representatives Moon, Appelwick and Van Dyken.

MOTION

On motion of Senator Thompson, the report of the Conference Committee on House Bill No. 939 was adopted and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, modifying the laws relating to consumer credit transactions, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to recommend the following: That the Senate committee amendment be adopted with the following amendment to the amendment:

On page 15, line 37, after "transmit" strike everything down through "transaction" on page 16, line 2, and insert "a statement to the card issuer through the normal channels established by the card issuer for the transmittal of such statements"

Signed by: Senators Bender, Deccio and Moore; Representatives Lux, Schmidt and Zellinsky.

MOTION

On motion of Senator Moore, the report of the Conference Committee on Substitute House Bill No. 1163 was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SECOND SUBSTITUTE HOUSE BILL NO. 689 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Vognild, the Senate insisted on its position on Second Substitute House Bill No. 689 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1178, except in the amendment to page 4, line 17, relating to Senate Bill No. 3838, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McManus, the Senate receded from the amendment on page 4, line 17, to Substitute House Bill No. 1178.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1178, without the Senate amendment on page 4, line 17, but with the remaining Senate amendments.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1178, without the Senate amendment on page 4, line 17, but with the remaining Senate amendments, and the bill passed the Senate by the following vote: Yeas, 45; nays, 01; absent, 01; excused, 02.

Voting yea: Senators Barr, Brauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senator Pullen - 1.

Absent: Senator Hughes - 1.

Excused: Senators Quigg, von Reichbauer - 2.

SUBSTITUTE HOUSE BILL NO. 1178, without the Senate amendment on page 4, line 17, but with the remaining Senate amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 1, 1984

Mr. President:

The House refuses to concur in the Senate amendment to ENGROSSED HOUSE JOINT MEMORIAL NO. 16 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Warnke moved that the Senate adhere to its position on Engrossed House Joint Memorial No. 16 and once again asked the House to recede from its position thereon.

PARLIAMENTARY INQUIRY

Senator McDonald: "Mr. President, a point of parliamentary inquiry. Maybe you can clarify it if, indeed, the House does not accept our amendment, it is my understanding that the bill is then dead. Is that a correct interpretation?"

REPLY BY THE PRESIDENT

President Cherberg: "There's still life in the old bill."

Senator McDonald: "There's still life in the old bill? I'll read my Reed's Rules a little more carefully then."

The President declared the question before the Senate to be the motion by Senator Warnke that the Senate adhere to its position on Engrossed House Joint Memorial No. 16 and once again asks the House to recede therefrom.

The motion by Senator Warnke carried and the Senate adhered to its position on Engrossed House Joint Memorial No. 16.

SPECIAL COMMITTEE APPOINTMENTS

There being no objection, the President asked the Secretary to read the following letter:

March 2, 1984

The Honorable John Cherberg
 Lt. Governor, State of Washington
 Legislative Building
 Olympia, WA 98504

Dear Lt. Governor Cherberg:

As the Senate Majority Leader, I recommend the following people be appointed to the Joint Select Committee on Industrial Insurance:

Senator R. Ted Bottiger, Senator Larry Vognild, Senator Phil Talmadge;

Senator Alex Deccio, Senator Dan McDonald, Senator Irv Newhouse;

Dr. Robert F. Smith, representing the medical field;

Mr. Joseph Schilling, representing the injured workers;

Mr. Richard M. Farrow, representing the non self-insured;

Mr. Joe Schwab, representing the trial lawyers;

Mr. Mel Tanasse, representing labor;

Mr. Anthony J. Choppa, representing vocational-rehabilitation ;

Ms. Carol Williams, representing vocational-rehabilitation;

Ms. Wyona Worthington, representing agriculture;

Mr. Bob McCallister, representing the self-insured;

Mr. Ray Hill, representing agriculture;

Mr. Basil Badley, representing insurance;

Mr. Don Lehman, representing the self-insured;

Mr. Joe Dear, representing labor.

If you have any questions, please advise.

Sincerely,
 SENATOR R. TED BOTTIGER,
 Senate Majority Leader

MOTION

On motion of Senator Bottiger, the Joint Select Committee on Industrial Insurance appointments were confirmed.

MOTION

At 5:50 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Saturday, March 3, 1984.

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

FIFTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 3, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Deccio, Fleming, Haley, Hughes, Kiskaddon, McDonald, Pullen, Quigg, Rasmussen, Shinpoch and Woody. On motion of Senator Bluechel, Senators Kiskaddon and Pullen were excused. On motion of Senator Bottiger, Senators Fleming and Hughes were excused.

The Sergeant at Arms Color Guard, consisting of Pages Angela Norwood and Bryan White, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE GOVERNOR

March 2, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 2, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 4775

Relating to the state parks and recreation commission.

Substitute Senate Bill No. 3620

Relating to limiting periodic fee revenue for air pollution control authorities.

Substitute Senate Bill No. 4220

Relating to theatrical enterprise.

Substitute Senate Bill No. 4423

Relating to the creation of an agricultural market development task force.

Substitute Senate Bill No. 4313

Relating to local government.

Sincerely,

C. Kenneth Grosse,
Counsel for the Governor

March 2, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 1, 1984, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 3118

Relating to industrial insurance.

Senate Bill No. 3208

Relating to judges' salaries.

Senate Bill No. 4345

Relating to unemployment compensation.

Senate Bill No. 4351

Relating to the high-technology coordinating board.

Senate Bill No. 4428

Relating to the purchase of fishing vessels and licenses.

Senate Bill No. 3117

Relating to substances containing toxic vapors or fumes.

Substitute Senate Bill No. 3133

Relating to pilots and pilotage.

Senate Bill No. 4300

Relating to participation in gambling activities by members of charitable or nonprofit organizations.

Senate Bill No. 4348

Relating to permitting public attendance under class K alcoholic beverage licenses.

Substitute Senate Bill No. 4367

Relating to volunteer cooperative fish and game enhancement and conservation.

Senate Bill No. 4371

Relating to real property.

Senate Bill No. 4388

Relating to check cashing by the state treasurers' office.

Senate Bill No. 4513

Relating to corporations.

Senate Bill No. 4439

Relating to the amendment or repeal of statutes superseded by court rule.

Senate Bill No. 4668

Relating to the Washington State University small business development center.

Substitute Senate Bill No. 4758

Relating to the alcohol content of candy, food and wine.

Senate Bill No. 4773

Relating to the small business innovators' opportunity program.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

MESSAGES FROM THE HOUSE

March 2, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3740,

SUBSTITUTE SENATE BILL NO. 3758,

SUBSTITUTE SENATE BILL NO. 3849,

SUBSTITUTE SENATE BILL NO. 3901,

SUBSTITUTE SENATE BILL NO. 3984,

SUBSTITUTE SENATE BILL NO. 4050,

SENATE BILL NO. 4301,

SUBSTITUTE SENATE BILL NO. 4302,

SUBSTITUTE SENATE BILL NO. 4321,

SUBSTITUTE SENATE BILL NO. 4325,

SUBSTITUTE SENATE BILL NO. 4329,

SUBSTITUTE SENATE BILL NO. 4332, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 2, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3616,

SENATE BILL NO. 4415,

SUBSTITUTE SENATE BILL NO. 4814,

SUBSTITUTE SENATE BILL NO. 4829, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 2, 1984

Mr. President:

The House has concurred in the amendments to HOUSE JOINT MEMORIAL NO. 37, and has passed the memorial as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 2, 1984

Mr. President:

The House has concurred in the Senate amendment to HOUSE BILL NO. 1649, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4111,
 SENATE BILL NO. 4338,
 SUBSTITUTE SENATE BILL NO. 4343,
 SUBSTITUTE SENATE BILL NO. 4362,
 SENATE BILL NO. 4376,
 SENATE BILL NO. 4401,
 SUBSTITUTE SENATE BILL NO. 4419,
 SUBSTITUTE SENATE BILL NO. 4430,
 SENATE BILL NO. 4432,
 SUBSTITUTE SENATE BILL NO. 4443,
 SENATE BILL NO. 4445,
 SUBSTITUTE SENATE BILL NO. 4477,
 SUBSTITUTE SENATE BILL NO. 4484,
 SENATE BILL NO. 4500,
 SENATE BILL NO. 4532,
 SUBSTITUTE SENATE BILL NO. 4541,
 SUBSTITUTE SENATE BILL NO. 4560,
 SUBSTITUTE SENATE BILL NO. 4628,
 SUBSTITUTE SENATE BILL NO. 4647,
 SENATE BILL NO. 4650,
 SUBSTITUTE SENATE BILL NO. 4708,
 SUBSTITUTE SENATE BILL NO. 4794.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bottiger, the appointment of John D. Jones as a member of the Board of Tax Appeals was confirmed.

APPOINTMENT OF JOHN D. JONES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 00; absent, 08; excused, 04.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bauer, Deccio, Haley, McDonald, Quigg, Rasmussen, Shinpoch, Woody - 8.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen - 4.

MOTION

On motion of Senator Zimmerman, Senators Deccio, Haley and Quigg were excused.

MOTION

On motion of Senator McDermott, the appointment of Michiko Fujii as a member of the Board of Tax Appeals was confirmed.

APPOINTMENT OF MICHIKO FUJII

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 03; excused, 07.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin,

McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 39.

Absent: Senators Bauer, Shinpoch, Woody - 3.

Excused: Senators Deccio, Fleming, Haley, Hughes, Kiskaddon, Pullen, Quigg - 7.

MOTION

At 9:18 a.m., on motion of Senator Bottiger, the Senate recessed until 9:50 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 10:07 a.m.

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

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 3181 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Crane, Dellwo and Lewis, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Talmadge, the request for a conference on Substitute Senate Bill No. 3181 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3181 and the House amendment thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 3194 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Walk, Sutherland and Wilson, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute Senate Bill No. 3194 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 3194 and the House amendments thereto: Senators Peterson, Patterson and Hansen.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendment to SUBSTITUTE SENATE BILL NO. 4306 and requests a conference thereon. The Speaker has

appointed the following members as conferees: Representatives Niemi, Vekich and Hankins, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute Senate Bill No. 4306 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4306 and the House amendment thereto: Senators Warnke, Zimmerman and Rinehart.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SENATE BILL NO. 4309 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ellis, Locke and West, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Senate Bill No. 4309 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4309 and the House amendment thereto: Senators Talmadge, Hemstad and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives D. Nelson, Sutherland and Isaacson, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 4490 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4490 and the House amendments thereto: Senators Williams, Hemstad and McDermott.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGES FROM THE HOUSE

March 2, 1984

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 255 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 2, 1984

Mr. President:

The House has concurred in the Senate amendments to HOUSE BILL NO. 1138 and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 977, by Committee on Judiciary (originally sponsored by Representatives Armstrong and Isaacson)

Delaying the effective date of administrative revocation of drivers' licenses for DWI violations and instituting an interim system of temporary licenses.

The bill was read the second time.

MOTIONS

On motion of Senator Peterson, the following Committee on Transportation amendment was adopted:

On page 1, line 16 strike "New Section. Sec. 2" in its entirety.

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

On page 1, line 2 of the title after "uncodified" strike the remainder of the title and insert ".

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 977, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 977, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 977, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 00; absent, 03; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody - 41.

Absent: Senators Granlund, Vognild, Zimmerman - 3.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SUBSTITUTE HOUSE BILL NO. 977, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 3926, by Senator McDermott

Relating to state government.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3926 was substituted for Senate Bill No. 3926 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3926 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, I don't know the figures. Could you enlighten us on the amount of money we're talking about? Is this the equivalent of the state employees' IRA plans that could be invested?"

Senator McDermott: "Yes, basically it is possible, now, for people to set part of their salary aside in a deferred compensation plan and it is being invested. There is no provision for the state to do it themselves. This bill would allow them to do that and use an inter-fund loan for the administration of that, which would be paid back out of the earnings."

Senator Rasmussen: "Well, I'm really asking this question for Senator Clarke and some of the rest of us around here. This makes no provision for those over seventy, does it? I mean, we're left out in the cold with nothing to take care of our old age and I was wondering if you had something to include in that bill—that maybe is needed."

Senator McDermott: "Senator Rasmussen, I have the feeling that you're never going to take any pension out of this place. You're going to work here forever."

Senator Rasmussen: "Well, I'd like to save something for my old age, if I could earn some interest."

Senator McDermott: "When will that start?"

Senator Rasmussen: "A few years from now."

MOTION

On motion of Senator Bottiger, further consideration of Substitute Senate Bill No. 3926 was deferred.

SECOND READING

SENATE BILL NO. 4457, by Senators Thompson, Zimmerman and Bauer

Reducing the B & O surtax rate on sales of motor vehicle fuel in border counties.

The bill was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 4457 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4457.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4457, and the bill passed the Senate by the following vote: Yeas, 40; nays, 04; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Voting nay: Senators Newhouse, Rasmussen, Shinpoch, von Reichbauer - 4.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SENATE BILL NO. 4457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4412, by Senators Hurley and McCaslin

Exempting inhalation therapy systems sold for personal use from sales and use tax.

The bill was read the second time.

MOTION

On motion of Senator Hurley, the rules were suspended, Senate Bill No. 4412 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4412.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4412, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Deccio - 1.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SENATE BILL NO. 4412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4409, by Senators Hansen, Wojahn, Deccio, Goltz, Barr, McDermott, Hayner, Benitz and Newhouse

Lowering the business and occupation tax rate on the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale.

The bill was read the second time.

MOTION

On motion of Senator Hansen, the rules were suspended, Senate Bill No. 4409 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4409.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4409, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SENATE BILL NO. 4409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 4711,
 SUBSTITUTE SENATE BILL NO. 4730.

SECOND READING

SENATE BILL NO. 3385, by Senator Moore

Exempting precious metal bullion from sales and use taxation.

MOTIONS

On motion of Senator Moore, Substitute Senate Bill No. 3385 was substituted for Senate Bill No. 3385 and the substitute bill was placed on second reading and read the second time.

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

On page 1, line 1, after "Relating to" strike "sales and use taxation" and insert "the taxation of coin and bullion investments"

On motion of Senator Moore, the rules were suspended, Engrossed Substitute Senate Bill No. 3385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator McDonald: "Has the Moore amendment been adopted?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, it has."

Senator McDonald: "O.K., for one thing, it says that this is an amendment to the title of the bill, before the semicolon. We've had an act relating to sales and use taxation; now we have an act related to taxation on coin and bullion investments. It's my understanding that that's not proper—that we cannot amend that before the semicolon, and I wonder if the policy has changed—or what is the policy?"

President Cherberg: "Will you please advise the President as to what rule you're quoting? The President is unaware of any such—"

Senator McDonald: "Thank you, Mr. President."

MOTIONS

On motion of Senator Bottiger, the rules were suspended and Engrossed Substitute Senate Bill No. 3385 was returned to second reading and read the second time.

On motion of Senator Bottiger, further consideration of Engrossed Substitute Senate Bill No. 3385 was deferred.

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

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3415 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Brekke, Kaiser and C. Smith, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 3415 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 3415 and the House amendments thereto: Senators Hansen, Barr and Hughes.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4381 and requests a conference thereon. The Speaker has

appointed the following members as conferees: Representatives Pruitt, Fisher and Tilly, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute Senate Bill No. 4381 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute Senate Bill No. 4381 and the House amendments thereto: Senators Talmadge, Hemstad and Fleming.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 4435 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Wang, Armstrong and Padden, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 4435 and the House amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4435 and the House amendment thereto: Senators Talmadge, Clarke and Shinpoch.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1246 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Galloway, Appelwick and Betzoff, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute House Bill No. 1246 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1246 and the Senate amendments thereto: Senators Gaspard, Lee and Bauer.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House concurred in the Senate amendment to page 1, line 12, to SUBSTITUTE HOUSE BILL NO. 552, refuses to concur in the Senate amendment to page 1, line 6, and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate refused to recede from the amendment on page 1, line 6, to Substitute House Bill No. 552, and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 552 and the Senate amendment thereto: Senators Warnke, Quigg and Rasmussen.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 3827 and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Hansen, the Senate concurred in the House amendments to Substitute Senate Bill No. 3827.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3827, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3827, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 09; absent, 04; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Deccio, Gaspard, Goltz, Guess, Hansen, Hayner, Hurley, Lee, McCaslin, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Wojahn - 31.

Voting nay: Senators Clarke, Craswell, Fuller, Haley, Hemstad, McDermott, Metcalf, Williams, Zimmerman - 9.

Absent: Senators Granlund, Newhouse, Vognild, Woody - 4.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SUBSTITUTE SENATE BILL NO. 3827, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to SUBSTITUTE SENATE BILL NO. 4579 and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Talmadge, the Senate concurred in the House amendments to Substitute Senate Bill No. 4579.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4579, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4579, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 02; excused, 05.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Bauer, Vognild - 2.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SUBSTITUTE SENATE BILL NO. 4579, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4653 and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator McManus, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4653.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4653, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4653, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Bauer - 1.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4653, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660 and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion on Senator Gaspard, the Senate insisted on its position on Engrossed Second Substitute House Bill No. 1660 and requested that the House recede therefrom.

MOTIONS

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

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 3385, which was returned to second reading and deferred earlier today.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved that the Senate reconsider the vote by which the title amendment to Engrossed Substitute Senate Bill No. 3385 was adopted.

MOTION

On motion of Senator Moore, and there being no objection, the title amendment was withdrawn.

The bill was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended. Substitute Senate Bill No. 3385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3385.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3385, and the bill passed the Senate by the following vote: Yeas, 41; nays, 03; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Voting nay: Senators Rasmussen, Rinehart, Shinpoch - 3.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

SUBSTITUTE SENATE BILL NO. 3385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 105, by Committee on Natural Resources (originally sponsored by Representatives Martinis, B. Williams and Stratton) (by Department of Game request)

Eliminating counties' option to collect in-lieu property taxes on game department lands.

The bill was read the second time.

MOTION

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 97, Laws of 1965 ex. sess. as last amended by section 36, chapter 78, Laws of 1980 and RCW 77.12.201 are each amended to read as follows:

The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands (~~equal to that which would be paid on similar parcels of real property situated in the county~~) as provided in RCW 77.12.203. Upon the election, all fines and forfeitures received by the county during that year under RCW 77.12.170 shall be deposited in the state treasury to be credited to the state game fund. The election shall continue until the department is notified differently prior to January 1st of any year.

Sec. 2. Section 3, chapter 97, Laws of 1965 ex. sess. as amended by section 37, chapter 78, Laws of 1980 and RCW 77.12.203 are each amended to read as follows:

Notwithstanding RCW 84.36.010 or other statutes to the contrary, the director shall pay by April 30th of each year on game lands in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of ((real property subject to real property taxes)) open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984. This amount shall not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, tidelands, or public fishing areas of less than one hundred acres.

"Game lands," as used in this section and RCW 77.12.201, means those tracts one hundred acres or larger owned in fee by the department and used for wildlife habitat and public recreational purposes.

~~((The director has the same rights of appeal and adjustment of taxes or assessments as do other owners of real property:~~

~~Upon election by the county legislative authority to receive an amount in lieu of real property taxes, the county assessor shall enter the property on the tax rolls and the department shall pay the amount due as others pay taxes on their real property in the county:))~~

NEW SECTION. Sec. 3. This act takes effect on January 1, 1985."

MOTIONS

On motion of Senator Patterson, the following amendment to the Committee on Natural Resources amendment was adopted:

On page 2, line 27, after "purposes," insert:

"All lands purchased for wildlife habitat, public access or recreation purposes with federal funds in the Snake River drainage basin shall be considered game lands regardless of acreage."

On motion of Senator Hansen, the following amendment to the Committee on Natural Resources amendment was adopted:

On page 2, line 15, after "1984" insert "plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned"

The President declared the question before the Senate to be adoption of the Committee on Natural Resources amendment, as amended.

The motion by Senator Owen carried and the Committee on Natural Resources amendment, as amended, was adopted.

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Substitute House Bill No. 105, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "Senator Owen, I'm sorry I don't have an idea of the thirteen counties that have already done this. Could you indicate--I guess I would be interested in what the situation is down in Clark, Skamania and Klickitat."

Senator Owen: "I can't recall which they are. There are four counties that are under open space right now, and I can't recall which four they are."

Senator Zimmerman: "But as far as being in lieu--"

Senator Owen: "In lieu of property taxes? Very few are actually taking the game fine."

POINT OF INQUIRY

Senator Barr: "Senator Owen, it wasn't quite clear as you explained the bill but it seems like a reasonable approach to me--provided this is a county option. Is that correct?"

Senator Owen: "That's correct."

Senator Barr: "The way I understand it then, and the effects of it would be that the counties would be protected in that they wouldn't have to take less than what they got in '84 and the Game Department would be protected from future increases. If that's true then, and that would seem like a reasonable compromise at this point, then I would favor--if that's true."

Senator Owen: "That's correct. Originally, they were asking to actually have it reduced, either by putting it into open space or seventy cents an acre, but the

compromised agreement was that they would choose between any of these categories, whichever one that they wanted and then they would be set at that rate."

Senator Barr: "Thank you and then that does protect the Game Department though, from any future increases?"

Senator Owen: "Yes."

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, you indicated that they could make a choice--seventy cents an acre. How did they arrive at that figure of seventy cents an acre?"

Senator Owen: "I believe that the Department of Game was trying to come up with a rate that was somewhat similar to what they were paying presently, or what they would be paying under open space, and that's where they came up with the seventy cents."

Senator Rasmussen: "Well, what I was wondering--seventy cents per acre seems to be quite a bit more than the timber companies are paying at the present time and I wondered why they were going to pay that exorbitant rate--seventy cents? Timber companies pay, maybe, about nine cents an acre in a large number of cases."

Senator Owen: "O.K."

Senator Rasmussen: "Well, I didn't want the Game Department to be gouged by the Legislature."

Senator Owen: "Did you have a question, Senator Rasmussen?"

Senator Rasmussen: "That was it. Why the difference? Timber companies pay only nine cents an acre and the Game Department is required to pay seventy cents."

Senator Owen: "I guess I don't understand the comparison you are making. Timber companies, also, pay a yield tax besides whatever rate that they pay on the land. The Department of Game's land should have, in my opinion and the opinion of others, been allowed to go under open space when the open space legislation was passed. However, many of the counties have been extremely reluctant to do that. And really that's what they are doing, they are providing a public resource to the public and should be under open space. However, the counties have been reluctant to do that, but really I don't see where there's an analogy between that and the timber companies."

Senator Rasmussen: "Well, it's hard to understand, I agree. Thank you, Senator Owen."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 105, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 105, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 00; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg - 5.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 105, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1201, by Representatives Grimm and Tilly (by Department of Revenue request)

Modifying provisions on property tax exemptions and deferrals.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 5, line 21, after "purposes" insert "or cultural or art educational programs as defined in RCW 82.04.4328"

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

On page 13, after line 7, insert the following:

"Sec. 18. Section 84.64.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 322, Laws of 1981 and RCW 84.64.030 are each amended to read as follows:

Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice and summons to the owner of the property described in such certificate that he or she will apply to the superior court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned therein. Such notice and summons shall contain:

(1) The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

(2) A direction to the owner summoning him or her to appear within sixty days after service of the notice and summons, exclusive of the day of service, and defend the action or pay the amount due, and when service is made by publication a direction to the owner, summoning him or her to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

(3) A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

The notice and summons shall be subscribed by the holder of the certificate of delinquency, or by someone in his or her behalf, and residing within the state of Washington, and upon whom all process may be served.

A copy of said notice and summons shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in RCW 84.64.070, the treasurer shall ascertain the amount of costs accrued in foreclosing said certificate and include said costs as a part of the redemption required to be paid. Cost incurred for a title search required by RCW 84.64.050 shall be included.

The notice and summons shall be served in the same manner as a summons in a civil action is served in the superior court.

The county treasurer shall not issue certificates of delinquency upon property ((owned and occupied as a principal place of residence by a person sixty-two years of age or older)) which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

Sec. 19. Section 84.64.050, chapter 15, Laws of 1961 as last amended by section 4, chapter 322, Laws of 1981 and RCW 84.64.050 are each amended to read as follows:

After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be served or notice given in a manner reasonably calculated to inform the owner or owners of the foreclosure action. Either (1) personal service upon the owner or owners or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of

each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That, at least thirty days prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property (~~owned and occupied as a principal place of residence by a person sixty-two years of age or older~~) which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW."

Renumber the sections consecutively and correct any internal references accordingly.

On page 13, line 16, delete "elects" and insert "either elects or is required under RCW 84.64.030 or 84.64.050"

On page 16, line 19, after "due" and before ";" insert "or thirty days after receiving notice under RCW 84.64.030 or 84.64.050, whichever is later"

MOTIONS

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

On page 1, line 28 of the title, after "84.40.390;" insert "amending section 84.64.030, chapter 15, Laws of 1961 as last amended by section 3, chapter 322, Laws of 1981 and RCW 84.64.030; amending section 84.64.050, chapter 15, Laws of 1961 as last amended by section 4, chapter 322, Laws of 1981 and RCW 84.64.050;"

On motion of Senator Bottiger, Senator Shinpoch was excused.

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

On motion of Senator McDermott, the rules were suspended, House Bill No. 1201, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1201, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1201, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Fleming, Hughes, Kiskaddon, Pullen, Quigg, Shinpoch, von Reichbauer - 7.

HOUSE BILL NO. 1201, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTION AND FIRST READING OF HOUSE BILL

2SHB 1231 by Committee on Ways and Means (originally sponsored by Representatives Belcher, Wilson, Stratton, Sayan, Miller, Locke, Mitchell, Halsan, McClure, Fiske, Vekich, McMullen, Sommers, Sutherland, Haugen, Niemi, Burns and Powers)

Modifying provisions relating to aquatic lands.

Referred to Committee on Ways and Means.

MOTION

On motion of Senator Bottiger, all bills passed this morning were ordered immediately transmitted to the House.

MOTION

At 12:59 p.m., on motion of Senator Bottiger, the Senate recessed until 3:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 3:00 p.m.

MOTION

At 3:00 p.m., on motion of Senator Bottiger, the Senate recessed until 3:15 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:15 p.m.

MOTION

On motion of Senator Zimmerman, Senator Benitz was excused.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Gubernatorial Appointment No. 144 and the pending motion for confirmation of Kai N. Lee as a member of the Pacific Northwest Electric Power and Conservation Planning Council, proposed February 21, 1984.

MOTION

The motion by Senator Williams carried and the appointment of Kai N. Lee as a member of the Pacific Northwest Electric Power and Conservation Planning Council was confirmed.

APPOINTMENT OF KAI N. LEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 05; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Patterson, Peterson, Rasmussen, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 39.

Absent: Senators McDonald, Newhouse, Owen, Rinehart, Williams - 5.

Excused: Senators Benitz, Hughes, Kiskaddon, Pullen, Quigg - 5.

MOTION

On motion of Senator Bottiger, the appointment of Charles T. Collins as a member of the Pacific Northwest Electric Power and Conservation Planning Council was confirmed.

APPOINTMENT OF CHARLES T. COLLINS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 03; absent, 04; excused, 05.

Voting yea: Senators Barr, Bauer, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hurley, Lee, McCaslin,

McDermott, McDonald, McManus, Metcalf, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Thompson, Vognild, von Reichbauer, Warnke, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Bender, Moore, Talmadge - 3.

Absent: Senators Granlund, Newhouse, Owen, Williams - 4.

Excused: Senators Benitz, Hughes, Kiskaddon, Pullen, Quigg - 5.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3827.

SUBSTITUTE SENATE BILL NO. 4579.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4653.

SECOND READING

SENATE BILL NO. 3169, by Senators Goltz and Owen (by Department of Game request)

Making various housekeeping changes in the game laws.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 3169 was substituted for Senate Bill No. 3169 and the substitute bill was placed on second reading and read the second time.

On motion of Senator Rasmussen, further consideration of Substitute Senate Bill No. 3169 was deferred.

MOTION

At 3:30 p.m., on motion of Senator Bottiger, the Senate recessed until 3:45 p.m.

THIRD AFTERNOON SESSION

The President called the Senate to order at 3:56 p.m.

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

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

February 29, 1984

GA 109 MARC WHEELER, to the position of Member of the Board of Trustees for Centralia Community College District No. 12, appointed by the Governor on January 28, 1983, for the term ending September 30, 1984, succeeding William H. Lawrence, Ph. D. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 114 LARRY SANFORD, to the position of Member of the State Board for Community College Education, appointed by the Governor on June 14, 1983, for the term ending April 3, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 158 WILLIAM T. ROBINSON, to the position of Member of the Board of Trustees for The Evergreen State College, appointed by the Governor on October 17, 1983, for the term ending September 30, 1989, succeeding Robert J. Flowers. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 168 VAUGHN A. SHERMAN, to the position of Member of the Board of Trustees for Edmonds Community College District No. 23, appointed by the Governor on October 27, 1983, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 169 CHRISTENIA L. ALDEN, to the position of Member of the Commission for Vocational Education appointed by the Governor on September 19, 1983, for the term ending July 1, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 170 TSUQUO "IKE" IKEDA, to the position of Member of the Commission for Vocational Education appointed by the Governor on September 19, 1983, for the term ending July 1, 1985, succeeding Jon G. Thorpe. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 185 SHANI TAHA, to the position of Member of the Council for Postsecondary Education, appointed by the Governor on September 9, 1983, for the term ending June 30, 1989, succeeding Dr. Robert L. Flennaugh. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 187 RUEBEN A. FLORES, to the position of Member of the Board of Trustees for Central Washington University, appointed by the Governor on October 24, 1983, for the term ending September 30, 1989, succeeding Sterling Munro. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 189 RINDETTA D. STEWART, to the position of Member of the Board of Trustees for Fort Steilacoom Community College District No. 11, appointed by the Governor on December 9, 1983, for the term ending September

30, 1988, succeeding Jack K. Gamble. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

February 29, 1984

GA 190 EARLYSE ALLEN SWIFT, to the position of Member of the Board of Trustees for Centralia Community College District No. 12, appointed by the Governor on November 30, 1983, for the term ending September 30, 1988, succeeding Merrily Knutsen. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Bottiger, the rules were suspended and all of the Gubernatorial Appointments just read were advanced to second reading and placed on the second reading calendar.

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

There being no objection, the Senate resumed consideration of Substitute Senate Bill No. 3926, which was advanced to third reading and deferred earlier today.

THIRD READING

SENATE BILL NO. 3926, by Senator McDermott

Relating to state government.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3926.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3926, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Hansen, Hayner, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 33.

Voting nay: Senators Clarke, Craswell, Deccio, Guess, Haley, Lee, McCaslin, McDonald, Metcalf, Sellar, von Reichbauer - 11.

Absent: Senator Granlund - 1.

Excused: Senators Benitz, Kiskaddon, Pullen, Quigg - 4.

SUBSTITUTE SENATE BILL NO. 3926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MOTIONS

On motion of Senator Goltz, the Senate resumed consideration of Substitute Senate Bill No. 3169, deferred earlier today.

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

On page 3, after line 32, insert the following:

*Sec. 6. Section 12, chapter 310, Laws of 1981 and RCW 77.32.350 are each amended to read as follows:

(1) A hound stamp is required to hunt wild animals with a dog. The fee for this stamp is six dollars.

(2) ~~((A warm water fish stamp is required to fish in waters and for species as designated by rule of the commission. The fee for this stamp is six dollars.~~

(3) An upland game bird stamp is required to hunt for quail, partridge, and pheasant in areas designated by rule of the commission. The fee for this stamp is six dollars.

~~((4))~~ (3) An archery stamp is required to hunt with a bow and arrow during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.

~~((5))~~ (4) A muzzleloading firearm stamp is required to hunt with a muzzleloading firearm during seasons established exclusively for hunting in that manner. The fee for this stamp is six dollars.

~~((6))~~ (5) A falconry stamp is required to hunt with a falcon during seasons established exclusively for hunting in that manner. The fee for this stamp is fifteen dollars.

~~((7))~~ (6) To be valid, stamps required under this section shall be permanently affixed to the licensee's appropriate hunting or fishing license.

~~((8))~~ (7) Stamps required by this section expire on March 31st following the date of issuance except for ~~((the warm water fish and))~~ hound stamps, which expire December 31st following the date of issuance."

Renumber the sections following consecutively, and correct internal references accordingly.

MOTIONS

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

In line 10 of the title, after "77.32.340;" insert "amending section 12, chapter 310, Laws of 1981 and RCW 77.32.350;"

On motion of Senator Owen, the rules were suspended, Engrossed Substitute Senate Bill No. 3169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3169.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3169, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Benitz, Kiskaddon, Pullen, Quigg - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3169, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 4340, by Senator Gaspard

Taxing the possession for sale or use of marijuana and controlled substances.

MOTION

On motion of Senator Gaspard, Substitute Senate Bill No. 4340 was substituted for Senate Bill No. 4340 and the substitute bill was placed on second reading and read the second time.

MOTION

Senator Hayner moved that the following amendment by Senators Hayner and Gaspard be adopted:

On page 2, line 7, after "information" insert: "which has been voluntarily provided to the department by an individual seeking to pay the tax imposed by section 3 of this Act"

POINT OF INQUIRY

Senator Rasmussen: "Senator Gaspard, it's not clear to me. I thought the tax was going to be imposed after the arrest rather than prior to. I can think of that fellow that's renting an apartment—he's got his lights in there and he's raising marijuana and he can go in now, as I understand this, and pay the tax on it voluntarily—after this legislation and it will not be revealed to the law enforcement agencies. Is that the way it works?"

Senator Gaspard: "Senator Rasmussen, the proposal that we have in front of us would put a use tax on the use and sale of controlled substances and marijuana. Now, if someone should voluntarily come in to pay that tax, which in all candidness is very unlikely to happen here—from past experience to not have anybody to come in and volunteer to pay that tax. But if that should happen, under the Constitution, the rights then would be for the individuals to have that as confidential information."

Senator Rasmussen: "They'd be paying a marijuana tax just like they'd be paying a cigarette tax."

Senator Gaspard: "That is true, but that does not relieve them of any possibility of criminal prosecution at all."

Senator Rasmussen: "Thank you, I'm confused."

Further debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Hayner and Gaspard.

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

MOTION

Senator McDonald moved that the following amendment be adopted:
On page 1, line 7, after "That" strike "No"

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senator McDonald.

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

POINT OF INQUIRY

Senator Rasmussen: "May I ask another question please, of Senator Gaspard? Senator Gaspard, this press release out of the Spokane Chronicle that was laid on our desks says that 'all state and local law enforcement agencies would be required by law to notify the state Department of Revenue of each person found in possession of illegal drugs.' Now, that's a one-way street. All state and local law enforcement agencies would be required to notify the Department of Revenue and then, in turn, we're telling the Department of Revenue that you do not have to notify the state and local law enforcement agencies. I don't see that one-way street. I think it should be a two-way street. Do you have an explanation?"

Senator Gaspard: "Yes, I do, Senator Rasmussen. First, that this is not a press release. This is an editorial that appeared in the Spokane Chronicle, March 2, 1984. Secondly, I thought that we tried our best to cover that issue in the amendment that was offered by Senator McDonald.

"The proposed bill that you have in front of you requires local law enforcement agencies to submit to the Department of Revenue a list of those individuals who are found to be in possession of marijuana or a controlled substance and would be a malice—that is, found to be in possession. From that point, then, the Department of Revenue will send out a notice of tax due and they'll operate just like any other tax structure that we have in the state of Washington.

"Now, as a result of the amendment that Senator Hayner and I sponsored, if the Department should come across some information that was not voluntarily given to them as a result of someone volunteering to pay their tax, that type of information probably could be passed on."

Senator Rasmussen: "I'm still in the forest—lost among the marijuana weeds."

MOTIONS

On motion of Senator Haley, the following amendment was adopted:
On page 1, line 21, after "person" insert "illegally"

On motion of Senator Gaspard, the rules were suspended. Engrossed Substitute Senate Bill No. 4340 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Gaspard, a couple of questions--just to clarify. Do you regard this as a deterrent measure or a revenue measure or both?"

Senator Gaspard: "I regard this as both. It has the laudable purpose, I think, of raising funds for drug education, rehabilitation and law enforcement, as I mentioned before. Also, I think that law enforcement will look at it as a deterrent of those individuals who are involved in this type of activity."

Senator Deccio: "The other question, you mentioned '--by reference.' Did you mean that we would have to license them before we could find them?"

Senator Gaspard: "No. Senator Deccio, when I gave those comments that was in regard to the Arizona statutes. This proposed statute that I have submitted to the body does not have anything in it about the licensure requirement."

Further debate ensued.

Senators Bottiger, Peterson and Shinpoch demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4340.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4340, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; absent, 00; excused, 04.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Warnke, Wojahn, Woody - 35.

Voting nay: Senators Barr, Craswell, Hemstad, Lee, McDonald, Metcalf, Thompson, von Reichbauer, Williams, Zimmerman - 10.

Excused: Senators Benitz, Kiskaddon, Pullen, Quigg - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4340, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 1133, specifying requirements for political advertising, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 1, line 15, after "(2)" strike "The" and insert "Political yard signs are exempt from the requirement of subsection (1) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the"

On page 1, line 15, after "rule" strike "or on a case-by-case basis"

On page 1, after line 19, insert:

"(3) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet."

Signed by: Senators Talmadge, Hughes and Newhouse; Representatives Pruitt, Fisch and Miller.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Engrossed House Bill No. 1133 and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 1386, modifying provisions relating to third party actions for industrial injuries, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 51.24 RCW a new section to read as follows:

(1) Actions against third persons that are assigned by the claimant to the department, voluntarily or by operation of law in accordance with chapter 51.24 RCW, may be prosecuted by special assistant attorneys general.

(2) The attorney general shall select special assistant attorneys general from a list compiled by the department and the Washington state bar association. The attorney general, in conjunction with the department and the Washington state bar association, shall promulgate rules and regulations outlining the criteria and the procedure by which private attorneys may have their names placed on the list of attorneys available for appointment as special assistant attorneys general to litigate third party actions under subsection (1) of this section.

Sec. 2. Section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020 are each amended to read as follows:

If injury (~~or death~~) results to a worker from the deliberate intention of his or her employer to produce such injury (~~or death~~), the worker (~~surviving spouse, child, or dependent~~) or beneficiary of the worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any damages in excess of (~~damages over the amount received or receivable~~) compensation and benefits paid or payable under this title.

Sec. 3. Section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030 are each amended to read as follows:

(1) If ~~(the)~~ an injury to a worker for which benefits and compensation are provided under this title is due to the negligence or wrong of a third person not in the same employ, the injured worker or beneficiary may elect to seek damages from the third person.

(2) For the purposes of this chapter, "injury" shall include any physical or mental condition, disease, ailment or loss, including death, for which compensation and benefits are paid or payable under this title.

Sec. 4. Section 3, chapter 85, Laws of 1977 ex. sess. as amended by section 1, chapter 211, Laws of 1983 and RCW 51.24.050 are each amended to read as follows:

(1) An election not to proceed against the third person operates as an assignment of the cause of action to the department or self-insurer, which may prosecute or compromise the action in its discretion in the name of the injured worker, beneficiary or legal representative.

(2) If an injury to a worker results in the worker's death, the department or self-insurer to which the cause of action has been assigned may petition a court for the appointment of a special personal representative for the limited purpose of maintaining an action under this chapter and chapter 4.20 RCW.

(3) If a beneficiary is a minor child, an election not to proceed against a third person on such beneficiary's cause of action may be exercised by the beneficiary's legal custodian or guardian.

(4) Any ~~(award or settlement recovered)~~ recovery made by the department or self-insurer shall be distributed as follows:

(a) The department or self-insurer shall be paid the expenses incurred in making the recovery including reasonable costs of legal services;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the ~~(award or settlement)~~ recovery made, which shall not be subject to subsection ~~((3))~~ (5) of this section: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the compensation and benefits paid to or on behalf of the injured worker or beneficiary by the department and/or self-insurer; and

(d) The injured worker or beneficiary shall be paid any remaining balance.

~~((3))~~ (5) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation ~~(or)~~ and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no ~~(third party person claim)~~ recovery had been made from a third person.

~~((4))~~ (6) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party

claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation or benefits to which the injured worker or beneficiary may be entitled.

(7) When the cause of action has been assigned to the self-insurer and compensation and benefits have been paid and/or are payable from state funds for the same injury:

(a) The prosecution of such cause of action shall also be for the benefit of the department to the extent of compensation and benefits paid and payable from state funds;

(b) Any compromise or settlement of such cause of action which results in less than the entitlement under this title is void unless made with the written approval of the department;

(c) The department shall be reimbursed for compensation and benefits paid from state funds;

(d) The department shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the self-insurer in obtaining the award or settlement; and

(e) Any remaining balance under subsection (4)(d) of this section shall be applied, under subsection (5) of this section, to reduce the obligations of the department and self-insurer to pay further compensation and benefits in proportion to which the obligations of each bear to the remaining entitlement of the worker or beneficiary.

Sec. 5, Section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060 are each amended to read as follows:

(1) ~~((In an action by the injured worker or beneficiary against the third person))~~ If the injured worker or beneficiary elects to seek damages from the third person, any ~~((award or settlement))~~ recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer;

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the ~~((award))~~ recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation ~~((or))~~ and benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the ~~((claimant))~~ worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation ~~((or))~~ and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no ~~((third party person claim))~~ recovery had been made from a third person.

(2) The ~~((award or settlement))~~ recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation ~~((or))~~ and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled.

Sec. 6. Section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070 are each amended to read as follows:

(1) The department or self-insurer may require the injured worker or beneficiary to exercise the right of election under this chapter by serving a written demand by registered mail, certified mail, or personal service on the worker or beneficiary.

(2) Unless an election is made within sixty days of the receipt of the demand, and unless an action is instituted or settled within the time granted by the department or self-insurer, the injured worker or beneficiary is deemed to have assigned the action to the department or self-insurer. The department or self-insurer shall allow the worker or beneficiary at least ninety days from the election to institute or settle the action. When a beneficiary is a minor child the demand shall be served upon the legal custodian or guardian of such beneficiary.

(3) If an action which has been filed is not diligently prosecuted, the department or self-insurer may petition the court in which the action is pending for an order assigning the cause of action to the department or self-insurer. Upon a sufficient showing of a lack of diligent prosecution the court in its discretion may issue the order.

(4) If the department or self-insurer has taken an assignment of the third party cause of action under subsection (2) of this section, the injured worker or beneficiary may, at the discretion of the department or self-insurer, exercise a right of reelection and assume the cause of action subject to reimbursement of litigation expenses incurred by the department or self-insurer.

Sec. 7. Section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090 are each amended to read as follows:

(1) Any compromise or settlement of the third party cause of action by the injured worker or beneficiary which results in less than the entitlement under this title is void unless made with the written approval of the department or self-insurer: PROVIDED, That for the purposes of this chapter, "entitlement" means benefits and compensation paid and payable.

(2) If a compromise or settlement is void because of subsection (1) of this section, the department or self-insurer may petition the court in which the action was filed for an order assigning the cause of action to the department or self-insurer. If an action has not been filed, the department or self-insurer may proceed as provided in chapter 7.24 RCW.

NEW SECTION. Sec. 8. There is added to chapter 51.24 RCW a new section to read as follows:

The department may adopt, amend, and rescind under chapter 34.04 RCW such rules as may be necessary to the administration of this chapter.

NEW SECTION. Sec. 9. There is added to chapter 51.24 RCW a new section to read as follows:

This act applies to all causes of action against third persons in which judgment or settlement of the underlying action has not taken place before the effective date of this act."

On page 1, line 1 of the title, after "insurance," strike the remainder of the title and insert "amending section 51.24.020, chapter 23, Laws of 1961 as last amended by section 31, chapter 350, Laws of 1977 ex. sess. and RCW 51.24.020; amending section 1, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.030; amending section 3, chapter 85, Laws of 1977 ex. sess. as amended by section 1, chapter 211, Laws of 1983 and RCW 51.24.050; amending section 4, chapter 85, Laws of 1977 ex. sess. as amended by section 2, chapter 211, Laws of 1983 and RCW 51.24.060; amending section 5, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.070; amending section 7, chapter 85, Laws of 1977 ex. sess. and RCW 51.24.090; and adding new sections to chapter 51.24 RCW."

Signed by: Senators Talmadge, Newhouse and Hughes; Representatives R. King, McMullen and Berozoff.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Engrossed House Bill No. 1386 and the committee was granted the powers of Free Conference.

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

MESSAGES FROM THE HOUSE

March 3, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 255,

HOUSE BILL NO. 1218,

HOUSE BILL NO. 1649,

HOUSE JOINT MEMORIAL NO. 37, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 2, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 85,

SUBSTITUTE HOUSE BILL NO. 271,

HOUSE BILL NO. 706,

SUBSTITUTE HOUSE BILL NO. 914,

SUBSTITUTE HOUSE BILL NO. 1106,

SUBSTITUTE HOUSE BILL NO. 1123,

SUBSTITUTE HOUSE BILL NO. 1124,

HOUSE BILL NO. 1149,

HOUSE BILL NO. 1159,

SECOND SUBSTITUTE HOUSE BILL NO. 1174,

SUBSTITUTE HOUSE BILL NO. 1187,

SUBSTITUTE HOUSE BILL NO. 1191,

SUBSTITUTE HOUSE BILL NO. 1247,

SUBSTITUTE HOUSE BILL NO. 1279,

HOUSE BILL NO. 1378,

SUBSTITUTE HOUSE BILL NO. 1438,

SUBSTITUTE HOUSE BILL NO. 1514,

HOUSE BILL NO. 1526,

SUBSTITUTE HOUSE BILL NO. 1548,

SUBSTITUTE HOUSE BILL NO. 1564,

SUBSTITUTE HOUSE BILL NO. 1627, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 255,
HOUSE BILL NO. 1218,
HOUSE BILL NO. 1649,
HOUSE JOINT MEMORIAL NO. 37.

SIGNED BY THE PRESIDENT

The President signed:
SECOND SUBSTITUTE HOUSE BILL NO. 85,
SUBSTITUTE HOUSE BILL NO. 271,
HOUSE BILL NO. 706,
SUBSTITUTE HOUSE BILL NO. 914,
SUBSTITUTE HOUSE BILL NO. 1106,
SUBSTITUTE HOUSE BILL NO. 1123,
SUBSTITUTE HOUSE BILL NO. 1124,
HOUSE BILL NO. 1149,
HOUSE BILL NO. 1159,
SECOND SUBSTITUTE HOUSE BILL NO. 1174,
SUBSTITUTE HOUSE BILL NO. 1187,
SUBSTITUTE HOUSE BILL NO. 1191,
SUBSTITUTE HOUSE BILL NO. 1247,
SUBSTITUTE HOUSE BILL NO. 1279,
HOUSE BILL NO. 1378,
SUBSTITUTE HOUSE BILL NO. 1438,
SUBSTITUTE HOUSE BILL NO. 1514,
HOUSE BILL NO. 1526,
SUBSTITUTE HOUSE BILL NO. 1548,
SUBSTITUTE HOUSE BILL NO. 1564,
SUBSTITUTE HOUSE BILL NO. 1627.

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 3449 and the pending motion by Senator Pullen to reconsider the vote by which the Senate concurred in the House amendment to page 1, line 8, on February 28, 1984.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen to reconsider the vote by which the Senate concurred in the House amendment to page 1, line 8, to Engrossed Senate Bill No. 3449.

The motion by Senator Pullen failed and the Senate did not reconsider the vote by which the Senate concurred in the House amendment.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3449, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3449, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 31; nays, 13; absent, 00; excused, 05.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vogniid, Warnke, Williams, Wojahn, Woody - 31.

Voting nay: Senators Barr, Craswell, Deccio, Fuller, Guess, Haley, Lee, McDonald, Metcalf, Patterson, Rasmussen, Sellar, Zimmerman - 13.

Excused: Senators Benitz, Kiskaddon, Pullen, Quigg, von Reichbauer - 5.

ENGROSSED SENATE BILL NO. 3449, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 5:21 p.m., on motion of Senator Shipoch, the Senate adjourned until 1:30 p.m., Sunday, March 4, 1984.

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

FIFTY-SIXTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Sunday, March 4, 1984

The Senate was called to order at 1:30 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bauer, Benitz, Craswell, Kiskaddon, Pullen, Sellar, Thompson and von Reichbauer. On motion of Senator Zimmerman, Senators Kiskaddon, Pullen, Sellar and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Jill Kuhn and Scott Harder, presented the Colors. Reverend Paul Beeman, senior pastor of the First United Methodist Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 3, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4111,
 SENATE BILL NO. 4338,
 SUBSTITUTE SENATE BILL NO. 4343,
 SUBSTITUTE SENATE BILL NO. 4362,
 SENATE BILL NO. 4376,
 SENATE BILL NO. 4401,
 SUBSTITUTE SENATE BILL NO. 4419,
 SUBSTITUTE SENATE BILL NO. 4430,
 SENATE BILL NO. 4432,
 SUBSTITUTE SENATE BILL NO. 4443,
 SENATE BILL NO. 4445,
 SUBSTITUTE SENATE BILL NO. 4477,
 SUBSTITUTE SENATE BILL NO. 4484,
 SENATE BILL NO. 4500,
 SENATE BILL NO. 4532,
 SUBSTITUTE SENATE BILL NO. 4541,
 SUBSTITUTE SENATE BILL NO. 4560,
 SUBSTITUTE SENATE BILL NO. 4628,
 SUBSTITUTE SENATE BILL NO. 4647,
 SENATE BILL NO. 4650,
 SUBSTITUTE SENATE BILL NO. 4708,
 SUBSTITUTE SENATE BILL NO. 4794, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 3, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4711,
 SUBSTITUTE SENATE BILL NO. 4730, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE JOINT MEMORIAL NO. 16 and passed the memorial as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House passed SUBSTITUTE HOUSE BILL NO. 1262 as amended by the Senate on page 5, line 19; page 8, line 6 and page 8, line 34.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3449.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Christenia L. Alden as a member of the Commission for Vocational Education was confirmed.

APPOINTMENT OF CHRISTENIA L. ALDEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 04; excused, 04.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bauer, Benitz, Craswell, Thompson - 4.

Excused: Senators Kiskaddon, Pullen, Sellar, von Reichbauer - 4.

MOTION

On motion of Senator McManus, the appointment of Lynda Zimmerman as a member of the Hospital Commission was confirmed.

APPOINTMENT OF LYNDA ZIMMERMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 03; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shipoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senators Benitz, Craswell, Thompson - 3.

Excused: Senators Kiskaddon, Pullen, Sellar, von Reichbauer - 4.

MOTION

On motion of Senator Vognild, Senator Thompson was excused.

MOTION

On motion of Senator McManus, the appointment of William T. Robinson as a member of the Board of Trustees of The Evergreen State College was confirmed.

APPOINTMENT OF WILLIAM T. ROBINSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 01; excused, 06.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes,

Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Absent: Senator Benitz - 1.

Excused: Senators Craswell, Kiskaddon, Pullen, Sellar, Thompson, von Reichbauer - 6.

MOTION

On motion of Senator Zimmerman, Senators Craswell and Benitz were excused.

MOTION

On motion of Senator Gaspard, the appointment of Marc Wheeler as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

APPOINTMENT OF MARC WHEELER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; nays, 00; absent, 00; excused, 07.

Voting yeas: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Excused: Senators Benitz, Craswell, Kiskaddon, Pullen, Sellar, Thompson, von Reichbauer - 7.

MOTION

At 1:57 p.m., on motion of Senator Shinpoch, the Senate recessed until 3:30 p.m.

SECOND AFTERNOON SESSION

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

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

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4448 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Kreidler, McClure and Mitchell, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute Senate Bill No. 4448 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute Senate Bill No. 4448 and the House amendments thereto: Senators McManus, Deccio and Moore.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House insists on its position with regard to ENGROSSED SENATE BILL NO. 4798 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Kreidler, Wang and B. Williams, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Senate Bill No. 4798 thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4798 thereto: Senators Granlund, Owen and Metcalf.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1163 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Senate, modifying the laws relating to consumer credit transactions, have had the same under consideration, and we recommend that the Senate amendment be adopted with the following amendment:

On page 15, line 37 of the Senate amendment, after "transmit" strike everything down through "transaction" on page 16, line 2, and insert "a statement to the card issuer through the normal channels established by the card issuer for the transmittal of such statements"

Signed by: Senators Bender, Deccio and Moore; Representatives Lux, Schmidt and Zellinsky.

MOTION

On motion of Senator Moore, the report of the Free Conference Committee on Substitute House Bill No. 1163 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1163, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1163, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 01; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Fuller - 1.

Absent: Senator Quigg - 1.

Excused: Senators Kiskaddon, Pullen, von Reichbauer - 3.

SUBSTITUTE HOUSE BILL NO. 1163, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House has adopted the report of the Conference Committee on HOUSE BILL NO. 939 and has granted the Committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, HOUSE BILL NO. 939, modifying modification and enforcement procedures used by municipalities regarding uninhabitable dwellings, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

On page 2, line 23, after "different" insert "and to each person or party having a recorded right, title, estate, lien, or interest in the property"

Signed by: Senators Thompson, Bauer and Barr; Representatives Moon, Appelwick and Van Dyken.

MOTION

On motion of Senator Thompson, the report of the Free Conference Committee on House Bill No. 939 was adopted.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 939, as amended by the Free Conference Committee.

MOTION

On motion of Senator Zimmerman, Senator Quigg was excused.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 939, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

HOUSE BILL NO. 939, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House insists on its position with regard to SENATE BILL NO. 4619 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Moon, Haugen and Ballard, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Senate Bill No. 4619 thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 4619 thereto: Senators Thompson, McCaslin and Woody.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House insists on its position with regard to SECOND SUBSTITUTE HOUSE BILL NO. 689 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives J. King, Ebersole and Silver, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Second Substitute House Bill No. 689 thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Second Substitute Senate Bill No. 689 thereto: Senators McManus, Quigg and Moore.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House insists on its position regarding the House amendments to SECOND SUBSTITUTE SENATE BILL NO. 3815 and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Chief Clerk

MOTION

Senator Granlund moved that the Senate do concur in the House amendments to Second Substitute Senate Bill No. 3815.

POINT OF INQUIRY

Senator Lee: "Senator Granlund, this is about \$157,000 and, of course, it involves more prisoners than the state would otherwise be able to incarcerate in their existing facilities. I presume. In other words, less persons for which we would have to use our early release at the other end. Under what portion of the budget are we looking at for these extra prisoners that we're going to be able to house in the local jail?"

Senator Granlund: "Senator Lee, the main thrust for this particular bill is to put language in for the state's responsibility. Over the years, when state prisoners have been picked up--say for revocation or something like that--the counties have been stuck with housing them. I became interested in this about three years ago when I sat in on a revocation hearing in Pierce County and the state had one of their prisoners who had been there for a hundred days--and the county, at that time, was stuck with that funding for that prisoner. This is a definition of county and state's responsibility--for whose fiscal responsibility it is. We are not getting into the area of whether counties should subcontract with the state for taking some of the overflow of the prisoners from state institutions. This is a definition of whose responsibility a prisoner is."

Senator Lee: "But, is there some additional expense over what it was--let's say a year ago?"

Senator Granlund: "What it is--yes--the state will have to pay--the Department of Corrections will pay for their responsibility for having escaped prisoners in a county or city jail. It really is clarifying of state law--what that responsibility is. May I just continue one minute, Senator Lee? The reason why the Senate has

backed down on that appropriation is that we feel the main thrust of this bill, at this point, is to be sure that the delineation of fiscal responsibility is there in law, and so we would like to see that done this session."

POINT OF INQUIRY

Senator Zimmerman: "Senator Lee, you're saying that perhaps under Initiative 62, we would be required or should be required to pay this money--in terms of the fact that we're not going to appropriate to Corrections the money that they would have to pay out. Consequently, it puts the burden on local government to pay?"

Senator Lee: "The state is going to have to pay these bills--that's what the act does that Senator Granlund was explaining to us. It would require the state to pay the cost of state prisoners in county jails under certain circumstances. She is urging us to concur in the House amendment which removes the money as an additional appropriation to the Department of Corrections and saying that that should have to come out of their existing funds. So we will still have to pay the bill. That's what the law would require. What we're talking about right now is whether or not to concur in the House amendment. The House amendment removes the appropriation for that purpose."

Senator Zimmerman: "At this point then, \$157,325 is not being appropriated and consequently must come out of the Correction's budget or it's just not there somehow--we're omitting that hole then?"

Senator Lee: "If this House amendment is adopted, that would be the case."

Further debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, what you're saying then, based on a conversation I just had with Senator Granlund, the important thing is to have the language in the bill which gives direction as to how you're going to deal with state prisoners in county jails?"

Senator McDermott: "Yes, we would have referenced this in the budget itself had we recognized how much the House was going to push on this issue, but I think it is critical that this bill pass, so that there is a definition, because otherwise you will have the state fighting with your local counties saying 'it's not our responsibility--they're yours as long as they're there--and you've got to pay for them--we pay for them when we take them on a chain to Walla Walla.' In many counties, this is going to strain their budget and I think it is really important to county government that there be a definition in the law."

Further debate ensued.

Senator Granlund demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Granlund to concur in the House amendments to Second Substitute Senate Bill No. 3815.

ROLL CALL

The Secretary called the roll and the motion by Senator Granlund carried and the Senate concurred in the House amendments to Second Substitute Senate Bill No. 3815 by the following vote: Yeas, 30; nays, 14; absent, 01; excused, 04.

Voting yea: Senators Bauer, Bender, Bottiger, Clarke, Conner, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hughes, Hurley, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Fuller, Haley, Hayner, Hemstad, Lee, McCaslin, McDonald, Patterson, Sellar, Zimmerman - 14.

Absent: Senator Newhouse - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

POINT OF INQUIRY

Senator McDonald: "Senator McDermott, since we have struck the appropriation, we probably don't have a fiscal note any more and in that fiscal note, as I remember, there were long discussions about what the counties were going to charge us and what we were going to pay per day. Whereas the average cost was somewhere around forty dollars per day, we were actually going to pay them

ten dollars per day, which is their marginal cost. Is that still your interpretation of what we are going to pay and what the deal was?"

Senator McDermott: "My understanding is that we will arrange to pay a minimal amount--around the figure of ten dollars a day--and this would cover the marginal cost above what they would pay in the past."

The President declared the question before the Senate to be the roll call on final passage of Second Substitute Senate Bill No. 3815, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute Senate Bill No. 3815, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

SECOND SUBSTITUTE SENATE BILL NO. 3815, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House insists on its position regarding the House amendments to ENGROSSED SENATE BILL NO. 4407 and asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate insisted on its position on Engrossed Senate Bill No. 4407 and asked the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House receded from its amendments to SUBSTITUTE SENATE BILL NO. 4578 with the exception of the amendment to page 1, line 21, in which the House insists on its position and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Hughes, the Senate concurred in the House amendment to page 1, line 21, to Substitute Senate Bill No. 4578.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4578, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4578, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 01; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senator Rasmussen - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

SUBSTITUTE SENATE BILL NO. 4578, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House receded from its amendment on page 2, line 13, of ENGROSSED SENATE BILL NO. 4607, insists on its position regarding the House amendment to page 2, line 23, and asks the Senate to concur therein, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Hughes, the Senate concurred in the House amendment to page 2, line 23, to Engrossed Senate Bill No. 4607.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4607, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4607, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Zimmerman - 44.

Absent: Senator Woody - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

ENGROSSED SENATE BILL NO. 4607, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1275, by Committee on Ways and Means (originally sponsored by Representatives Niemi, Burns, D Nelson, Armstrong, Sommers and Brekke)

Imposing the real estate excise tax on floating homes.

The bill was read the second time.

MOTION

On motion of Senator Rinehart, the rules were suspended, Substitute House Bill No. 1275 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator Rinehart, in the brief here, it states that the sales tax ranges from 5.9 to 8.1 percent. Where is it that they have that tremendously high sales tax?"

Senator Rinehart: "In King County."

Senator Rasmussen: "King County is noted as having the highest sales tax in the state?"

Senator Rinehart: "I think there are others that pay that same high rate."

Senator Rasmussen: "I'd move my floating home out of there."

Senator Rinehart: "Sir, you can't. There are only a certain number of moorages and that's one of the problems that those people face. You can't pick them up and move them."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1275.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1275, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Deccio - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

SUBSTITUTE HOUSE BILL NO. 1275, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

REENGROSSED SUBSTITUTE HOUSE BILL NO. 480, by Committee on Natural Resources (originally sponsored by Representatives Belcher, McClure, B. Williams and Todd)

Modifying the provisions regulating surface mines.

The bill was read the second time.

MOTION

Senator Shinpoch moved that the following amendment be adopted:
On page 6, line 20, after "fund" strike everything through "chapter" on line 22.

Debate ensued.

POINT OF INQUIRY

Senator Haley: "Senator Shinpoch, you have me a little confused. One minute you are very much opposed and the next minute you seem to think it's all right to have dedicated funds. For instance, that bill yesterday--about taxing marijuana. You didn't seem to object at all about the dedicated funds. Could you explain your position on that, please?"

Senator Shinpoch: "Well, Senator Haley, every one that I find, I draw an amendment to take it out. I don't think I should be totally responsible to see that the Legislature does not set up dedicated funds. I think you have to accept some responsibility to help me do this."

Senator Haley: "I tried to bring it to your attention yesterday, unsuccessfully."

Senator Shinpoch: "Senator Bottiger is very good when he's around in trying to catch them, but I don't catch them all."

The President declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.

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

MOTION

Senator Shinpoch moved that the following amendment be adopted:

On page 7, line 35, reinsert all the stricken language through "~~((regulations))~~" on page 8, line 3.

Debate ensued.

POINT OF INQUIRY

Senator Owen: "Senator Talmadge, throughout the state, there are gravel pits that are inactive, and the Department knows where they're at--and the language refers to the inspection, et cetera of these surface mines. Is it your intent that those inactive mines would have to be continued under this process and continued to be inspected also?"

Senator Talmadge: "No, it would not be, Senator Owen. In fact, the language that was stricken by the Department said that upon the receipt of the operator's report--and most significantly--any other reasonable kinds, the Department may elect--the Department shall cause the permit area to be inspected to determine if

the reclamation report had been complied with. So, there is discretion in the Department if the gravel pit is inactive to not require such an inspection."

The President declared the question before the Senate to be adoption of the amendment by Senator Shinpoch.

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

MOTION

On motion of Senator Owen, the rules were suspended, Reengrossed Substitute House Bill No. 480, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Substitute House Bill No. 480, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Substitute House Bill No. 480, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator McDonald - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 480, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

HOUSE BILL NO. 1319, by Representatives Barnes and Hine

Revising the area for aircraft noise abatement programs.

The bill was read the second time.

MOTION

On motion of Senator Thompson, the rules were suspended, House Bill No. 1319 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1319.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 1319, and the bill passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

HOUSE BILL NO. 1319, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 149, by Senators Bottiger, Newhouse, Vognild, Lee, Talmadge and Shinpoch

Establishing the joint select committee on the law enforcement officers' and fire fighters' retirement system.

The resolution was read the second time.

MOTION

On motion of Senator Bottiger, the rules were suspended, Senate Concurrent Resolution No. 149 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 149.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 149, and the resolution passed the Senate by the following vote: Yeas, 45; nays, 00; absent, 00; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

SENATE CONCURRENT RESOLUTION NO. 149, having received the constitutional majority, was declared passed.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 181, by Committee on Ways and Means (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

The bill was read the second time.

MOTION

Senator Owen moved adoption of the following Committee on Natural Resources amendment:

On page 1, line 21, after "acquire" insert "forest or agricultural"

Debate ensued.

POINT OF INQUIRY

Senator Deccio: "Senator Vognild, is there another option that the Department has other than the three that have been indicated--forest land, agricultural land or building and leasing?"

Senator Vognild: "Senator Deccio, I assume you are talking about the option that Senator Hayner was just talking about investing. Yes, on the transitional lands and the money involved there, they certainly can invest it. They have a rather interesting record, I think. In the year 1980, the investment board yielded 11.96 percent on the money that was invested there. And in the first nine months of 1981, which is the current figure we could get available, the yield was 14.25. That money can be invested in that manner and then invested back into agricultural and forest land and at a later time when the purchase is better."

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the Committee on Natural Resources amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen failed, the President voting 'nay', and the committee amendment was not adopted by the following vote: Yeas, 22; nays, 22; absent, 01; excused, 04.

Voting yea: Senators Barr, Bender, Craswell, Deccio, Haley, Hansen, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Rinehart, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody - 22.

Voting nay: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, McDonald, Newhouse, Patterson, Peterson, Rasmussen, Shinpoch, Thompson, Zimmerman - 22.

Absent: Senator Sellar - 1.

Excused: Senators Kiskaddon, Pullen, Quigg, von Reichbauer - 4.

MOTION

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 1, line 25, after "diversity" strike everything down to and including "trusts" on line 26 and insert "of public uses on the trust lands"

MOTION

Senator Owen moved that the following Committee on Natural Resources amendments be considered and adopted simultaneously:

On page 1, line 27, after "shall" strike "consider" and insert "comply with"

On page 4, line 9, after "shall" strike "consider" and insert "adhere to"

On page 4, line 9, after "existing" insert "local"

On page 4, line 9, after "plans" insert ", zoning classifications, and duly adopted local policies"

POINT OF INQUIRY

Senator Rasmussen: "Senator Owen, this amendment--'after shall, strike consider, then insert comply with.'--would it be your intent that this would say they could not apply for a variance or apply for a change in zoning?"

Senator Owen: "In answer to your question, Senator Rasmussen, the intent of all these amendments is to see to it that the Department of Natural Resources is treated the same as anybody else that went before the local government. They would have to comply with the regulations--the ordinances of the local government.

"The intent would be, in my opinion, that they would have to go in and request a variance--they could not just do that on their own. The way the language is now it's not clear that they must deal with the local government and they must comply with the local government. So, in answer to your question, they would have to go before the local government, but I would interpret it to mean that they could be granted a variance."

The President declared the question before the Senate to be the adoption of the four Committee on Natural Resources amendments.

The motion by Senator Owen carried and the committee amendments were adopted.

MOTION

Senator Owen moved that the following Committee on Natural Resources amendment be adopted:

On page 4, line 10, after "identification" insert "and determining the fair market value of the property"

POINT OF INQUIRY

Senator Shinpoch: "Senator Owen, I thought I just heard the amendments on page 4, line 9 adopted, and it seems to me like when we're talking about zoning classifications, we talk about existing local comprehensive plans and zoning classifications as duly adopted local policies. I don't find any place in that that necessarily talks about open spaces and I didn't understand your comment relative to open spaces. When you talk about zoning, that's not normally an open space. Would you, maybe, clarify a misunderstanding?"

Senator Vognild: "Thank you, Mr. President, since I sponsored this amendment in committee, perhaps I can answer Senator Shinpoch. The amendment will require that the DNR determines the fair market value of the property that it expects to convert, based upon its zoning designation.

"The intent here is that if a city or a town wants to purchase that property as part of their plan or for an open space that they are planning, that they will then be able to purchase it and it will be marketed at its value as zoned, as opposed to the Department saying that we believe that this is potentially commercial land, and if it were zoned differently it would be valued as commercial land and, therefore, that is the value we place on it and if you--Mr. City or County--wish to buy it, that is the price you're going to pay. It simply says that it must be assessed at its value under its present zoning. If the city or county want to purchase, they can't change the zone to suddenly make it less than its present zoning."

Debate ensued.

POINT OF INQUIRY

Senator Thompson: "Senator Vognild, I guess I understand that, with this amendment, local government--cities--couldn't be prevailed upon to change the zoning in a way to enhance the value of the property. Could they, under this language, downgrade it if they want to disadvantage the Department and obtain, in effect, a lower value by that means?"

Senator Vognild: "Well, my intent by the amendment is certainly not to have that happen. The amendment is an attempt to indicate that as the property is zoned in the city or county's comprehensive plan that that is the market value that will be established if the city or county wishes to buy it--as presently zoned."

Further debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Senator Vognild, the problem with zoning is that there may be a county or city or a portion of one, which is in the process of doing a comprehensive rezone and it may be that--say next year--this comprehensive rezone is completed. Then two years after that, or three years after that, the issue of a particular piece of land owned by DNR may come up. What zoning classification would the land then be considered under? The one that exists today at the time, if the law should pass, or the one where the rezoning is taking place a year later, but the desire to purchase it, does not take place until sometime in the future?"

Senator Vognild: "Well, it would be my belief here, Senator, that the zoning at the time that the land is put up for sale would be the zoning that would prevail. If DNR decides that a particular piece of land is surplus to their needs and unmanageable--whatever they decide--and they decide to put it up for sale, if a city or a county--and I think it's important we identify that--if a city or a county wishes to purchase that land because it is a part of their comprehensive plan, it's part of their open land or green belt, then they are entitled to purchase it at the fair market value of the current zoning.

"What I'm concerned about here, and I think we all should be concerned, is that that land could be estimated by DNR or a developer or anybody, that the land is now eligible for industrial development--if we could just get the zone changed, as there may possibly be people who would be willing to speculate on a zone change. That speculation may force cities and counties out and they may not be able to purchase the land. If they purchase it, they're going to hold it in open lands or a green belt, and I think that's the way it should be."

Further debate ensued.

The President declared the question before the Senate to be adoption of the Committee on Natural Resources amendment.

The motion by Senator Owen carried and the committee amendment was adopted.

MOTIONS

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 4, line 21, after "administration" insert ", and to the county, city, or town in which the property is situated"

On motion of Senator Owen, the following Committee on Natural Resources amendment was adopted:

On page 8, line 16, after "proceeds," insert "Necessary marketing costs includes reasonable costs associated with advertising the property and paying commissions."

Senator Haley moved the following amendment by Senators Haley, Barr, Deccio and Craswell be adopted:

On page 2, line 30, after "department," insert:

"(4) The exchange and sale provisions of subsections (2) and (3) shall not apply to the sale or exchange of urban transition lands as defined under section 8. Urban transition lands shall be sold by the department in the manner provided for the sale of state lands. The proceeds of such sale shall be deposited in financial institutions in accordance with Chapter 39.58 RCW. Urban transition lands shall be sold only under the provisions of this subsection, and shall not be otherwise exchanged or sold."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Second Substitute House Bill No. 181 was deferred.

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

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3181 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 3181, modifying provisions relating to involuntary treatment, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 142, Laws of 1973 1st ex. sess. as last amended by section 9, chapter 215, Laws of 1979 ex. sess. and RCW 71.05.150 are each amended to read as follows:

(1) (a) When a mental health professional designated by the county receives information alleging that a person, as a result of a mental disorder, presents a likelihood of serious harm to others or himself, or is gravely disabled, such mental health professional, after investigation and evaluation of the specific facts alleged, and of the reliability and credibility of the person or persons, if any, providing information to initiate detention, may ((summon such person to appear at an evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period; the summons shall state whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient status. The mental health professional shall also designate, at the time of the summons, from a list provided by the court, an attorney who will be appointed, if any is to be appointed, and state the name, business address, and telephone number of this attorney in the summons)), if satisfied that the allegations are true and that the person will not voluntarily seek appropriate treatment, file a petition for initial detention. Before filing the petition, the county designated mental health professional must personally interview the person, unless the person refuses an interview, and determine whether the person will voluntarily receive appropriate evaluation and treatment at an evaluation and treatment facility.

(b) ((The summons shall state a date and time to appear not less than twenty-four hours after the service of the summons. The summons)) Whenever it appears, by petition for initial detention, to the satisfaction of a judge of the superior court that a person presents, as a result of a mental disorder, a likelihood of serious harm to others or himself, or is gravely disabled, and that the person has refused or failed to accept appropriate evaluation and treatment voluntarily, the judge may issue an order requiring the person to appear not less than twenty-four hours after service of the order at a designated evaluation and treatment facility for not more than a seventy-two hour evaluation and treatment period. The order shall state the address of the evaluation and treatment facility to which ((such) the person is to report and ((the business address and phone number of the mental health professional designated by the county. The summons shall state)) whether the required seventy-two hour evaluation and treatment services may be delivered on an outpatient or inpatient basis and that if the person named in the ((summons) order fails to appear at the evaluation and treatment facility at or before the date and time stated in the ((summons) order, such person may be involuntarily taken into custody((- Accompanying the summons to such person shall be a copy of the petition for initial detention and a notice of rights)) for evaluation and treatment. The order shall also designate retained counsel or, if counsel is appointed from a list provided by the court, the name, business address, and telephone number of the attorney appointed to represent the person.

(c) ((If such mental health professional decides to summon such person for up to a seventy-two hour evaluation and treatment period, the mental health professional must file in court the summons, the petition for initial detention, and all documentary evidence.)) The mental health professional shall then serve or cause to be served on such person, his guardian, and conservator, if any, a copy of the ((summons) order to appear together with a notice of rights and a

petition for initial detention. After service on such person the mental health professional shall file the return of service in court and provide copies of all papers in the court file to the evaluation and treatment facility and the designated attorney. The mental health professional shall notify the court and the prosecuting attorney that a probable cause hearing will be held within seventy-two hours of the date and time (~~specified on the summons if such person is not released prior to the expiration of such period~~) of outpatient evaluation or admission to the evaluation and treatment facility. The person shall be permitted to remain in his home or other place of his choosing prior to the time of evaluation and shall be permitted to be accompanied by one or more of his relatives, friends, an attorney, a personal physician, or other professional or religious advisor to the place of evaluation. An attorney accompanying the person to the place of evaluation shall be permitted to be present during the admission evaluation. Any other individual accompanying the person may be present during the admission evaluation. The facility may exclude the individual if his or her presence would present a safety risk, delay the proceedings, or otherwise interfere with the evaluation.

(d) If the person (~~summoned~~) ordered to appear does appear(s) on or before the date and time specified, the evaluation and treatment facility may admit such person as required by RCW 71.05.170 or may provide treatment on an outpatient basis. If the person (~~summoned~~) ordered to appear fails to appear on or before the date and time specified, the evaluation and treatment facility shall immediately notify the mental health professional designated by the county who may notify a peace officer to take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility. Should the mental health professional notify a peace officer authorizing him to take a person into custody under the provisions of this subsection, he shall file with the court a copy of such authorization and a notice of detention. At the time such person is taken into custody there shall commence to be served on such person, his guardian, and conservator, if any, a copy of the original (~~summons~~) order together with a notice of detention, a notice of rights, and a petition for initial detention.

(2) When a mental health professional designated by the county receives information alleging that a person, as the result of a mental disorder, presents an imminent likelihood of serious harm to himself or others, or is in imminent danger because of being gravely disabled, after investigation and evaluation of the specific facts alleged and of the reliability and credibility of the person or persons providing the information if any, the mental health professional may take such person, or cause by oral or written order such person to be taken into emergency custody in an evaluation and treatment facility for not more than seventy-two hours as described in RCW 71.05.180.

(3) A peace officer may take such person or cause such person to be taken into custody and placed in an evaluation and treatment facility pursuant to subsection (1)(d) of this section.

(4) A peace officer may, without prior notice of the proceedings provided for in subsection (1) of this section, take or cause such person to be taken into custody and immediately delivered to an evaluation and treatment facility:

(a) Only pursuant to subsections (1)(d) and (2) of this section; or

(b) When he has reasonable cause to believe that such person is suffering from a mental disorder and presents an imminent likelihood of serious harm to others or himself or is in imminent danger because of being gravely disabled.

(5) Persons delivered to evaluation and treatment facilities by peace officers pursuant to subsection (4)(b) of this section may be held by the facility for a period of up to twelve hours: PROVIDED, That they are examined by a mental health professional within three hours of their arrival. Within twelve hours of their arrival, the designated county mental health professional must file a supplemental petition for detention, and commence service on the designated attorney for the detained person.

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

Signed by: Senators Talmadge and Hemstad; Representatives Dellwo, Crane and Lewis.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Substitute Senate Bill No. 3181 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3429 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3429, establishing a state advisory commission on criminal justice, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. There is established a joint legislative committee on the criminal justice system. The committee shall be composed of the following nineteen persons:

- (1) The president of the Washington state association of police chiefs and sheriffs, or his designee;
- (2) The chief of the Washington state patrol, or his designee;
- (3) The president of the Washington association of prosecuting attorneys, or his designee;
- (4) The president of the Washington state bar association, or his designee;
- (5) The president of the Washington state magistrates association, or his designee;
- (6) The president of the superior court judges association, or his designee;
- (7) The president of the Washington state psychological association or his designee;
- (8) The president of the Washington association of school administrators or his designee;
- (9) The executive director of the Washington state school directors association or his designee;
- (10) Four members of the senate, who shall be selected by the president of the senate, two from the majority party and two from the minority party;
- (11) Four members of the house of representatives, who shall be selected by the speaker of the house of representatives, two from the majority party and two from the minority party; and
- (12) Two members of the public appointed by the governor.

NEW SECTION. Sec. 2. (1) The committee shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, 1986, on which date the committee shall cease to exist.

NEW SECTION. Sec. 3. The committee shall meet and organize pursuant to the call of its chair, who shall be elected by its legislative members. Legislative members of the committee shall be reimbursed for travel expenses as provided in RCW 44.04.120. Other members of the committee shall be reimbursed for expenses as provided in RCW 43.03.050 and 43.03.060."

Signed by: Senators Talmadge and Hughes; Representatives Armstrong, P. King and Padden.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Engrossed Substitute Senate Bill No. 3429 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4309 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 4309, prohibiting the sexual exploitation of children, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the prevention of sexual exploitation and abuse of children constitutes a government objective of surpassing importance. The care of children is a sacred trust and should not be abused by those who seek commercial gain or personal gratification based on the exploitation of children.

The legislature further finds that the protection of children from sexual exploitation can be accomplished without infringing on a constitutionally protected activity. The definition of "sexually explicit conduct" and other operative definitions demarcate a line between protected and prohibited conduct and should not inhibit legitimate scientific, medical, or educational activities.

NEW SECTION. Sec. 2. Unless the context clearly indicates otherwise, the definitions in this section apply throughout the chapter.

(1) To "photograph" means to make a print, negative, slide, motion picture, or videotape. A "photograph" means any tangible item produced by photographing.

(2) "Visual or printed matter" means any photograph or other material that contains a reproduction of a photograph.

(3) "Sexually explicit conduct" means actual or simulated:

(a) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals;

(b) Penetration of the vagina or rectum by any object;

(c) Masturbation, for the purpose of sexual stimulation of the viewer;

(d) Sadoomasochistic abuse for the purpose of sexual stimulation of the viewer;

(e) Exhibition of the genitals or unclothed pubic or rectal areas of any minor for the purpose of sexual stimulation of the viewer;

(f) Defecation or urination for the purpose of sexual stimulation of the viewer; and

(g) Touching of a person's clothed or unclothed genitals, pubic area, buttocks, or breast area for the purpose of sexual stimulation of the viewer.

NEW SECTION. Sec. 3. (1) A person is guilty of sexual exploitation of a minor if the person:

(a) Compels a minor by threat or force to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance;

(b) Aids or causes a minor to engage in sexually explicit conduct, knowing that such conduct will be photographed or part of a live performance; or

(c) Being a parent, legal guardian, or person having custody or control of a minor, permits the minor to engage in sexually explicit conduct, knowing that the conduct will be photographed or part of a live performance.

(2) Sexual exploitation of a minor is:

(a) A class B felony punishable under chapter 9A.20 RCW if the minor exploited is less than sixteen years old at the time of the offense; and

(b) A class C felony punishable under chapter 9A.20 RCW if the minor exploited is at least sixteen years old but less than eighteen years old at the time of the offense.

NEW SECTION. Sec. 4. A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct

is guilty of a class C felony punishable under chapter 9A.20 RCW.

(3) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 5. (1) A person who knowingly sends or causes to be sent, or brings or causes to be brought, into this state for sale or distribution, any visual or printed matter that depicts a minor engaged in sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 6. (1) A person who knowingly possesses visual or printed matter depicting a minor engaged in sexually explicit conduct is guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 7. (1) A person who, in the course of processing or producing visual or printed matter either privately or commercially, has reasonable cause to believe that the visual or printed matter submitted for processing or producing depicts a minor engaged in sexually explicit conduct shall immediately report such incident, or cause a report to be made, to the proper law enforcement agency. Persons failing to do so are guilty of a gross misdemeanor.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 8. (1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under sixteen years of age.

NEW SECTION. Sec. 9. (1) A person is guilty of patronizing a juvenile prostitute if that person engages or agrees or offers to engage in sexual conduct with a minor in return for a fee, and is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under eighteen years of age.

NEW SECTION. Sec. 10. (1) In a prosecution under section 3 of this act, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of section 8 or 9 of this act. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under section 4, 5, 6, or 7 of this act, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under section 3 or 9 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) In a prosecution under section 4, 5, or 8 of this act, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.

(5) In a prosecution under section 4, 5, or 6 of this act, the state is not required to establish the identity of the alleged victim.

NEW SECTION. Sec. 11. The following are subject to seizure and forfeiture:

(1) All visual or printed matter that depicts a minor engaged in sexually explicit conduct.

(2) All raw materials, equipment, and other tangible personal property of any kind used or intended to be used to manufacture or process any visual or printed matter that depicts a minor engaged in sexually explicit conduct, and all conveyances, including aircraft, vehicles, or vessels that are used or intended for use to transport, or in any manner to facilitate the transportation of, visual or printed matter in violation of section 4 or 5 of this act, but:

(a) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;

(b) No property is subject to forfeiture under this section by reason of any act or omission established by the owner of the property to have been committed or omitted without the owner's knowledge or consent;

(c) A forfeiture of property encumbered by a bona fide security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission; and

(d) When the owner of a conveyance has been arrested under this chapter the conveyance may not be subject to forfeiture unless it is seized or process is issued for its seizure within ten days of the owner's arrest.

(3) All personal property, moneys, negotiable instruments, securities, or other tangible or intangible property furnished or intended to be furnished by any person in exchange for visual or printed matter depicting a minor engaged in sexually explicit conduct, or constituting proceeds traceable to any violation of this chapter.

(4) Property subject to forfeiture under this chapter may be seized by any law enforcement officer of this state upon process issued by any superior court having jurisdiction over the property. Seizure without process may be made if:

(a) The seizure is incident to an arrest or a search under a search warrant or an inspection under an administrative inspection warrant;

(b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;

(c) A law enforcement officer has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or

(d) The law enforcement officer has probable cause to believe that the property was used or is intended to be used in violation of this chapter.

(5) In the event of seizure under subsection (4) of this section, proceedings for forfeiture shall be deemed commenced by the seizure. The law enforcement agency under whose authority the seizure was made shall cause notice to be served within fifteen days following the seizure on the owner of the property seized and the person in charge thereof and any person having any known right or interest therein, of the seizure and intended forfeiture of the seized property. The notice may be served by any method authorized by law or court rule including but not limited to service by certified mail with return receipt requested. Service by mail shall be deemed complete upon mailing within the fifteen day period following the seizure.

(6) If no person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the item seized shall be deemed forfeited.

(7) If any person notifies the seizing law enforcement agency in writing of the person's claim of ownership or right to possession of seized items within forty-five days of the seizure, the person or persons shall be afforded a reasonable opportunity to be heard as to the claim or right. The hearing shall be before an administrative law judge appointed under chapter 34.12 RCW, except that any person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is more than five hundred dollars. The hearing before an administrative law judge and any appeal therefrom shall be under Title 34 RCW. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to a judgment for costs and reasonable attorney's fees. The burden of producing evidence shall be upon the person claiming to be the lawful owner or the person claiming to have the lawful right to possession of the seized items. The seizing law enforcement agency shall promptly return the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is lawfully entitled to possession thereof of the seized items.

(8) If property is sought to be forfeited on the ground that it constitutes proceeds traceable to a violation of this chapter, the seizing law enforcement agency must prove by a preponderance of the evidence that the property constitutes proceeds traceable to a violation of this chapter.

(9) When property is forfeited under this chapter the seizing law enforcement agency may:

(a) Retain it for official use or upon application by any law enforcement agency of this state release the property to that agency for the exclusive use of enforcing this chapter;

(b) Sell that which is not required to be destroyed by law and which is not harmful to the public. The proceeds and all moneys forfeited under this chapter shall be used for payment of all proper expenses of the investigation leading to the seizure, including any money delivered to the subject of the investigation by the law enforcement agency, and of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, actual costs of the prosecuting or city attorney, and court costs. Fifty percent of the money remaining after payment of these expenses shall be deposited in the criminal justice training account established under RCW 43.101.210 which shall be appropriated by law to the Washington state criminal justice training commission and fifty percent shall be deposited in the general fund of the state, county, or city of the seizing law enforcement agency; or

(c) Request the appropriate sheriff or director of public safety to take custody of the property and remove it for disposition in accordance with law.

NEW SECTION. Sec. 12. A minor prevailing in a civil action arising from violation of this chapter is entitled to recover the costs of the suit, including an award of reasonable attorneys' fees.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 53, Laws of 1980 and RCW 9.68A.010;

(2) Section 2, chapter 53, Laws of 1980 and RCW 9.68A.020;

(3) Section 3, chapter 53, Laws of 1980 and RCW 9.68A.030;

(4) Section 5, chapter 53, Laws of 1980 and RCW 9.68A.900; and

(5) Section 9A.88.020, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.110.

NEW SECTION. Sec. 14. Sections 1 through 12 of this act are each added to chapter 9.68A RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by: Senators Talmadge and Hemstad; Representatives Ellis, Locke and West.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Engrossed Senate Bill No. 4309 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4435 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4435, enacting provisions relating to racketeering, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Unless the context requires the contrary, the definitions in this section apply throughout this chapter.

(1) "Creditor" means a person making an extension of credit or a person claiming by, under, or through a person making an extension of credit.

(2) "Debtor" means a person to whom an extension of credit is made or a person who guarantees the repayment of an extension of credit or in any manner undertakes to indemnify the creditor against loss resulting from the failure of a person to whom an extension is made to repay the same.

(3) "Extortionate extension of credit" means an extension of credit with respect to which it is the understanding of the creditor and the debtor at the time the extension is made that delay in making repayment or failure to make repayment could result in the use of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(4) "Extortionate means" means the use, or an express or implicit threat of use, of violence or other criminal means to cause harm to the person, reputation, or property of any person.

(5) "To collect an extension of credit" means to induce in any way a person to make repayment thereof.

(6) "To extend credit" means to make or renew a loan or to enter into an agreement, tacit or express, whereby the repayment or satisfaction of a debt or claim, whether acknowledged or disputed, valid or invalid, and however arising, may or shall be deferred.

(7) "Repayment of an extension of credit" means the repayment, satisfaction, or discharge in whole or in part of a debt or claim, acknowledged or disputed, valid or invalid, resulting from or in connection with that extension of credit.

(8) "Dealer in property" means a person who buys and sells property as a business.

(9) "Stolen property" means property that has been obtained by theft, robbery, or extortion.

(10) "Traffic" means to sell, transfer, distribute, dispense, or otherwise dispose of stolen property to another person, or to buy, receive, possess, or obtain control of stolen property, with intent to sell, transfer, distribute, dispense, or otherwise dispose of to another person.

(11) "Combination" means persons who collaborate in carrying on or furthering the activities or purposes of a criminal syndicate even though the persons may not know each other's identity, or membership in the combination changes from time to time, or one or more members may stand in a wholesaler-retailer or other arm's-length relationship with others as to activities or dealings between or among themselves in an illicit operation.

(12) "Criminal syndicate" means any combination of persons or enterprises engaging, or having the purpose of engaging, in conduct which violates any one or more provisions of any felony statute of this state.

(13) "Control" means the possession of a sufficient interest to permit substantial direction over the affairs of an enterprise.

(14) "Enterprise" includes any individual, sole proprietorship, partnership, corporation, business trust, or other profit or nonprofit legal entity, and includes any union, association, or group of individuals associated in fact although not a legal entity, and both illicit and licit enterprises and governmental and nongovernmental entities.

(15) "Financial institution" means any bank, trust company, savings and loan association, mutual savings bank, credit union, or loan company under the jurisdiction of the state or an agency of the United States.

(16) "Racketeering" means any act, including any anticipatory or completed offense committed for financial gain, which is chargeable or indictable under the laws of the state in which the act occurred and, if the act occurred in a state other than this state, would be chargeable or indictable under the laws of this state had the act occurred in this state and punishable as a felony and by imprisonment for more than one year, regardless of whether the act is charged or indicted, involving:

- (a) Homicide;
- (b) Robbery;
- (c) Kidnapping;
- (d) Forgery;
- (e) Theft;
- (f) Bribery;
- (g) Gambling;
- (h) Usury;
- (i) Extortion;
- (j) Extortionate extensions of credit;

(k) Delivery or manufacture of controlled substances or possession with intent to deliver or manufacture controlled substances under chapter 69.50 RCW;

(l) Trafficking in explosives, weapons, or stolen property;

(m) Leading organized crime;

(n) Obstructing or hindering criminal investigations or prosecutions;

(o) Asserting false claims including, not but limited to, false claims asserted through fraud or arson;

(p) False statements or publications concerning land for sale or lease or sale of subdivided lands or sale and mortgaging of unsubdivided lands;

(q) Resale of realty with intent to defraud;

(r) Fraud in the purchase or sale of securities;

(s) Sale of unregistered securities or real property securities and transactions involving such securities by unregistered dealers or salespersons;

(t) A scheme or artifice to defraud;

(u) Obscenity;

(v) Child pornography;

(w) Prostitution; or

(x) Arson.

(17) "Pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this act and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity.

(18) "Records" means any book, paper, writing, record, computer program, or other material.

(19) "Documentary material" means any book, paper, document, writing, drawing, graph, chart, photograph, phonograph record, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(20) "Unlawful debt" means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred or contracted:

(a) In violation of any one of the following:

(i) Chapter 67.16 RCW relating to horse racing;

(ii) Chapter 9.46 RCW relating to gambling; or

(iii) Chapter 19.52 RCW relating to interest and usury; or

(b) In a gambling activity in violation of federal law or in the business of lending money at a rate usurious under federal or state law.

(21) (a) "Beneficial interest" means:

(i) The interest of a person as a beneficiary under a trust established under Title 11 RCW in which the trustee for the trust holds legal or record title to real property;

(ii) The interest of a person as a beneficiary under any other trust arrangement under which a trustee holds legal or record title to real property for the benefit of the beneficiary; or

(iii) The interest of a person under any other form of express fiduciary arrangement under which one person holds legal or record title to real property for the benefit of the other person.

(b) "Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in a general partnership or limited partnership.

(c) A beneficial interest shall be considered to be located where the real property owned by the trustee is located.

(22) "Real property" means any real property or interest in real property, including but not limited to a land sale contract, lease, or mortgage of real property.

(23) (a) "Trustee" means:

(i) A person acting as a trustee under a trust established under Title 11 RCW in which the trustee holds legal or record title to real property;

(ii) A person who holds legal or record title to real property in which another person has a beneficial interest; or

(iii) A successor trustee to a person who is a trustee under subsection (23)(a)(i) or (ii) of this section.

(b) "Trustee" does not mean a person appointed or acting as:

(i) A personal representative under Title 11 RCW;

(ii) A trustee of any testamentary trust; or

(iii) A trustee of any indenture of trust under which a bond is issued.

NEW SECTION. Sec. 2. (1) A person who knowingly makes an extortionate extension of credit is guilty of a class B felony.

(2) In a prosecution under this section, if it is shown that all of the following factors are present in connection with the extension of credit, there is prima facie evidence that the extension of credit was extortionate:

(a) The repayment of the extension of credit, or the performance of any promise given in consideration thereof, would be unenforceable at the time the extension of credit was made through civil judicial processes against the debtor in the county in which the debtor, if a natural person, resided or in every county in which the debtor, if other than a natural person, was incorporated or qualified to do business.

(b) The extension of credit was made at a rate of interest in excess of an annual rate of forty-five percent calculated according to the actuarial method of allocating payments made on a debt between principal and interest, pursuant to which a payment is applied first to the accumulated interest and the balance is applied to the unpaid principal.

(c) At the time the extension of credit was made, the debtor reasonably believed that either of the following:

(i) One or more extensions of credit by the creditor had been collected or attempted to be collected by extortionate means, or the nonrepayment had been punished by extortionate means.

(ii) The creditor had a reputation for the use of extortionate means to collect extensions of credit or to punish the nonrepayment thereof.

(d) Upon the making of the extension of credit, the total of the extensions of credit by the creditor to the debtor then outstanding, including any unpaid interest or similar charges, exceeded one hundred dollars.

(3) In a prosecution under this section, if evidence has been introduced tending to show the existence of any of the circumstances described in subsection (2)(a) or (b) of this section, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing the understanding of the debtor and the creditor at the time the extension of credit was made, the court may in its discretion allow evidence to be introduced tending to show the reputation as to collection practices of the creditor in any community of which the debtor was a member at the time of the extension.

NEW SECTION. Sec. 3. A person who knowingly advances money or property, whether as a gift, loan, investment, or pursuant to a partnership or profit-sharing agreement or otherwise, to any person, with reasonable grounds to believe that it is the intention of that person to use the money or property so advanced, directly or indirectly, for the purpose of making extortionate extensions of credit, is guilty of a class B felony.

NEW SECTION. Sec. 4. (1) A person who knowingly participates in any way in the use of any extortionate means to collect or attempt to collect any extensions of credit or to punish any person for the nonrepayment thereof, is guilty of a class B felony.

(2) In a prosecution under this section, for the purpose of showing an implicit threat as a means of collection, evidence may be introduced tending to show that one or more extensions of credit by the creditor were, to the knowledge of the person against whom the implicit threat was alleged to have been made, collected or attempted to be collected by extortionate means or that the nonrepayment was punished by extortionate means.

(3) In a prosecution under this section, if evidence has been introduced tending to show the existence at the time the extension of credit in question was made of the circumstances described in section 2(2)(a) or (b) of this act, and direct evidence of the actual belief of the debtor as to the creditor's collection practices is not available, then for the purpose of showing that words or other means of communication, shown to have been employed as a means of collection, in fact carried an express or implicit threat, the court may in its discretion allow evidence to be introduced tending to show the reputation of the defendant in any community of which the person against whom the alleged threat was made was a member at the time of the collection or attempt at collection.

NEW SECTION. Sec. 5. (1) A person who recklessly traffics in stolen property is guilty of trafficking in stolen property in the second degree.

(2) A person who knowingly initiates, organizes, plans, finances, directs, manages, or supervises the theft of property for sale to others, or who knowingly traffics in stolen property, is guilty of trafficking in stolen property in the first degree.

(3) Trafficking in stolen property in the second degree is a class C felony. Trafficking in stolen property in the first degree is a class B felony.

NEW SECTION. Sec. 6. (1) A person commits the offense of leading organized crime by:

(a) Intentionally organizing, managing, directing, supervising, or financing a criminal syndicate; or

(b) Knowingly inciting or inducing others to engage in violence or intimidation to promote or further the objectives of a criminal syndicate.

(2) A person shall not be convicted under this section on the basis of accountability as an accomplice unless the person aids or participates in violating this section in one of the ways specified.

(3) Leading organized crime is a class B felony.

NEW SECTION. Sec. 7. Whoever knowingly gives, promises, or offers to any professional or amateur baseball, football, hockey, polo, tennis, horse race, or basketball player or boxer or any player or referee or other official who participates or expects to participate in any professional or amateur game or sport, or to any manager, coach, or trainer of any team or participant or prospective participant in any such game, contest, or sport, any benefit with intent to influence the person to lose or try to lose or cause to be lost or to limit the person's or person's team's margin of victory or defeat, or in the case of a referee or other official to affect the decisions or the performance of the official's duties in any way, in a baseball, football, hockey, or basketball game, boxing, tennis, horse race, or polo match, or any professional or amateur sport or game, in which the player or participant or referee or other official is taking part or expects to take part, or has any duty or connection therewith, is guilty of a class C felony.

NEW SECTION. Sec. 8. (1) It is unlawful for a person who has knowingly received any proceeds derived, directly or indirectly, from a pattern of racketeering activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of the proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.

(2) It is unlawful for a person, through a pattern of racketeering activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.

(3) It is unlawful for a person to conspire or attempt to violate subsection (1) or (2) of this section.

(4) A knowing violation of subsection (1) or (2) of this section is a class B felony. A knowing violation of subsection (3) of this section is a class C felony.

NEW SECTION. Sec. 9. During the pendency of any criminal case charging an offense included in the definition of racketeering in section 1 of this act or a violation of section 8 of this act, the superior court may, in addition to its other powers, issue an order pursuant to section 10 (2) or (3) of this act. Upon conviction of a person for an offense included in the definition of racketeering or a violation of section 8 of this act, the superior court may, in addition to its other powers of disposition, issue an order pursuant to section 10 of this act.

NEW SECTION. Sec. 10. (1) A person who sustains injury to his or her person, business, or property by racketeering or by a violation of section 8 of this act may file an action in superior court for the recovery of treble damages and the costs of the suit, including reasonable investigative and attorney's fees. The attorney general or county prosecuting attorney may file an action: (a) On behalf of those persons injured or, respectively, on behalf of the state or county if the entity has sustained damages, or (b) to prevent, restrain, or remedy racketeering or a violation of section 8 of this act. An action for damages filed by or on behalf of an injured person, the state, or the county shall be for the recovery of treble damages and the costs of the suit, including reasonable investigative and attorney's fees. In an action filed to prevent, restrain, or remedy racketeering or a violation of section 8 of this act, the court may impose a civil penalty not exceeding two hundred fifty thousand dollars upon proof of the violation, in addition to awarding the cost of the suit, including reasonable investigative and attorney's fees.

(2) The superior court has jurisdiction to prevent, restrain, and remedy racketeering or a violation of section 8 of this act after making provision for the rights of all innocent persons affected by the violation and after hearing or trial, as appropriate, by issuing appropriate orders.

(3) Prior to a determination of liability, the orders may include, but are not limited to, entering restraining orders or prohibitions or taking such other actions, including the acceptance of satisfactory performance bonds, in connection with any property or other interest subject to damages, forfeiture, or other restraints pursuant to this section as the court deems proper.

(4) Following a determination of liability, the orders may include, but are not limited to:

(a) Ordering any person to divest himself or herself of any interest, direct or indirect, in any enterprise.

(b) Imposing reasonable restrictions on the future activities or investments of any person, including prohibiting any person from engaging in the same type of endeavor as the enterprise engaged in, the activities of which affect the laws of this state, to the extent the Constitutions of the United States and this state permit.

(c) Ordering dissolution or reorganization of any enterprise.

(d) Ordering the payment of treble damages to those persons injured by racketeering or a violation of section 8 of this act.

(e) Ordering the payment of all costs and expenses of the prosecution and investigation of any offense included in the definition of racketeering in section 1 of this act or a violation of section 8 of this act, civil and criminal, incurred by the state or county as appropriate, to be paid to the antiracketeering revolving fund of the state or county which brings the action. If the county has not established an antiracketeering revolving fund, the payment shall be deposited in the county current expense fund.

(f) Ordering forfeiture to the general fund or antiracketeering revolving fund of the state or county as appropriate to the extent not already ordered to be paid in other damages:

(i) Any property or other interest acquired or maintained by a person in violation of section 8 of this act.

(ii) Any interest in, security of, claims against or property or contractual right of any kind affording a source of influence over any enterprise which a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 8 of this act.

(iii) All proceeds traceable to an offense included in the definition of racketeering in section 1 of this act and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate commission of the offense.

(g) Ordering payment to the general fund or antiracketeering revolving fund of the state or county as appropriate of an amount equal to the gain a person has acquired or maintained through an offense included in the definition of racketeering.

(5) In addition to or in lieu of an action under this section, the attorney general or county prosecuting attorney may file an action for forfeiture to the general fund or antiracketeering revolving fund of the state or county as appropriate, to the extent not already ordered paid pursuant to this section, of:

(a) Any interest acquired or maintained by a person in violation of section 8 of this act.

(b) Any interest in, security of, claims against or property or contractual right of any kind affording a source of influence over any enterprise which a person has established, operated, controlled, conducted, or participated in the conduct of in violation of section 8 of this act.

(c) All proceeds traceable to an offense included in the definition of racketeering and all moneys, negotiable instruments, securities, and other things of value used or intended to be used to facilitate the commission of the offense.

(6) A defendant convicted in any criminal proceeding is precluded from subsequently denying the essential allegations of the criminal offense of which the defendant was convicted in any civil proceeding. For the purposes of this subsection, a conviction shall be deemed to have occurred upon a verdict or plea of guilty, notwithstanding the fact that an appeal has been or may be lodged upon any judgment and sentence entered thereon.

(7) The initiation of civil proceedings related to violations of any offense included in the definition of racketeering or a violation of section 8 of this act shall be commenced within seven years after actual discovery of the violation.

(8) The attorney general or county prosecuting attorney may, in a civil action brought pursuant to this section, file with the clerk of the superior court a certificate stating that the case is of special public importance. A copy of that certificate shall be furnished immediately by the clerk to the chief judge or presiding chief judge of the superior court in which the action is pending and, upon receipt of the copy, the judge shall immediately designate a judge to hear and determine the action. The judge so designated shall promptly assign the action for hearing, participate in the hearings and determination, and cause the action to be expedited.

(9) The standard of proof in actions brought pursuant to this section is the preponderance of the evidence test.

(10) A person other than the attorney general or county prosecuting attorney who files an action under this section shall serve notice and one copy of the pleading on the attorney general within thirty days after the action is filed with the superior court. The notice shall identify the action, the person, and the person's attorney. Service of the notice does not limit or otherwise affect the right of the state to maintain an action under this section or intervene in a pending action nor does it authorize the person to name the state or the attorney general as a party to the action.

(11) Except in cases filed by a county prosecuting attorney, the attorney general may, upon timely application, intervene in any civil action or proceeding brought under this section if the attorney general certifies that in the attorney general's opinion the action is of special public importance. Upon intervention, the attorney general may assert any available claim and is entitled to the same relief as if the attorney general had instituted a separate action.

(12) In addition to the attorney general's right to intervene as a party in any action under this section, the attorney general may appear as amicus curiae in any proceeding in which a

claim under this section has been asserted or in which a court is interpreting section 1, 8, 9, 11, or 12 of this act, or this section.

(13) A civil action under this section is remedial and does not limit any other civil or criminal action under this chapter or any other provision. Civil remedies provided under this section are supplemental and not mutually exclusive.

(14) In bringing a civil action under this chapter, the attorney general or county prosecuting attorney may grant a witness immunity in exchange for testimony in the civil case. The immunity bars the use or derivative use of the witness' testimony in any subsequent criminal prosecution of the witness except for perjury or false swearing committed during the course of the testimony.

NEW SECTION. Sec. 11. (1) (a) There is established in the custody of the state treasurer an antiracketeering revolving fund to be administered by the attorney general under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the attorney general. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the attorney general as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection. When the fund exceeds seven hundred fifty thousand dollars, all funds in excess of the seven hundred fifty thousand dollars shall be deposited in the state general fund.

(c) The moneys in the fund shall be used by the attorney general for the investigation and prosecution of any offense, within the jurisdiction of the attorney general, included in the definition of racketeering, including civil enforcement.

(2) (a) The county legislative authority may establish an antiracketeering revolving fund to be administered by the county prosecuting attorney under the conditions and for the purposes provided by this subsection. Disbursements from the fund shall be on authorization of the county prosecuting attorney. No appropriation is required for disbursements.

(b) Any prosecution and investigation costs, including attorney's fees, recovered for the state by the county prosecuting attorney as a result of enforcement of civil and criminal statutes pertaining to any offense included in the definition of racketeering, whether by final judgment, settlement, or otherwise, shall be deposited, as directed by a court of competent jurisdiction, in the fund established by this subsection.

(c) The county legislative authority may prescribe a maximum level of moneys in the antiracketeering revolving fund. Moneys exceeding the prescribed maximum shall be transferred to the county current expense fund.

(d) The moneys in the fund shall be used by the county prosecuting attorney for the investigation and prosecution of any offense, within the jurisdiction of the county prosecuting attorney, included in the definition of racketeering, including civil enforcement.

NEW SECTION. Sec. 12. (1) The state, upon filing a civil action under section 10 of this act, may file in accordance with this section a racketeering lien. A filing fee or other charge is not required for filing a racketeering lien.

(2) A racketeering lien shall be signed by the attorney general or the county prosecuting attorney representing the state in the action and shall set forth the following information:

(a) The name of the defendant whose property or other interests are to be subject to the lien;

(b) In the discretion of the attorney general or county prosecuting attorney filing the lien, any aliases or fictitious names of the defendant named in the lien;

(c) If known to the attorney general or county prosecuting attorney filing the lien, the present residence or principal place of business of the person named in the lien;

(d) A reference to the proceeding pursuant to which the lien is filed, including the name of the court, the title of the action, and the court's file number for the proceeding;

(e) The name and address of the attorney representing the state in the proceeding pursuant to which the lien is filed;

(f) A statement that the notice is being filed pursuant to this section;

(g) The amount which the state claims in the action or, with respect to property or other interests which the state has requested forfeiture to the state or county, a description of the property or interests sought to be paid or forfeited;

(h) If known to the attorney general or county prosecuting attorney filing the lien, a description of property which is subject to forfeiture to the state or property in which the defendant has an interest which is available to satisfy a judgment entered in favor of the state; and

(i) Such other information as the attorney general or county prosecuting attorney filing the lien deems appropriate.

(3) The attorney general or the county prosecuting attorney filing the lien may amend a lien filed under this section at any time by filing an amended racketeering lien in accordance with this section which identifies the prior lien amended.

(4) The attorney general or the county prosecuting attorney filing the lien shall, as soon as practical after filing a racketeering lien, furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection does not invalidate or otherwise affect a racketeering lien filed in accordance with this section.

(5) A racketeering lien is perfected against interests in personal property by filing the lien with the department of licensing. A racketeering lien is perfected against interests in real property by filing the lien with the county auditor of the county in which the real property is located. The state may give such additional notice of the lien as it deems appropriate.

(6) The filing of a racketeering lien in accordance with this section creates a lien in favor of the state in:

(a) Any interest of the defendant, in real property situated in the county in which the lien is filed, then maintained, or thereafter acquired in the name of the defendant identified in the lien;

(b) Any interest of the defendant, in personal property situated in this state, then maintained or thereafter acquired in the name of the defendant identified in the lien; and

(c) Any property identified in the lien to the extent of the defendant's interest therein.

(7) The filing of a racketeering lien under this section is notice to all persons dealing with the person or property identified in the lien of the state's claim. The lien created in favor of the state in accordance with this section is superior and prior to the claims or interests of any other person, except a person possessing:

(a) A valid lien perfected prior to the filing of the racketeering lien;

(b) In the case of real property, an interest acquired and recorded prior to the filing of the racketeering lien; or

(c) In the case of personal property, an interest acquired prior to the filing of the racketeering lien.

(8) Upon entry of judgment in favor of the state, the state may proceed to execute thereon as in the case of any other judgment, except that in order to preserve the state's lien priority as provided in this section the state shall, in addition to such other notice as is required by law, give at least thirty days' notice of the execution to any person possessing at the time the notice is given, an interest recorded subsequent to the date the state's lien was perfected.

(9) Upon the entry of a final judgment in favor of the state providing for forfeiture of property to the state, the title of the state to the property:

(a) In the case of real property or a beneficial interest in real property, relates back to the date of filing the racketeering lien with the county auditor of the county in which the real property is located or, if no racketeering lien is filed, then to the date of recording of the final judgment or the abstract thereof with the county auditor of the county in which the real property is located; or

(b) In the case of personal property or a beneficial interest in personal property, relates back to the date the personal property was seized by the state, or the date of filing of a racketeering lien in accordance with this section, whichever is earlier, but if the property was not seized and no racketeering lien was filed then to the date the final judgment was filed with the department of licensing and, if the personal property is an aircraft, with the federal aviation administration.

(10) This section does not limit the right of the state to obtain any order or injunction, receivership, writ, attachment, garnishment, or other remedy authorized under section 10 of this act or appropriate to protect the interests of the state or available under other applicable law.

NEW SECTION. Sec. 13. A trustee who receives written notice that a lien notice has been recorded or a civil proceeding or criminal proceeding has been instituted against any person for whom the trustee holds legal or record title to real property, shall immediately furnish to the attorney general or county prosecuting attorney the following:

(a) The name and address of the person, as known to the trustee;

(b) To the extent known to the trustee, the name and address of all other persons for whose benefit the trustee holds title to the real property; and

(c) If requested by the attorney general or county prosecuting attorney, a copy of the trust agreement or other instrument under which the trustee holds legal or record title to the real property.

(2) The recording of a lien notice shall not constitute a lien on the record title to real property owned by a trustee at the time of recording except to the extent that trustee is named in the lien notice. The attorney general or county prosecuting attorney may bring a civil proceeding in superior court against the trustee to recover from the trustee the amounts set forth in section 15 of this act. In addition to amounts recovered under section 15 of this act, the attorney general or county prosecuting attorney also may recover its investigative costs and attorneys' fees.

(3) The recording of a lien notice does not affect the use to which real property or a beneficial interest owned by the person named in the lien notice may be put or the right of the person to receive any avails, rents, or other proceeds resulting from the use and ownership except the sale of the property, until a judgment of forfeiture is entered.

(4) This section does not apply to any conveyance by a trustee under a court order unless the court order is entered in an action between the trustee and the beneficiary.

(5) Unless a trustee receives written notice that a person having a beneficial interest in the trust is named in a lien notice or is otherwise a defendant in a civil proceeding, this section does not apply to:

(a) A conveyance by a trustee required under the terms of any trust agreement if the trust agreement is a matter of public record before a lien notice is filed; or

(b) A conveyance by a trustee to all persons who have a beneficial interest in the trust.

NEW SECTION. Sec. 14. (1) The term of a lien notice shall be six years from the date the lien notice is recorded. If a renewal lien notice is filed by the attorney general or county prosecuting attorney, the term of the renewal lien notice shall be for six years from the date the renewal lien notice is recorded. The attorney general or county prosecuting attorney is entitled to only one renewal of the lien notice.

(2) The attorney general or county prosecuting attorney filing the lien notice may release in whole or in part any lien notice or may release any specific property or beneficial interest from the lien notice upon such terms and conditions as the attorney general or county prosecuting attorney considers appropriate. A release of a lien notice executed by the attorney general or county prosecuting attorney shall be recorded in the official records in which the lien notice covering that property was recorded. No charge or fee may be imposed for recording any release of a lien notice.

(3) (a) A person named in the lien notice may move the court in which the civil proceeding giving rise to the lien notice is pending for an order extinguishing the lien notice.

(b) Upon the motion of a person under (a) of this subsection, the court immediately shall enter an order setting a date for hearing, which shall be not less than five nor more than ten days after the motion is filed. The order and a copy of the motion shall be served on the attorney general or county prosecuting attorney within three days after the entry of the court's order. At the hearing, the court shall take evidence on the issue of whether any property or beneficial interest owned by the person is covered by the lien notice or otherwise subject to forfeiture under section 12 of this act. If the person shows by a preponderance of the evidence that the lien notice is not applicable to the person or that any property or beneficial interest owned by the person is not subject to forfeiture under section 12 of this act, the court shall enter a judgment extinguishing the lien notice or releasing the property or beneficial interest from the lien notice.

(c) The court may enter an order releasing from the lien notice any specific real property or beneficial interest if, at the time the lien notice is recorded, there is pending an arms length sale of the real property or beneficial interest in which the parties are under no undue compulsion to sell or buy and are able, willing, and reasonably well informed and the sale is for the fair market value of the real property or beneficial interest and the recording of the lien notice prevents the sale of the property or interest. The proceeds resulting from the sale of the real property or beneficial interest shall be deposited with the court, subject to the further order of the court.

(d) At the hearing held pursuant to (b) of this subsection, if the court releases from the lien notice any property or beneficial interest, the person shall post security equal to the fair market value of the property or beneficial interest owned by the person.

NEW SECTION. Sec. 15. (1) If a trustee conveys title to real property for which, at the time of the conveyance, a lien notice has been recorded in the county in which the real property is situated and the notice names a person who the trustee knows holds a beneficial interest in the trust, the trustee shall be liable to the state for the greater of:

(a) The amount of proceeds received by the person named in the lien notice as a result of the conveyance;

(b) The amount of proceeds received by the trustee as a result of the conveyance and distributed by the trustee to the person named in the lien notice; or

(c) The fair market value of the interest of the person named in the lien notice in the real property so conveyed.

(2) If the trustee conveys the real property for which a lien notice has been recorded at the time of the conveyance and holds the proceeds that would otherwise be paid or distributed to the beneficiary or at the direction of the beneficiary or beneficiary's designee, the trustee's liability shall not exceed the amount of the proceeds so held so long as the trustee continues to hold the proceeds.

NEW SECTION. Sec. 16. A trustee who fails to comply with section 13(1) of this act is guilty of a class C felony.

NEW SECTION. Sec. 17. (1) A custodian of the records of a financial institution shall, at no expense to the financial institution, produce for inspection or copying the records in the custody of the financial institution when requested to be inspected by the attorney general or a county prosecuting attorney, provided the person requesting the information has served a subpoena issued by a court or obtained a court order for the information. The attorney general or a county prosecuting attorney or any peace officer or other person designated by the county prosecuting attorney or the attorney general shall be prohibited from using or releasing the

information except in the proper discharge of official duties. If directed by the court in the subpoena or court order, neither the custodian nor any other employee of the institution shall disclose to the institution's customer the fact that the customer's records have been examined or copied. The furnishing of records in compliance with this section by a custodian of records is a bar to civil or criminal liability against the custodian or financial institution in any action brought alleging violation of the confidentiality of the records.

(2) Disclosure by the attorney general, county prosecuting attorney, or any peace officer designated by the attorney general or the county prosecuting attorney of information obtained under this section, except in the proper discharge of official duties, is a misdemeanor.

(3) Disclosure by the custodian or employee of the financial institution contrary to subsection (1) of this section is a misdemeanor.

(4) This section does not preclude the use of any other legally authorized means of obtaining the information.

Sec. 18. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 129, Laws of 1982 and RCW 9A.04.080 are each amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within five years after their commission; for violations of section 6 or 8 of this 1984 act, within six years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, five, and ten years respectively; AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

NEW SECTION. Sec. 19. Sections 1 through 17 of this act shall constitute a new chapter in Title 9A RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act shall take effect on July 1, 1985."

Signed by: Senators Talmadge and Shipoch; Representatives Wang, Armstrong and Padden.

MOTION

On motion of Senator Talmadge, the report of the Conference Committee was adopted on Engrossed Substitute Senate Bill No. 4435 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4490, restricting utilities from terminating utility service for residential space heat, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1986, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsection (2) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, 1986:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan.

NEW SECTION. Sec. 2. There is added to chapter 54.16 RCW a new section to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued

utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(1) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section.

(3) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make payments either directly to the utility or jointly payable to the customer and the utility.

(4) This section shall expire June 30, 1986.

NEW SECTION. Sec. 3. There is added to chapter 54.16 RCW a new section to read as follows:

All districts shall offer to residential customers the option of a budget billing or equal payment plan.

Sec. 4. Section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1986:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(d) A payment plan implemented under this subsection is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

NEW SECTION. Sec. 5. There is added to chapter 35.21 RCW a new section to read as follows:

Until 1986, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 6. There is added to chapter 54.16 RCW a new section to read as follows:

Until 1986, districts distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 7. There is added to chapter 80.28 RCW a new section to read as follows:

Until 1986, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

On page 1, line 1 of the title, after "heating," strike the remainder of the title and insert "amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300; amending section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010; adding a new section to chapter 35.21 RCW; adding new sections to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW."

Signed by: Senators Williams, McDermott and Hemstad; Representatives D. Nelson and Sutherland.

MOTION

On motion of Senator Williams, the report of the Conference Committee was adopted on Engrossed Substitute Senate Bill No. 4490 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4788 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4788, authorizing the creation of habitat buffer zone to protect endangered and threatened species, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, beginning on line 4, after "legislature," strike all the material down to and including "committee." on line 11 and insert "The select committee shall consist of twelve members, three each from the majority and minority caucuses of the Senate and the majority and minority caucuses of the House of Representatives, appointed by the president of the Senate and the speaker of the House of Representatives upon the recommendation of the respective caucuses."

Signed by: Senators Hughes, Woody and Haley; Representatives Rust, Fisher and Allen.

MOTION

On motion of Senator Hughes, the report of the Conference Committee was adopted on Substitute Senate Bill No. 4788 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1531 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House receded from its amendment to ENGROSSED SENATE BILL NO. 4228 and passed the bill without the House amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGES FROM THE HOUSE

March 3, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3827,

SUBSTITUTE SENATE BILL NO. 4579,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4653, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 4, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3449, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

At 6:00 p.m., on motion of Senator Shinpoch, the Senate adjourned until 11:30 a.m., Monday, March 5, 1984.

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

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber. Olympia, Monday, March 5, 1984

The Senate was called to order at 11:30 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bender, Craswell, Deccio, Granlund, Haley, Hemstad, McDermott, McDonald, Rasmussen and Woody. On motion of Senator Bluechel, Senators Haley and Hemstad were excused. On motion of Senator Vognild, Senators Granlund and McDermott were excused.

The Sergeant at Arms Color Guard, consisting of Pages Tammy Guillory and Mark Hurley, presented the Colors. Reverend Henry Paasonen, pastor of the West-side Alliance Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has adopted the Report of the Free Conference Committee on House Bill No. 939, and has passed the bill as amended by the Free Conference Committee.

SHARON L. CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House has passed SUBSTITUTE HOUSE BILL NO. 1178, as amended by the Senate, with the exception of the amendment to page 4, line 17, (relating to SB 3838) from which the Senate receded.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House passed ENGROSSED SENATE BILL NO. 4607, as amended by the House, on page 2, line 23, and without the amendment to page 2, line 13, from which the House receded, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House passed SUBSTITUTE SENATE BILL NO. 4578, as amended by the House, on page 1, line 21, and without the remainder of the House amendments from which the House receded, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 552, and the Speaker has appointed as conferees, Representatives Niemi, Halsan and West, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1138,

SUBSTITUTE HOUSE BILL NO. 1262,

ENGROSSED HOUSE JOINT MEMORIAL NO. 16, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House has granted the request of the Senate for a conference on HOUSE BILL NO. 880, and the Speaker has appointed as conferees, Representatives Kreidler, Niemi and Lewis, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1138,

SUBSTITUTE HOUSE BILL NO. 1262,

ENGROSSED HOUSE JOINT MEMORIAL NO. 16.

SIGNED BY THE PRESIDENT

The President signed:

SECOND SUBSTITUTE SENATE BILL NO. 3815,

SENATE BILL NO. 4228.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House insists on its position regarding the amendment to ENGROSSED SENATE BILL NO. 4275 on page 1, line 27, and asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate concurred in the House amendment on page 1, line 27, to ENGROSSED SENATE BILL NO. 4275.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4275, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4275, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 38; nays, 00; absent, 07; excused, 04.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Bender, Craswell, Deccio, McDonald, Quigg, Rasmussen, Woody - 7.

Excused: Senators Granlund, Haley, Hemstad, McDermott - 4.

ENGROSSED SENATE BILL NO. 4275, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4435 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4435, enacting provisions relating to racketeering, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 4435, read in on March 4, 1984)

Signed by: Senators Talmadge and Shinpoch; Representatives Wang, Armstrong and Padden.

MOTIONS

On motion of Senator Talmadge, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4435 was adopted.

On motion of Senator Bluechel, Senator Quigg was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4435, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4435, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Granlund, Haley, Quigg - 3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4435, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 880, regulating payment procedures for certain health care providers not participants in a health services contract, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 168, Laws of 1982 and RCW 48.44.026 are each amended to read as follows:

Checks in payment for claims pursuant to any health care service contract for health care services provided by persons licensed or regulated under chapters 18.22, 18.25, 18.29, 18.32 ((or)), 18.53, 18.57, 18.71, 18.74, 18.83, or 18.88 RCW, where the provider is not a participant under a contract with the health care service contractor, shall be made out to both the provider and the insured, jointly, to require endorsement by each: PROVIDED, That payment shall be made in the single name of the insured if the insured as part of his or her claim furnishes

evidence of prepayment to the health care service provider: AND PROVIDED FURTHER, That nothing in this section shall preclude a health care service contractor from voluntarily issuing payment in the single name of the provider.

NEW SECTION. Sec. 2. There is added to Article 3 of Title 62A RCW a new section to read as follows:

If an instrument under RCW 48.44.026 requires indorsement by more than one person and the instrument is not so indorsed, the initial party who accepts the negotiation of the instrument is liable for the value of the instrument and the costs of collection, including reasonable attorneys' fees."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending section 1, chapter 168, Laws of 1982 and RCW 48.44.026; and adding a new section to Article 3 of Title 62A RCW."

Signed by: Senators Bender, Moore and Sellar; Representatives Kreidler, Lewis and Niemi.

MOTION

On motion of Senator Moore, the report of the Conference Committee was adopted on House Bill No. 880 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has passed REENGROSSED SENATE BILL NO. 3044 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 4, chapter 273, Laws of 1971 ex. sess. as amended by section 3, chapter 37, Laws of 1982 1st ex. sess. and RCW 28B.15.014 are each amended to read as follows:

The following nonresidents shall be exempted from paying the nonresident tuition and fee differential:

(1) Any person who resides in the state of Washington and who holds a graduate service appointment designated as such by a public institution of higher education or is employed for an academic department in support of the instructional or research programs involving not less than twenty hours per week during the term such person shall hold such appointment.

(2) Any faculty member, classified staff member or administratively exempt employee holding not less than a half time appointment at an institution who resides in the state of Washington, and the dependent children and spouse of such persons.

(3) Active-duty military personnel of field grade or lower rank and the spouses and dependents of such military personnel for the first twelve months they are stationed in the state of Washington.

(4) Any immigrant refugee and the spouse and dependent children of such refugee, if the refugee (a) is on parole status, or (b) has received an immigrant visa, or (c) has applied for United States citizenship.

NEW SECTION. Sec. 2. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

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

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, further consideration of Reengrossed Senate Bill No. 3044 was deferred.

MOTION

At 11:57 a.m., on motion of Senator Shinpoch, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGES FROM THE HOUSE

March 5, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3815,

SENATE BILL NO. 4228, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 5, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1219, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 5, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1178,

SUBSTITUTE HOUSE BILL NO. 1275,

HOUSE BILL NO. 1319,

SUBSTITUTE HOUSE BILL NO. 1531, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1163 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 1178,

HOUSE BILL NO. 1219,

SUBSTITUTE HOUSE BILL NO. 1275,

HOUSE BILL NO. 1319,

SUBSTITUTE HOUSE BILL NO. 1531.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3181 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 3181, modifying provisions relating to involuntary treatment, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Substitute Senate Bill No. 3181, read in on March 4, 1984)

Signed by: Senators Talmadge and Hemstad; Representatives Dellwo, Crane and Lewis.

MOTIONS

On motion of Senator Talmadge, the report of the Free Conference Committee on Substitute Senate Bill No. 3181 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3181, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3181, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 02; excused, 01.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Pullen, Quigg - 2.

Absent: Senators Bauer, Warnke - 2.

Excused: Senator Granlund - 1.

SUBSTITUTE SENATE BILL NO. 3181, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 3429 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 3429, establishing a state advisory commission on criminal justice, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 3429, read in on March 4, 1984)

Signed by: Senators Talmadge and Hughes; Representatives Armstrong, P. King and Padden.

MOTIONS

On motion of Senator Talmadge, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 3429 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3429, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3429, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator Lee - 1.

Excused: Senator Granlund - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3429, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4309 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 4309, prohibiting the sexual exploitation of children, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Senate Bill No. 4309, read in on March 4, 1984)

Signed by: Senators Talmadge and Hemstad; Representatives Ellis, Locke and West.

MOTIONS

On motion of Senator Talmadge, the report of the Free Conference Committee on Engrossed Senate Bill No. 4309 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4309, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4309, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 00; excused, 01.

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

Excused: Senator Granlund - 1.

ENGROSSED SENATE BILL NO. 4309, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4788 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4788, authorizing the creation of habitat buffer zone to protect endangered and threatened species, have had the same under consideration, and we recommend that the House amendment not be adopted, but that the bill be amended as follows and the bill, as amended by the Free Conference Committee do pass:

(See amendments in Report of Conference Committee on Substitute Senate Bill No. 4788, read in on March 4, 1984)

Signed by: Senators Hughes, Woody and Haley; Representatives Rust, Fisher and Allen.

MOTION

On motion of Senator Hughes, the report of the Free Conference Committee on Substitute Senate Bill No. 4788 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4788, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4788, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 01; excused, 01.

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

Absent: Senator von Reichbauer - 1.

Excused: Senator Granlund - 1.

SUBSTITUTE SENATE BILL NO. 4788, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 4, 1984

Mr. President:

The House has refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 977 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Armstrong, Wang and Tilly, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Substitute House Bill No. 977 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 977 and the Senate amendments thereto: Senators Peterson, Clarke and Talmadge.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

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

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 181 and the pending amendment by Senators Haley, Barr, Deccio and Craswell to page 2, line 30, proposed March 4, 1984.

Debate ensued.

The President declared the question before the Senate to be adoption of the amendment by Senators Haley, Barr, Deccio and Craswell.

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

MOTION

Senator Woody moved that the following amendments by Senators Woody and McCaslin be considered and adopted simultaneously:

On page 3, line 33, after "vacancy" strike everything through "years." on page 4, line 1 and insert: "the vacancy shall be filled by the appointing authority. The initial term of the appointee of the commissioner shall expire in three years. The initial term of the appointee of the superintendent shall expire in four years. The initial term of the appointee of the treasurer shall expire in five years. All terms expire December 31.

On page 3, line 22, after "members" strike everything through "lands" on line 23.

On page 3, line 25, after "planning" insert "and real estate appointed by the commissioner of public lands"

On page 3, line 26, before "matters" strike "real estate" and insert "public trust"

On page 3, line 26, after "matters" insert "appointed by the superintendent of public instruction"

On page 3, line 27, after "matters" insert "appointed by the state treasurer"

Debate ensued.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senators Woody and McCaslin.

ROLL CALL

The Secretary called the roll and the motion by Senator Woody carried and the amendments were adopted by the following vote: Yeas, 28; nays, 18; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Craswell, Fleming, Goltz, Haley, Hansen, Hughes, Hurley, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Owen, Pullen, Rasmussen, Rinehart, Shipoch, Talmadge, Thompson, Vogndil, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fuller, Guess, Hayner, Hemstad, Kiskaddon, McDonald, Newhouse, Patterson, Peterson, Quigg, von Reichbauer, Zimmerman - 18.

Absent: Senators Gaspard, Sellar - 2.

Excused: Senator Granlund - 1.

MOTION

On motion of Senator Owen, the rules were suspended, Second Substitute House Bill No. 181, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bottiger, further consideration of Second Substitute House Bill No. 181 was deferred.

There being on objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SENATE BILL NO. 4619 and has granted said committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 4619, modifying procedures for filling vacancies in the office of fire commissioner, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030 are each amended to read as follows:

Any fire protection district organized under this (~~act shall have authority~~) title may:

(1) ~~((To))~~ Lease, acquire, own, maintain, operate, and provide fire ((engines)) and emergency medical apparatus and all other necessary or proper ~~((apparatus;))~~ facilities, machinery, and equipment for the prevention and ~~((extinguishment))~~ suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) ~~((To))~~ Lease, acquire, own, maintain, and operate real property, improvements, and fixtures ((thereon suitable and convenient)) for housing, repairing, and ((caring for fire fighting equipment)) maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) ~~((To enter into contract with any incorporated city or town whereby such city or town shall furnish fire prevention and fire extinguishment service to the districts and the inhabitants thereof under the provisions of this act upon such terms as the board of directors of the district shall determine. To))~~ Contract with ((another county fire protection district, or with any town, city or municipal corporation or governmental agency)) any governmental entity or private person or ((persons)) entity to consolidate or cooperate for ((mutual)) fire ((fighting protection and)) prevention protection, fire suppression, and emergency medical purposes. ((Any city, town, municipal corporation or governmental agency may contract with a county fire protection district established and maintained under the provisions of this act for the purpose of affording such district fire fighting and protection equipment and service or fire prevention facilities, and in so contracting the district, city, town, municipal corporation or other governmental agency shall be deemed for all purposes to act within its governmental capacity. Any county fire protection district established and maintained under the provisions of this act, or any city, town, municipal corporation or other governmental agency is hereby authorized to contract with any person, firm or corporation for the purpose of affording fire fighting, protection or fire prevention facilities to such person, firm or corporation and such contractual relation shall be deemed for all purposes to be within the governmental power of such rural fire protection district, city, town, municipal corporation or other governmental agency)) In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) ~~((Fire protection districts situated in different counties may contract to operate jointly in carrying out the objects of their creation. Contracts for joint operation may provide for joint ownership of property and equipment, and may authorize a joint board of fire commissioners of the contracting districts to manage the affairs of the joint operations; to employ and discharge the necessary agents and employees and fix their respective wages and salaries; to provide and designate a suitable place in any county in which any of the contracting districts is situated, as a regular meeting place for the joint board; to incur the necessary expenses and direct the payment therefor from the funds of the contracting districts in such proportion as the joint boards shall determine; and to do all things as may in the judgment of the joint board be required to carry out the joint operations of the contracting districts.~~

The joint board shall consist of the members of the boards of the contracting districts and a majority of the membership of each district board shall constitute a quorum for the transaction of the business of the joint board. The members of the boards of fire commissioners of the contracting districts shall organize as a joint board annually in January after the second Monday thereof, elect a chairman and appoint a secretary for the ensuing year. Any member of the board of any contracting district may act as secretary of the joint board or the joint board may appoint such other person as the joint board may determine. The joint board shall prepare the annual budget for the joint operation of the contracting districts and shall determine the share of revenues for the joint operation to be raised by each district and the share of the expense of joint operation to be paid by each district in the ensuing year, and the secretary of the joint board shall certify and deliver within the time required by law, to the county auditor of each county involved, the part of the budget to be raised by the district in that county and the tax officials of that county shall levy and collect the tax, and the county treasurer shall pay vouchers drawn by the joint board on the funds of the district in that county upon warrants issued by the county auditor of that county.

Contracts for joint operation of fire districts, as herein authorized shall run from year to year and as of January 1st may be terminated by written notice of the board of fire commissioners of any contracting district to the other contracting district or districts on or before July 1st and the contract for joint operations shall terminate on January 1st following: PROVIDED, That all obligations of the joint operations must be paid or definitely arranged for before contract termination and no notice of termination shall relieve any contracting district of its unpaid obligation incurred under the contract for joint operation;

(5) ~~To~~ Encourage uniformity and coordination of fire protection district operations ((programs;)) The fire commissioners of ((two or more)) fire protection districts((;)) may form an association ((thereof, for the purpose of securing data and)) to secure information of value in ((fighting and in)) suppressing and preventing fires((;)) and other district purposes, to hold and attend meetings ((thereof;)), and to promote more economical and efficient operation of the associated fire protection districts. The ((directors)) commissioners of fire protection districts ((so

~~associated~~) in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman ~~(and)~~, secretary, and ~~(such)~~ other officers as they may determine, and may employ and discharge ~~(such)~~ agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from ~~(fire protection district expense)~~ funds ~~(upon vouchers of the respective associated)~~ paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by ~~(any)~~ a district in ~~(any)~~ a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

~~((6) Two or more fire protection districts may contract with each other and such a district may contract with a city or county or the state supervisor of forestry or any association approved by him for the joint leasing, ownership, maintenance and operation of all necessary and proper apparatus, facilities, machinery, and equipment for the elimination of fire hazards and for the protection of life and property within the contracting districts, and of real property, improvements and fixtures thereon suitable and convenient for the housing, repairing, and caring for such apparatus, facilities, machinery, and equipment, and may contribute their agreed proportion of the cost and expense thereof.~~

~~Such contracts shall be executed by the commissioners of the contracting districts and, when the contract is between such districts, the terms and conditions thereof shall be carried out by the boards of commissioners acting jointly;~~

~~(7) To do all things and perform all acts not otherwise prohibited by law:~~

~~(8) May~~) (5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts~~(-but not to exceed ten thousand dollars coverage per covered employee, and not more than fifty percent of the cost of such insurance shall be borne by the employer fire district))~~;

~~(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;~~

~~(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;~~

~~(8) Perform acts consistent with this title and not otherwise prohibited by law.~~

Sec. 2, Section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050 are each amended to read as follows:

In ~~(case)~~ the event of a vacancy occurring in the office of fire commissioner, ~~(such)~~ the vacancy shall, within ~~(thirty)~~ sixty days, be filled by appointment of a resident elector of the district by a vote of the remaining fire commissioners ~~(and)~~. The person appointed shall serve until ~~(his)~~ a successor has been elected or appointed and has qualified. If the board of commissioners fails to fill the vacancy within the sixty-day period, the county legislative authority shall make the appointment. If ~~((there should be at the same time such))~~ the number of vacancies is such that there are not ~~(in office)~~ a majority of the full number of commissioners in office as fixed by law, the county legislative authority shall within thirty days of ~~(such)~~ the vacancies appoint the required number to create a majority as prescribed by law to fill the vacancies ad interim through the next general election. At the next general election, if there is sufficient time for the nomination of candidates for office of fire commissioner ~~((as herein provided))~~, after the filling of any vacancy in ~~(such)~~ the office ~~(as aforesaid)~~, ~~((there shall be elected))~~ a fire commissioner shall be elected to serve for the remainder of the unexpired term.

If a fire commissioner is absent from the district for three consecutive regularly scheduled meetings unless by permission of the board ~~(his)~~, the office shall be declared vacant by the board of ~~(county)~~ commissioners and ~~(such)~~ the vacancy shall be filled as provided for in this section ~~((but provided that no))~~. However, such an action shall not be taken unless ~~(he)~~ the commissioner is notified by mail after two consecutive unexcused absences that ~~(his)~~ the position will be declared vacant if ~~(he)~~ the commissioner is absent without being excused from the next regularly scheduled meeting.

NEW SECTION. Sec. 3. There is added to chapter 52.14 RCW a new section to read as follows:

Insofar as practicable, purchases and any public works by the district shall be based on competitive bids. A formal sealed bid procedure shall be used as standard procedure for purchases and contracts for purchases executed by the board of commissioners. Formal sealed bidding shall not be required for:

(1) Emergency purchases if the sealed bidding procedure would prevent or hinder the emergency from being addressed appropriately. The term emergency means an occurrence that creates an immediate threat to life or property;

(2) The purchase of any materials, supplies, or equipment if the cost will not exceed the sum of ten thousand dollars: PROVIDED, That whenever the estimated cost is from forty-five hundred dollars up to ten thousand dollars, the commissioners shall require quotations from at least three different sources to be obtained in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such purchase;

(3) Contracting for work to be done involving the construction or improvement of a fire station or other buildings where the estimated cost will not exceed the sum of two thousand five hundred dollars, which includes the costs of labor, material, and equipment;

(4) Purchases which are clearly and legitimately limited to a single source of supply, or services, in which instances the purchase price may be best established by direct negotiation: PROVIDED, That this subsection shall not apply to purchases or contracts relating to public works as defined in chapter 39.04 RCW; and

(5) Purchases of insurance and bonds.

NEW SECTION. Sec. 4. There is added to chapter 52.14 RCW a new section to read as follows:

(1) Notice of the call for bids shall be given by posting notice in three public places in the district and by publication once each week for two consecutive weeks. The posting and first publication shall be at least two weeks before the date fixed for opening of the bids, and the publication shall be in a newspaper of general circulation within the district. If no bid is received on the first call, the commissioners may readvertise and make a second call, or may enter into a contract without a further call.

(2) A public work involving three or more specialty contractors requires that the district retain the services of a general contractor as defined in RCW 18.27.010.

NEW SECTION. Sec. 5. Section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110 are each repealed."

On page 1, on line 1 of the title, after "districts;" strike the remainder of the title and insert "amending section 20, chapter 34, Laws of 1939 as last amended by section 48, chapter 195, Laws of 1973 1st ex. sess. and RCW 52.08.030; amending section 26, chapter 34, Laws of 1939 as last amended by section 1, chapter 64, Laws of 1977 and RCW 52.12.050; adding new sections to chapter 52.14 RCW; and repealing section 1, chapter 176, Laws of 1953, section 2, chapter 101, Laws of 1972 ex. sess., section 161, chapter 3, Laws of 1983 and RCW 52.12.110."

Signed by: Senators Thompson, Woody and McCaslin; Representatives Moon, Haugen and Ballard.

MOTION

On motion of Senator Thompson, the report of the Conference Committee was adopted on Senate Bill No. 4619 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4448 and granted said committee the powers of Free Conference, and the same are herewith transmitted,

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4448, authorizing certain minor health care services, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is in the public interest that limited authority to administer skin tests and subcutaneous, intradermal, intramuscular, and intravenous injections and to perform minor invasive procedures to withdraw blood in this state be granted to health care assistants who are not so authorized under existing licensing statutes, subject to such regulations as will assure the protection of the health and safety of the patient.

NEW SECTION. Sec. 2. As used in this chapter:

- (1) "Director" means the director of licensing.
- (2) "Health care assistant" means an unlicensed person who assists a licensed health care practitioner in providing health care to patients pursuant to this chapter.
- (3) "Health care practitioner" means a physician licensed under chapter 18.71 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, or, acting within the scope of their respective licensures, a podiatrist licensed under chapter 18.22 RCW or a registered nurse licensed under chapter 18.88 RCW.
- (4) "Supervision" means supervision of procedures permitted pursuant to this chapter by a health care practitioner who is physically present and is immediately available in the facility during the administration of injections, as defined in this chapter, but need not be present during procedures to withdraw blood.
- (5) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, renal dialysis center or facility federally approved under 42 C.F.R. 405.2100, or blood bank federally licensed under 21 C.F.R. 607.
- (6) "Delegation" means direct authorization granted by a licensed health care practitioner to a health care assistant to perform the functions authorized in this chapter which fall within the scope of practice of the delegator and which are not within the scope of practice of the delegatee.

NEW SECTION. Sec. 3. A certification issued to a health care assistant pursuant to this chapter shall be authority to perform only the functions authorized in section 1 of this act subject to proper delegation and supervision in the health care facility making the certification or under the supervision of the certifying health care practitioner in other health care facilities or in his or her office. No certification made by one health care facility or health care practitioner is transferrable to another health care facility or health care practitioner.

NEW SECTION. Sec. 4. The director, or the director's designee, with the advice of designees of the board of medical examiners, the board of osteopathic medicine and surgery, the podiatry board, and the board of nursing, shall adopt rules necessary to administer, implement, and enforce this chapter and establish the minimum uniform requirements necessary for a health care facility or health care practitioner to certify a health care assistant capable of performing the functions authorized in this chapter. These requirements shall ensure that the public health and welfare are protected and shall include, but not be limited to, the following factors:

- (1) The education and occupational qualifications of the health care assistant including types and limitation of drugs or diagnostic agents which may be administered by injection by a health care assistant;
- (2) The work experience of the health care assistant; and
- (3) The instruction and training provided to the health care assistant.

NEW SECTION. Sec. 5. (1) Any health care facility may certify a health care assistant to perform the functions authorized in this chapter in that health care facility; and any health care practitioner may certify a health care assistant capable of performing such services in any health care facility, or in his or her office, under a health care practitioner's supervision. Before certifying the health care assistant, the health care facility or health care practitioner shall verify that the health care assistant has met the minimum requirements established by the director under this chapter. These requirements shall not prevent the certifying entity from imposing such additional standards as the certifying entity considers appropriate. The health care facility or health care practitioner shall provide the licensing authority with a certified roster of health care assistants who are certified.

(2) Certification of a health care assistant shall be effective for a period of two years. Recertification is required at the end of this period. Requirements for recertification shall be established by rule.

NEW SECTION. Sec. 6. Any health care assistant certified pursuant to this chapter shall perform the functions authorized in this chapter only by delegation of authority from the health care practitioner and under the supervision of a health care practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures.

NEW SECTION. Sec. 7. The licensing authority of health care facilities or the disciplinary board of the delegating or supervising health care practitioner shall investigate all complaints or allegations of violations of proper certification of a health care assistant or violations of delegation of authority or supervision. A substantiated violation shall constitute sufficient cause for disciplinary action by the licensing authority of a health care facility or the disciplinary board of the health care practitioner.

NEW SECTION. Sec. 8. The director or the director's designee shall decertify a health care assistant based on a finding that the assistant has obtained certification through misrepresentation or concealment of a material fact or has engaged in unsafe or negligent practices.

NEW SECTION, Sec. 9. The performance of the functions authorized in this chapter by a health care assistant pursuant to this chapter does not constitute unlicensed practice as a health care practitioner.

NEW SECTION, Sec. 10. The department of licensing shall provide to the legislature on January 3, 1985, a report on the standards and rules established to implement sections 1 through 9 of this act.

NEW SECTION, Sec. 11. There is added to chapter 18.36 RCW a new section to read as follows:

A person licensed to practice drugless healing as a naturopathic physician may draw blood for diagnostic purposes.

NEW SECTION, Sec. 12. Sections 1 through 9 of this act shall constitute a new chapter in Title 18 RCW."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "adding a new chapter to Title 18 RCW; adding a new section to chapter 18.36 RCW; and creating a new section."

Signed by: Senators McManus, Deccio and Moore; Representatives Kreidler, McClure and Mitchell.

MOTION

On motion of Senator Shinpoch, the report of the Conference Committee was adopted on Engrossed Substitute Senate Bill No. 4448 and the committee was granted the powers of Free Conference.

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

SECOND READING

SENATE BILL NO. 4525, by Senators McDermott, Deccio, Warnke, Zimmerman, Rinehart and Newhouse

Modifying provisions relating to business and occupation tax deductions for artistic or cultural organizations.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4525 was substituted for Senate Bill No. 4525 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 4525 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4525.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4525, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Craswell, Haley - 2.

Absent: Senator Metcalf - 1.

Excused: Senator Granlund - 1.

SUBSTITUTE SENATE BILL NO. 4525, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 142, by Senators Hurley, Fuller, Williams, Benitz and Goltz

Requiring legislative approval for nuclear waste disposal sites.

The resolution was read the second time.

MOTION

Senator Williams moved that the following Committee on Energy and Utilities amendment not be adopted:

On page 1, line 15, after "approval" insert "during the 1984 session"

Debate ensued.

MOTION

Senator Clarke moved that the Committee on Energy and Utilities amendment be adopted.

Debate ensued.

The President declared the question before the Senate to be the positive motion by Senator Clarke to adopt the Committee on Energy and Utilities amendment.

The motion by Senator Clarke failed and the Committee on Energy and Utilities amendment was not adopted.

MOTION

Senator Hurley moved that the following amendment by Senators Hurley, Williams, Fuller and Goltz be adopted:

Strike everything after "WHEREAS," on line 1 and insert the following:

"The United States Congress enacted the Nuclear Waste Policy Act of 1982 which envisions a cooperative state-federal relationship in selecting high-level nuclear waste repository sites in the United States; and

WHEREAS, The federal act recognizes both a legislative and executive role in establishing the state's position and policies with respect to the siting process; and

WHEREAS, A draft agreement is being negotiated which would constitute a contract between the state and the federal government as provided for by the Nuclear Waste Policy Act of 1982; and

WHEREAS, It is recognized that entering into this contract does not indicate acceptance of a decision to locate a repository within the state; and

WHEREAS, The federal government maintains that its liability for accidents at the repository site or in the transportation of waste to the site is limited; and

WHEREAS, The Legislature finds that the safety of the citizens of the state of Washington is endangered by the transportation of high-level radioactive waste through the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring. That if an agreement is entered into between the state and the federal government, it should resolve at least those issues pertaining to: Whether foreign waste should be included in a repository; the reasons for which the state may demand that work should be stopped at the site; how the state may obtain injunctive relief; what role the state may play in the federal decision-making process if a decision is made to commingle defense and civilian wastes; the completion of an emergency response plan; and federal liability for accidents at the repository site or during transportation of waste to the site; and

BE IT FURTHER RESOLVED, That no agreement shall be signed until these issues have been resolved, and the agreement is subject to legislative approval or disapproval; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to the Governor of the state of Washington, the Director of the Washington state Department of Ecology, and to the Secretary of the United States Department of Energy."

POINT OF ORDER

Senator Benitz: "Mr. President, a point of order. I raise the point of scope and object. I believe it expands, considerably, from what SCR 142 started out. The new measure talks about foreign waste and the question is, is it foreign waste when you understand what you're speaking of? It demands that the state may stop the work on a federal project--unbelievable. It talks about comingling defense waste with civilian waste--a subject of which is not appropriate here, and the Supreme Court, on the last item I see just off hand, made a ruling that the state cannot effect the transportation of high level nuclear waste. The United States Supreme Court just

made that decision and yet we see it here. I think those things expand the scope and object."

Debate ensued.

MOTION

On motion of Senator Bottiger, further consideration of Senate Concurrent Resolution No. 142 was deferred.

President Pro Tempore Goltz assumed the chair.

MOTION

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

REPORTS OF STANDING COMMITTEES

March 5, 1984

EHB 1190 Prime Sponsor, Representative Grimm: Authorizing the issuance of general obligation bonds for the department of corrections. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Deccio, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Hold.

March 5, 1984

EHB 1194 Prime Sponsor, Representative Braddock: Authorizing the issuance of bonds for the department of social and health services. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hughes, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Hold.

March 5, 1984

SHB 1268 Prime Sponsor, Committee on Ways and Means: Authorizing the issuance of bonds for common school plant facilities. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

Hold.

MOTION

Senator Shinpoch moved that the rules be suspended and that Engrossed House Bill No. 1190, Engrossed House Bill No. 1194 and Substitute House Bill No. 1268 be advanced to second reading and placed on the second reading calendar.

PARLIAMENTARY INQUIRY

Senator Metcalf: "A point of parliamentary inquiry. These bills now--were they read in just now or are they in Rules--where are they?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "The first one has been read in. I was going to ask the Secretary to read in the second two bills."

Senator Metcalf: "So, we're just catching them on the fly?"

President Pro Tempore Goltz: "That is correct."

MOTION

On motion of Senator Pullen, the issue was divided and each bill was considered separately.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shinpoch that the rules be suspended and Engrossed House Bill No. 1190 be advanced to second reading and read the second time.

The motion by Senator Shinpoch carried and Engrossed House Bill No. 1190 was placed on the second reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shinpoch that the rules be suspended and Engrossed House Bill No. 1194 be advanced to second reading and read the second time.

The motion by Senator Shinpoch carried and Engrossed House Bill No. 1194 was placed on the second reading calendar.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Shinpoch that the rules be suspended and Substitute House Bill No. 1268 be advanced to second reading and read the second time.

The motion by Senator Shinpoch carried on a rising vote, and Substitute House Bill No. 1268 was placed on the second reading calendar.

There being no objection, the President Pro Tempore advanced the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 105 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1133 and granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 3, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 1133, specifying requirements for political advertising, have had the same under consideration, and we recommend that the bill be amended as follows:

On page 1, line 15, after "(2)" strike "The" and insert "Political yard signs are exempt from the requirement of subsection (1) of this section that the name and address of the sponsor of political advertising be listed on the advertising. In addition, the"

On page 1, line 15, after "rule" strike "or on a case-by-case basis"

On page 1, after line 19, insert:

"(3) For the purposes of this section, "yard sign" means any outdoor sign with dimensions no greater than eight feet by four feet."

Signed by: Senators Talmadge, Hughes and Newhouse; Representatives Pruitt, Fisch and Miller.

MOTION

On motion of Senator Talmadge, the report of the Free Conference Committee on Engrossed House Bill No. 1133 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1133, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1133, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 05; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Barr, Benitz, Craswell, Guess, Quigg - 5.

Absent: Senator McDonald - 1.

Excused: Senator Granlund - 1.

ENGROSSED HOUSE BILL NO. 1133, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

March 5, 1984

SB 3806 Prime Sponsor, Senator McDermott: Relating to state government.
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3806 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Hold.

March 5, 1984

SB 3942 Prime Sponsor, Senator McDermott: Relating to higher education.
Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 3942 be substituted therefor, and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Deccio, Fleming, Hayner, Hughes, Lee, Rinehart, Shinpoch, Talmadge, Thompson, Wojahn, Woody, Zimmerman.

Hold.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Senate Bill No. 3806 and Senate Bill No. 3942 were advanced to second reading and placed on the second reading calendar.

MOTION

At 3:55 p.m., on motion of Senator Shinpoch, the Senate recessed until 4:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 4:37 p.m.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 1194, by Representatives Braddock and Cantu (by Office of Financial Management request)

Authorizing the issuance of bonds for the department of social and health services.

The bill was read the second time.

MOTIONS

On motion of Senator McDermott, the following Committee on Ways and Means amendment was adopted:

On page 1, line 11, after "hundred" insert "sixty"

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1194, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1194, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1194, as amended by the Senate, and the bill, having failed to receive the constitutional 60% majority, did not pass by the following vote: Yeas, 21; nays, 21; absent, 06; excused, 01.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Vognild, Warnke, Williams, Woody - 21.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Sellar, von Reichbauer, Wojahn, Zimmerman - 21.

Absent: Senators Bauer, Deccio, Newhouse, Owen, Quigg, Thompson - 6.

Excused: Senator Granlund - 1.

ENGROSSED HOUSE BILL NO. 1194, as amended by the Senate, having failed to receive the constitutional 60% majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn served notice that she would move to reconsider the vote by which Engrossed House Bill No. 1194, as amended by the Senate, failed to pass the Senate.

SECOND READING

SENATE BILL NO. 3806, by Senator McDermott

Relating to state government.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3806 was substituted for Senate Bill No. 3806 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3806 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Senator Quigg, does that include local and state debts?"

Senator Quigg: "It says that all state and local government debts per capita figures include the debt of government utilities."

Senator Goltz: "Does it include WPPSS?"

Senator Quigg: "Well, it indicates by that statement that it includes government utilities, therefore, it would include WPPSS. It says, 'generally, this debt is mainly serviced by revenues from utilities. No national source has been found to allow this debt to be extracted from the factor's data. In addition, this factor does not take into account any unfunded pension liability of the state and local governments, since the data was not available.' So it does appear to include WPPSS."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3806.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3806, and the bill, having failed to receive the constitutional 60% majority, did not pass by the following vote: Yeas, 23; nays, 23; absent, 02; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Hansen, Hughes, Hurlley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody - 23.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalfe, Newhouse, Patterson, Pullen, Quigg, Sellar, Wojahn, Zimmerman - 23.

Absent: Senators Rasmussen, von Reichbauer - 2.

Excused: Senator Granlund - 1.

SUBSTITUTE SENATE BILL NO. 3806, having failed to receive the constitutional 60% majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn served notice that she would move to reconsider the vote by which Substitute Senate Bill No. 3806 failed to pass the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Wojahn moved that the Senate now consider the vote by which Engrossed House Bill No. 1194, as amended by the Senate, failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Wojahn to reconsider the vote by which Engrossed House Bill 1194, as amended by the Senate, failed to pass the Senate.

Debate ensued.

The motion by Senator Wojahn for reconsideration of Engrossed House Bill No. 1194, as amended by the Senate, carried.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Wojahn moved that the Senate now consider the vote by which Substitute Senate Bill No. 3806 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Wojahn to reconsider the vote by which Substitute Senate Bill No. 3806 failed to pass the Senate.

The motion by Senator Wojahn for reconsideration of Substitute Senate Bill No. 3806 carried.

MOTIONS

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

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 1194, as amended by the Senate, and Substitute Senate Bill No. 3806, on reconsideration, was deferred.

REPORT OF CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 392, modifying the hearing procedures for the formation of local improvement districts, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.43.140, chapter 7, Laws of 1965 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, or if there is no official newspaper, in any legal newspaper of general circulation therein; the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city or town council, or other legislative authority, or before a committee thereof. ~~((if the hearing is before a committee, the committee shall following the hearing report its recommendation on the resolution to the city council or other legislative authority for final action.))~~ The legislative authority of a city having a population of fifteen thousand or more may designate an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the legislative authority for final action.

Sec. 2. Section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040 are each amended to read as follows:

When a sufficient petition, as determined by the rules set forth in RCW 35A.01.040, is filed with the legislative body of each of such contiguous municipal corporations, signed by electors of each such corporation in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous municipal corporations as a noncharter code city under one of the plans of government authorized by this title, naming such plan and setting forth a name for the proposed consolidated city, the legislative body of the municipal corporation in which the largest number of inhabitants reside (hereinafter called principal legislative body) shall cause to be submitted to the electors of each of such corporations, at the next general municipal election, if one is to be held within one hundred and eighty days, or at a special election to be called for that purpose not less than ~~((ninety))~~ sixty nor more than ~~((one))~~ two hundred and ~~((eighty))~~ twenty days after the filing of the petition, the question whether such corporation shall become consolidated as a non-charter code city under the plan of government proposed in the petition.

NEW SECTION. Sec. 3. There is added to chapter 35.21 RCW a new section to read as follows:

Any city or town may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the eminent domain powers of cities or towns.

NEW SECTION. Sec. 4. There is added to chapter 36.32 RCW a new section to read as follows:

Any county may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the eminent domain powers of counties.

NEW SECTION. Sec. 5. There is added to chapter 42.24 RCW a new section to read as follows:

(1) Any municipal corporation or political subdivision may provide for the issuance of charge cards to officers and employees for the sole purpose of covering expenses incident to authorized travel.

(2) Upon billing or no later than ten days of the billing date, the officer or employee using a charge card issued under this section shall submit a fully itemized travel expense voucher. Any charges against the charge card not properly identified on the travel expense voucher or not allowed following the audit required under RCW 42.24.080 shall be paid by the official or employee by check, United States currency, or salary deduction.

(3) If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, the municipal corporation or political subdivision shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the official or employee up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the charge card. Any official or employee who has been issued a charge card by a municipal corporation or political subdivision shall not use the

card if any disallowed charges are outstanding and shall surrender the card upon demand of the auditing officer. The municipal corporation or political subdivision shall have unlimited authority to revoke use of any charge card issued under this section, and, upon such revocation order being delivered to the charge card company, shall not be liable for any costs.

NEW SECTION, Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

The legislative authority of any county may by resolution propose the establishment of one or more ad hoc community councils within the unincorporated area of the county. In adopting such resolution, the county legislative authority shall consider the extent to which the residents of the area encompassed by the proposed ad hoc community council share common concerns regarding land use decisions as a result of geographical location, terrain, pattern of development, and other features which make the area distinctive as a community. No ad hoc community council may be formed that has less than one hundred registered voters residing within its boundaries. Ad hoc community councils shall only have advisory capacities.

NEW SECTION, Sec. 7. There is added to chapter 36.32 RCW a new section to read as follows:

Upon the adoption of a resolution under section 6 of this act, the legislative authority of a county shall hold a hearing on the establishment of the ad hoc community council. The legislative authority of the county shall consider the establishment of the ad hoc community council at the hearing held under this section. All persons appearing at the meeting shall have an opportunity to be heard and to voice protests. The hearing may be continued from time to time, but the total number of days from the first day of the hearings to the final day shall not exceed sixty days.

If, after hearing public testimony on the issue, the legislative authority of the county determines that the welfare of the residents of the area encompassed by the proposed ad hoc community council will be served by the establishment of the council, it shall declare such to be its finding. Upon this determination, the county legislative authority may adopt an ordinance creating the ad hoc community council, setting its boundaries, establishing its duration, establishing any limitations on the subjects about which the council may make recommendations, and providing for the selection of the council members who may be directly appointed by the county legislative authority.

NEW SECTION, Sec. 8. Territory may be withdrawn from a public hospital district as provided by this section. The commissioners of a public hospital district may hold a hearing on the proposed removal of territory from the district whenever a petition requesting the withdrawal of such territory has been signed by at least one hundred registered voters residing in the territory proposed to be withdrawn. The petition shall describe by metes and bounds the territory proposed to be withdrawn and shall be filed with the auditor of the county within which the public hospital district is located. The auditor shall examine the signatures, determine their sufficiency, and certify the sufficiency to the district.

If the auditor certifies the sufficiency of the signatures, the public hospital district commissioners shall hold a public hearing on the proposed withdrawal of territory from the district. Upon the conclusion of the public hearing, the commissioners may provide for the withdrawal of this territory by adopting a resolution by unanimous action finding that this withdrawal is in the public interest and declaring such territory to be withdrawn. Withdrawal of the territory shall be effective at the time and date as provided in the resolution. The property so withdrawn from a public hospital district shall remain liable for any general indebtedness of the district in existence at the time of the withdrawal.

The commissioners shall immediately notify the county legislative authority and auditor of the county within which the district is located of such action. The auditor shall immediately take cognizance of the altered boundaries of the public hospital district for election purposes.

Costs of altering precinct boundaries and voter registration shall be included in the cost of the election allocated under RCW 29.13.045.

The method of withdrawing territory from a public hospital district provided for in this section shall be in addition to any other method of withdrawing territory.

This section shall expire three months after the effective date of this act.

Sec. 9. Section 84.09.030, chapter 15, Laws of 1961 as amended by section 4, chapter 26, Laws of 1981 and RCW 84.09.030 are each amended to read as follows:

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year: PROVIDED, That for the year 1981 only the boundaries of library districts shall be the established official boundaries existing on the first day of October; PROVIDED FURTHER, That for the year 1984 only, boundaries of public hospital districts shall be the established official boundaries existing on the first day of April. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth

any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

NEW SECTION, Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 35.43.140, chapter 7, Laws of 1965 and RCW 35.43.140; amending section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040; amending section 84.09-.030, chapter 15, Laws of 1961 as amended by section 4, chapter 26, Laws of 1981 and RCW 84.09.030; adding a new section to chapter 35.21 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 42.24 RCW; creating a new section; and declaring an emergency."

Signed by: Senators Thompson and Granlund; Representatives Grimm, Ebersole and Hankins.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. The proposed Free Conference Committee Report which has been passed out on the desks clearly expands the scope and object of the bill.

"Mr. President and members of the Senate, I've counted at least three bills that have been added on--three whole bills that previously have passed one body or the other--that did not pass both bodies, which have now been lumped into the Free Conference Committee Report in an effort to get these other bills through, which previously were either defeated or which did not make their way through.

"I would also draw the President's attention to the title amendments--I see so many title amendments--I am trying to count them all. It looks like there are at least six or seven extra title amendments to accompany all these additional whole bills that were added to the Free Conference Committee Report. The President, in the past, has indicated, I believe, that the issue of scope and object also applies to any amendatory action, including Free Conference Committee Reports. If it did not, that would be subverting both the Constitution and the intent of the Constitution as well as the rules of the Senate. Therefore, it clearly expands the scope and object and I would hopefully ask the President to so rule."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 392 was deferred.

REPORT OF CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SECOND SUBSTITUTE HOUSE BILL NO. 689, establishing small business assistance coordinating council, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that the small businesses in the state of Washington are essential to the well-being of the state's economy and that these businesses have unique needs and problems that must be dealt with to insure a healthy economy for all of the citizens of the state. The legislature further recognizes that small businesses represent a majority of the businesses in this state and that it is vital that the ability of small businesses be enhanced to provide more jobs for Washington workers, insure essential economic competition, and broaden the industrial base of Washington industries. To stimulate the expansion of small business growth and resultant new jobs, the legislature finds that:

(1) There is a need for an overall coordination within the state that can integrate, coordinate, and provide services to small businesses and more efficiently use the individual operating entities as they now exist; and

(2) There is a need for additional services for the small business community in the areas of financing, dealing with regulatory problems, and encouraging more small businesses to export their products and services overseas.

(3) There is a need for an advisory council to establish long-range policy recommendations for state delivered small business programs.

NEW SECTION, Sec. 2. As used in this chapter, a "small business assistance program" is any service offered by a unit of state government where the majority of the services attempt to aid or assist in the establishment, expansion, or management of a small business as defined in RCW 43.31.920.

NEW SECTION, Sec. 3. (1) There is established the small business assistance coordinating council, referred to in this chapter as "the council."

(2) The council shall consist of nine persons, three of whom shall be appointed by the governor. The council shall include the director of commerce and economic development or its successor, the director of planning and community affairs or its successor, two members of the house of representatives, one from each of the two political parties with the largest number of members, appointed by the speaker of the house of representatives from the house committee on commerce and economic development or its successor, and two members of the senate, one from each of the two political parties with the largest number of members, appointed by the president of the senate from the senate committee on commerce and labor or its successor. The members appointed by the governor shall include representatives of small businesses from the various geographic areas of the state one or two of whom shall also represent minority-owned business and women-owned business. The council shall elect a chairman from among the voting members. The planning and community affairs agency or its successor is responsible for providing administrative support to the council and shall keep a record of the proceedings of each council meeting.

(3) All voting members of the council shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) If a vacancy in an appointive position on the council occurs by death, resignation, or otherwise, the governor shall fill the position for the unexpired term. Any members of the council, appointive or otherwise, may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor.

NEW SECTION, Sec. 4. The council shall be responsible for:

(1) Reviewing the small business assistance programs now being offered by all units of state government except the federally funded service centers administered by the department of transportation and approved by the federal highway administration;

(2) Reviewing the contract between the small business development center and the federal small business administration, and the contract between the small business development center and the federal economic development administration; and

(3) Reviewing the coordination of all small business assistance programs and making recommendations to reduce duplication of services and to increase the efficiency of available programs.

NEW SECTION, Sec. 5. To enable the council to carry out its responsibilities, every unit of state government which provides a small business assistance program shall report to the small business assistance coordinating council in writing by September 1, 1984. The report shall include:

(1) A description of the small business assistance program offered by the unit of state government;

(2) The amount of state funds expended to operate the small business assistance program;

(3) The sources and amount of any other funds available to the unit of government to operate a small business assistance program and the extent to which the funds are being used by the unit of state government;

(4) The method by which the activity is being delivered by the unit of state government to the small business community;

(5) Information on the benefits derived from the program; and

(6) Any other information as may be requested by the council.

NEW SECTION, Sec. 6. The small business assistance coordinating council shall report to the legislature and governor by December 31, 1984, on recommendations to improve the dissemination of small business assistance in the state. The report shall include:

(1) A description of the types, quantity, and benefits of small business assistance available in the state including federal, state, and local programs;

(2) A description of the available services and the unmet need for small business assistance in the following areas:

(a) General small business management and technical assistance;

(b) Community development assistance, including loan packaging, proposal writing, development planning, and commercial development;

(c) Entrepreneurial development, innovative assessment, and technology transfer; and

(d) Export assistance and financing;

(3) A set of recommendations to improve the delivery and efficiency of small business assistance and to reduce duplication of effort where possible.

NEW SECTION. Sec. 7. (1) There is established the small business improvement council to consist of at least fifteen but not more than thirty members to be appointed by the governor. In making the appointments, the governor shall consider the recommendations of business organizations and persons operating small businesses. At least fifteen percent of the members of the council shall be women or members of minority groups, and at least one member of the council shall represent agribusiness concerns. Members of the small business improvement council shall be appointed for terms of four years, but the governor may modify the terms of the initial members as necessary to achieve staggered terms.

(2) Members of the small business improvement council shall not be compensated or be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(3) The department of commerce and economic development or its successor agency shall provide staff support and administrative assistance to the council.

NEW SECTION. Sec. 8. The small business improvement council shall seek to identify regulatory, administrative, and legislative proposals that will improve the entrepreneurial environment for small businesses. In consultation with the department of commerce and economic development and the appropriate standing committees of the senate and house of representatives, the small business improvement council shall submit its proposals to the governor and the legislature prior to the convening of each regular session of the legislature. The proposals shall include the recommendations of the council's subcommittees established under section 9 of this act.

NEW SECTION. Sec. 9. (1) The small business improvement council may establish such subcommittees as the council deems necessary. Membership of subcommittees need not be limited to members of the council.

(2) Subcommittees of the council shall include:

(a) A subcommittee on small business taxation;

(b) A subcommittee on small business venture and management education;

(c) A subcommittee on private sector contract services; and

(d) Other subcommittees as deemed necessary on appropriate subjects, i.e., capital formation and retention, marketing, unemployment compensation, and rules and regulations.

(3) The department of commerce and economic development may assist in the formation of local advisory councils. The persons serving on the local advisory councils shall not be compensated or reimbursed for travel expenses.

NEW SECTION. Sec. 10. The subcommittee on small business taxation shall study the present business tax structure and investigate related proposals to attract and encourage small businesses in the state.

The subcommittee on small business taxation may conduct studies, hold public hearings, and employ consultants as necessary to carry out the purposes of the subcommittee.

NEW SECTION. Sec. 11. The subcommittee on small business venture and management education shall encourage the implementation of small business venture and management education programs in the state's community colleges and vocational-technical institutes. Such education programs shall provide instruction in the formation, operation, and management of a small business. The subcommittee shall assist in curriculum development, promotion, and marketing of these education programs. Emphasis shall be given to part-time, evening, and weekend class offerings.

NEW SECTION. Sec. 12. The subcommittee on private sector contract services shall have as its mission the identification of program and service areas within state and local government which can and should be contracted out on a competitive bid basis to private sector organizations. In particular, the subcommittee shall identify those governmental services that the private sector can perform more efficiently than the public sector, with equal or better quality of service. The goal of this program is to reduce the cost of government while improving the delivery of services.

The subcommittee on private sector contract services shall include representatives of government, business, and industry.

NEW SECTION. Sec. 13. This chapter shall expire June 30, 1988.

NEW SECTION. Sec. 14. Sections 7 through 13 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 15. There is appropriated to the small business improvement council for the biennium ending June 30, 1985, from the general fund the sum of thirty-seven thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 7 through 12 of this act.

NEW SECTION. Sec. 16. There is appropriated from the general fund for the year ending December 31, 1984, to the planning and community affairs agency or its successor the sum of forty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of the small business assistance coordinating council.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. Sections 1 through 6 of this act shall expire on December 31, 1984.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "business;" strike the remainder of the title and insert "adding a new chapter to Title 43 RCW; creating new sections; making appropriations; providing expiration dates; and declaring an emergency."

Signed by: Senators McManus, Quigg and Moore; Representatives J. King, Ebersole and Silver.

MOTION

On motion of Senator McManus, the report of the Conference Committee was adopted on Second Substitute House Bill No. 698 and the committee was granted the powers of Free Conference.

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

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1386 and has granted said Committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 1386, modifying provisions relating to third party actions for industrial injuries, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Engrossed House Bill No. 1386, read in on March 2, 1984)

Signed by: Senators Talmadge, Newhouse and Hughes; Representatives R. King, McMullen and Berozoff.

MOTION

On motion of Senator Talmadge, the report of the Free Conference Committee on Engrossed House Bill No. 1386 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1386, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1386, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 00; absent, 00; excused, 03.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Excused: Senators Bluechel, Granlund, von Reichbauer - 3.

ENGROSSED HOUSE BILL NO. 1386, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House concurred in the Senate amendment to REENGROSSED SUBSTITUTE HOUSE BILL NO. 480 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House has passed SUBSTITUTE SENATE BILL NO. 4416, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4275,
 SUBSTITUTE SENATE BILL NO. 4435,
 SUBSTITUTE SENATE BILL NO. 4578,
 SENATE BILL NO. 4607.

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

There being no objection, the Senate resumed consideration of Senate Concurrent Resolution No. 142 and the pending amendment by Senators Hurley, Williams, Fuller and Goltz, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Benitz, the President finds that Senate Concurrent Resolution No. 142 is a measure which deals with the negotiation of an agreement between Washington State and the federal government, regarding the siting of a high level nuclear waste repository in this state.

"The amendment proposed by Senator Hurley and others also deals with essentially the same propositions and simply suggests issues to be considered in the negotiation of the agreement.

"The President, therefore, finds that the proposed amendment does not expand the scope and object of the bill and that the point of order is not well taken."

The amendment was ruled in order.

Debate ensued.

POINT OF INFORMATION

Senator Newhouse: "Mr. President, I rise to a point of information. This is a Senate Concurrent Resolution which purports to have the effect of law it would seem--force and effect--and is this properly drafted? It will not be codified, I understand, and is supposed to be binding on future legislatures and state officials and evidently designed in that fashion to by-pass any possible veto by the Governor."

MOTION

On motion of Senator Shinpoch, further consideration of Senate Concurrent Resolution No. 142 was deferred.

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

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193, modifying provisions of the Washington clean air act, have had the same under consideration, and we recommend that the Senate amendment be adopted with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 61, chapter 238, Laws of 1967 as amended by section 1, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.430 are each amended to read as follows:

Any person who violates any of the provisions of this chapter, or any ordinance, resolution, rule or regulation in force pursuant thereto (~~other than RCW 70.94.205~~) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ~~((two hundred fifty))~~ one thousand dollars, or by imprisonment for not more than ninety days, or by both fine and imprisonment for each separate violation. ~~((Each day upon which such violation occurs shall constitute a separate violation.))~~

Any person who wilfully violates any of the provisions of this chapter or any ordinance, resolution, rule or regulation in force pursuant thereto shall be guilty of a gross misdemeanor. ~~((Each day upon which such willful violation occurs shall constitute a separate offense.))~~ Upon conviction the offender shall be punished by a fine of not less than one hundred dollars for each offense(:

~~Any person who wilfully violates RCW 70.94.205 or any other provision of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars,))~~ or by imprisonment for a term of not more than one year or by both fine and imprisonment.

In case of a continuing violation, whether or not wilfully committed, each day's continuance shall be a separate and distinct violation.

Sec. 2. Section 53, chapter 168, Laws of 1969 ex. sess. as amended by section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431 are each amended to read as follows:

(1) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 RCW or any of the rules and regulations of the department or the board shall incur a penalty in the form of a fine in an amount not to exceed ~~((two hundred fifty))~~ one thousand dollars per day for each violation. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. For the purposes of this subsection, the maximum daily fine imposed by a local board for violations of standards by a specific emissions unit is one thousand dollars.

(2) Further, the person is subject to a fine of up to five thousand dollars to be levied by the director of the department of ecology if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. A local board shall not make such a request until notice of violation and compliance order procedures have been exhausted, if such procedures are applicable. For the purposes of this subsection, the maximum daily fine imposed by the department of ecology for violations of standards by a specific emissions unit is five thousand dollars.

(3) Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. Except as provided in subsection (4) of this section, the penalty shall become due and payable when the person incurring the same receives a notice in writing from the director or his designee or the control officer of the authority or his designee describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the hearings board as provided for in chapter 43.21B RCW. When a request is made for a hearing, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order affirming the penalty in whole or part. If the amount of such penalty is not paid to the department or the board within thirty days after it becomes due and payable, and a request for a hearing has not been made, the attorney general, upon the request of the director or his designee, or the attorney for the local authority, upon request of the board or control officer, shall bring an action to recover such penalty in the superior court of the county in which the violation occurred. All penalties recovered under this section by the state board shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, fifty percent shall be paid into the treasury of the authority and credited to its funds and fifty percent shall be distributed to the cities, towns and counties within the authority, on a pro rata basis, as each contributes to support the authority pursuant to RCW 70.94.093. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed under subsection (2) of this section shall be reduced by the amount of the payment. Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.

(4) If a penalty is levied under subsection (2) of this section, the director or the director's authorized delegate may, upon written application therefor received within fifteen days after the notice imposing any penalty is received by the person incurring the penalty, and when deemed in the best interest to carry out the purposes of this chapter, remit or mitigate any penalty provided in this section upon such terms as the director in the director's discretion deems proper, and may ascertain the facts upon all such applications in such manner and under such regulations as the director deems proper. The mitigation shall not affect or reduce the penalty imposed by the local board. Any person incurring any penalty under this section may appeal the same to the hearings board as provided in chapter 43.21B RCW. Appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department. When an application for remission or mitigation is made, appeals shall be filed within thirty days of receipt of notice from the director or the director's authorized delegate setting forth the disposition of the application. Any penalty imposed under this section shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When an application for remission or mitigation is made, any penalty incurred under this section shall become due and payable thirty days after receipt of notice setting forth the disposition of the application unless an appeal is filed from the disposition. Whenever an appeal of any penalty incurred under this section is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part. If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which the violator may do business, to recover the penalty. In all such actions the procedure and rules of evidence shall be the same as for an ordinary civil action except as otherwise provided in this chapter.

To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

In all actions brought in the superior court for the recovery of penalties hereunder, the procedure and rules of evidence shall be the same as in an ordinary civil action."

On page 1, line 1 of the title, after "act:" strike the remainder of the title and insert "amending section 61, chapter 238, Laws of 1967 as amended by section 1, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.430; and amending section 53, chapter 168, Laws of 1969 ex. sess. as amended by section 2, chapter 176, Laws of 1973 1st ex. sess. and RCW 70.94.431."

Signed by: Senators Hughes and Talmadge; Representatives Rust, Dellwo and Patrick.

MOTION

Senator Hughes moved that the report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3193 be adopted and the powers of Free Conference be granted.

POINT OF INQUIRY

Senator Newhouse: "Senator Hughes, would you please describe the contents of the proposed Free Conference Report?"

Senator Hughes: "Yes, Senator Newhouse, the objective of the Free Conference is to reach a compromise between the House and the Senate. The House added a couple of amendments which in the Senate, we found to be in divergence to the intent of the bill. They increased the fine for violating opacity standards from two fifty to a thousand, and also there were attempts to bring about some changes in the 50-50 split. I think we will be reaching a compromise that is most acceptable."

Senator Newhouse: "The understanding is that the agreement for the Free Conference Report would have been reached before you asked for powers of Free Conference. Have you got the details of that?"

Senator Hughes: "Yes, I do."

Senator Newhouse: "What is the fine that is proposed there?"

Senator Hughes: "In finality, what we will see is the 50-50 split will remain as is. There will be no attempt to change that. There will be an increase in the opacity violation from 250 to 400 and I think there is strong agreement with that."

The President declared the question before the Senate to be the motion by Senator Hughes to adopt the report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3193 and to grant the powers of Free Conference.

The motion by Senator Hughes carried and the report of the Conference Committee on Engrossed Second Substitute Senate Bill No. 3193 was adopted and the powers of Free Conference were granted.

MOTION

At 5:38 p.m., on motion of Senator Shinpoch, the Senate adjourned until 11:15 a.m., Tuesday, March 6, 1984.

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

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 6, 1984

The Senate was called to order at 11:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Pullen.

The Sergeant at Arms Color Guard, consisting of Pages Lisa Sauls and Kevin Reed, presented the Colors. Reverend Henry Paasonen, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

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

MESSAGE FROM THE GOVERNOR

March 5, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 5, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3504

Relating to property taxation.

Senate Bill No. 3834

Relating to sales and use taxes for public transportation.

Substitute Senate Bill No. 4288

Relating to the rural arterial program.

Senate Bill No. 4352

Relating to criminal procedure.

Senate Bill No. 4374

Relating to revenue and taxation.

Senate Bill No. 4437

Relating to credits for certain veterans at law schools in the state.

Senate Bill No. 4491

Relating to the appraisals of homesteads.

Senate Bill No. 4527

Relating to disabled vehicles.

Senate Bill No. 4592

Relating to the state centennial commission.

Senate Bill No. 4731

Relating to retirement from public employment.

Senate Bill No. 4358

Relating to convention or trade facilities.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

MESSAGES FROM THE HOUSE

March 5, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 939, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 5, 1984

Mr. President:

The House has concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3181,
 SUBSTITUTE SENATE BILL NO. 3429,
 SENATE BILL NO. 4309,
 SUBSTITUTE SENATE BILL NO. 4416,
 SUBSTITUTE SENATE BILL NO. 4788.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 939.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4831 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. This chapter shall be known and may be cited as the "worker and community right to know act."

NEW SECTION, Sec. 2. The legislature finds and declares that the proliferation of hazardous substances in the environment poses a growing threat to the public health, safety, and welfare; that the constantly increasing number and variety of hazardous substances, and the many routes of exposure to them make it difficult and expensive to monitor adequately and detect any adverse health effects attributable thereto; that individuals themselves are often able to detect and thus minimize effects of exposure to hazardous substances if they are aware of the identity of the substances and the early symptoms of unsafe exposure; and that individuals have an inherent right to know the full range of the risks they face so that they can make reasoned decisions and take informed action concerning their employment and their living conditions.

The legislature further declares that local health, fire, police, safety, and other government officials require detailed information about the identity, characteristics, and quantities of hazardous substances used and stored in communities within their jurisdictions, in order to plan adequately for, and respond to, emergencies, enforce compliance with applicable laws and regulations concerning these substances, and to compile records of exposures to hazardous substances over a period of time that will facilitate the diagnosis, treatment, and prevention of disease.

The legislature further declares that the extent of the toxic contamination of the air, water, and land in this state has caused a high degree of concern among its residents and that much of this concern is needlessly aggravated by the unfamiliarity of these substances to residents.

The legislature therefore determines that it is in the public interest to establish a comprehensive program for the disclosure of information about hazardous substances in the workplace and the community, and to provide a procedure whereby residents of this state may gain access to this information.

NEW SECTION, Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Chemical abstracts service number" means the unique identification number assigned by the Chemical Abstracts Service to chemicals.

(2) "Chemical name" is the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry or the Chemical Abstracts Service rules of nomenclature.

(3) "Common name" means any designation or identification such as a code name, code number, trade name, brand name, or generic name used to identify a chemical other than by its chemical name.

(4) "Container" means a receptacle used to hold a liquid, solid, or gaseous substance, including, but not limited to, bottles, pipelines, bags, barrels, boxes, cans, cylinders, drums, cartons, vessels, vats, and stationary or mobile storage tanks. "Container" does not include process containers.

(5) "Council" means the "right-to-know advisory council" created pursuant to section 17 of this act.

(6) "County health department" means a county health agency established pursuant to Title 70 RCW.

(7) "Department" means the department of labor and industries.

(8) "Employee" means a person who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is the employee's personal labor for an employer under this chapter whether by way of manual labor or otherwise. Employee does not include:

(a) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment;

(b) Any person employed to do gardening, maintenance, repair, remodeling, or similar work in or about the private home of the employer;

(c) A person whose employment is not in the course of the trade, business, or profession of his or her employer and is not in or about the private home of the employer;

(d) Any person performing services in return for aid or sustenance only, received from any religious or charitable organization;

(e) Any child under eighteen years of age employed by his or her parent or parents in agricultural activities on the family farm; or

(f) Jockeys while participating in or preparing horses for race meets licensed by the Washington horse racing commission pursuant to chapter 67.16 RCW.

(9) "Employee representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analysis using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(10) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which contract is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. Any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee except for the purposes of section 13 of this act. Where there are two or more employers at the same work place, each employer shall be solely responsible under this chapter for his or her own employees.

(11) "Exposure" or "exposed" means that an employee is subjected to a hazardous chemical in the course of employment through any route of entry such as inhalation, ingestion, skin contact or absorption, and includes potential, such as accidental or possible exposure.

(12) "Hazardous substance" means any substance, or substance contained in a mixture, included on the workplace hazardous substance list developed by the department pursuant to section 5 of this act. Hazardous substances do not include consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product. The department may, by inclusion in the standards adopted under section 5 of this act, determine whether any of the following may be excluded from the definitions of hazardous substance:

(a) Any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace; or

(b) Any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

(13) "Label" means a sign, emblem, sticker, or marker affixed to or stenciled onto a container.

(14) "Manufacturer" means a person who produces, synthesizes, extracts, or otherwise makes a hazardous substance.

(15) "Material safety data sheet" means a written document prepared by the manufacturer or supplier for each product containing a hazardous substance and transmitted by the manufacturer or supplier to purchasers pursuant to this chapter. Manufacturers and suppliers shall obtain or develop a material safety data sheet for each hazardous substance they produce or import. Employers shall have a material safety data sheet for each hazardous substance which they use. Each material safety data sheet shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in section 9 of this act on trade secrets:

(i) If the hazardous substance is a single substance, its chemical and common name;

(ii) If the hazardous substance is a mixture which has been tested as a whole to determine its hazards, the chemical and common name of the ingredients which contribute to these known hazards and the common name of the mixture itself; or

(iii) If the hazardous substance is a mixture which has not been tested as a whole:

(A) The chemical and common name of all ingredients that have been determined to be health hazards, and that comprise one percent or greater of the composition, except that hazardous substances identified as carcinogens shall be listed if the concentrations are one-tenth of one percent or greater; and

(B) The chemical and common name of all ingredients that have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous substance, such as vapor pressure and flash point;

(c) The physical hazards of the hazardous substance including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous substance, including signs and symptoms of exposure, and any medical conditions that are generally recognized as being aggravated by exposure to the hazardous substance;

(e) The primary route of entry;

(f) The occupational safety and health act (OSHA) permissible exposure limit, American Conference of Governmental Industrial Hygienists threshold limit value, and any other exposure limit used or recommended by the manufacturer or supplier preparing the material safety data sheet, where available;

(g) Whether the hazardous substance is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by the occupational safety and health act;

(h) Any generally applicable precautions for safe handling and use that are known to the manufacturer or supplier preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures that are known to the manufacturer or supplier preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it;

(l) The name, address, and telephone number of the manufacturer, supplier, or other responsible party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous substance and appropriate emergency procedures, if necessary; and

(m) Any additional information the department may require under section 23 of this act.

If no relevant information is found for any given category on the material safety data sheet, the manufacturer or supplier preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

Where complex mixtures have similar hazards and contents, i.e., the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture, the manufacturer or supplier may prepare one material safety data sheet to apply to all of these similar mixtures.

The manufacturer or supplier preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the manufacturer or supplier becomes newly aware of any significant information regarding the hazards of a hazardous substance, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. Effective November 25, 1985, if the hazardous substance is not being produced or imported, the manufacturer or supplier shall add the information to the material safety data sheet before the hazardous substance is introduced into the workplace.

(16) "Mixture" means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(17) "Nonhazardous substance" means any item not included in the workplace hazardous substance list as prepared by the department pursuant to section 5 of this act.

(18) "Process container" means:

(a) A container, excluding a pipeline, the content of which is changed frequently;

(b) A container into which substances are transferred from labeled containers, and which is intended only for the immediate use of the employee who performs the transfer;

(c) A container on which a label would be obscured by heat, spillage, or other factors; or

(d) A test tube, beaker, vial, or other container which is routinely used and reused;

(e) The employer may use signs, placards, process sheets, batch tickets, operating procedures, or other written materials in lieu of affixing labels to individual process containers, as long as the alternative method identifies the containers to which the label is applicable and

conveys the information required by section 14 of this act to be on a label. The written materials shall be readily accessible to the employees in their work area throughout each work shift;

(f) The employer is not required to label portable containers into which hazardous chemicals are transferred from labeled containers, and which are intended only for the immediate use of the employee who performs the transfer.

(19) "Research and development laboratory" means a specially designated area used primarily for research, development, teaching, and testing activity, and not primarily involved in the production of goods for commercial sale, in which hazardous substances are used by or under the direct supervision of a technically qualified person.

(20) "Supplier" means any firm or individual other than the initial manufacturer, such as an importer or distributor, who supplies or imports products containing hazardous substances.

(21) "Technically qualified individual" means a person who, because of education, training, or experience, understands the health risks associated with the hazardous substance or mixture handled by or under his or her supervision.

(22) "Trade secret" has the definition found in the uniform trade secrets act, RCW 19.108.010(4).

(23) "Work area" means a room or defined space in a workplace where hazardous substances are produced or used and where employees are present.

(24) "Workplace" means an establishment at one geographical location containing one or more work areas.

(25) "Workplace hazardous substance list" means the list of health hazard substances developed by the department under section 5 of this act for which a manufacturer or supplier may make a trade secret claim.

NEW SECTION, Sec. 4. (1) The application of this chapter is limited with respect to the following employees:

- (a) Employees of handlers of sewage or solid waste;
- (b) Employees of research and development laboratories;
- (c) Employees who are performing duties subject to regulations regarding the transportation of hazardous substances promulgated by any of the following agencies:

(i) The federal department of transportation;

(ii) The Washington utilities and transportation commission; or

(iii) The international maritime organization of the United Nations;

(d) Other employees who are performing duties directly relating to the transportation of hazardous substances.

(2) Employers shall be limited to the following responsibilities under this chapter with regard to employees listed in subsection (1) of this section:

(a) Extensive education and training programs shall be provided to employees in accordance with section 13 of this act;

(b) Employers shall ensure that labels on incoming containers of hazardous substances are not removed or defaced;

(c) Employers shall maintain material safety data sheets that are received with incoming shipments for each type of hazardous substance in their workplace, and ensure that they are readily accessible to employees;

(d) The workplace survey required by section 6 of this act shall be completed to the extent that information is reasonably available; and

(e) Any employee who is exposed to a hazardous substance shall be immediately provided with a material safety data sheet if possible.

(3) The limitations in this section apply only to employees directly involved in the transportation of hazardous substances, directly involved in laboratory research, or directly involved in handling sewage or solid waste. Employees not directly involved in the transportation of hazardous substances, not directly involved in laboratory research, or not directly involved in handling sewage or solid waste are covered by the full terms of this chapter.

NEW SECTION, Sec. 5. (1) The department, after consultation with the department of agriculture, shall develop a workplace hazardous substance list in accordance with rules adopted under chapter 34.04 RCW that shall include:

(a) Any substance regulated under the Washington industrial safety and health act, chapter 49.17 RCW;

(b) Those environmental hazardous substances designated by the federal Environmental Protection Agency pursuant to section 307 and 311 of the federal Clean Water Act of 1977 (33 U.S.C. Secs. 1317 and 1321 respectively) or as hazardous air pollutants pursuant to section 112 of the federal Clean Air Act (42 U.S.C. Sec. 4712) as amended, which have known adverse human health risks;

(c) Substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC);

(d) Substances for which an information alert has been issued by the department; and

(e) Any other substance which the department, based on documented scientific evidence, determines may pose a threat to the health or safety of an employee.

(2) The department shall develop by rule, in accordance with chapter 34.04 RCW, criteria by which hazardous substances may be placed or deleted from the list established under this section.

NEW SECTION. Sec. 6. (1) The department, after consultation with the department of agriculture, shall develop a workplace survey in accordance with rules adopted under chapter 34.04 RCW. The workplace survey shall include a copy of the workplace hazardous substance list.

(2) The department shall transmit the workplace survey to each employer in the state no later than June 1, 1986. Employers shall complete the workplace survey and return it to the department within forty-five days except when employer receives an extension from the department. The number of workplace surveys an employer must submit shall be in accordance with criteria developed by the department.

(3) For those employees who communicate primarily in a language other than English, employers shall make a reasonable effort to inform such employees of their rights under this chapter. When necessary or desirable, the department shall prepare and, upon request, make available to the employers and the public a translation of the workplace survey and each material safety data sheet. The department shall also prepare and make available, when necessary or desirable, translations of written material prepared by the department to inform employees of their rights under this chapter.

An employer shall ensure that all employees, regardless of any language barriers, are provided with a suitable education and training program required pursuant to section 14 of this act.

Every employer employing employees who have trouble communicating in English shall make reasonable efforts to post any notices in the employees' native language as provided by the department.

NEW SECTION. Sec. 7. (1) The manufacturer or supplier of any product used or brought into the state, which product contains hazardous substances as listed pursuant to section 5 of this act, shall prepare and/or provide its purchasers of the product and the department with a material safety data sheet or sheets containing information specified in section 3(15) of this act by November 25, 1985. The manufacturer or supplier shall make every reasonable effort to ensure that the information contained in each material safety data sheet is current, accurate, and complete. Failure to provide current, accurate, and complete information as required by this section shall result in civil and criminal penalties as provided in chapter 49.17 RCW.

(a) This material safety data sheet shall be provided to the purchaser and to the department at the time of initial shipment and with the first shipment after each update of the material safety data sheet.

(b) The manufacturer or supplier shall revise a material safety data sheet pursuant to section 3(15) of this act regarding new information that affects the accuracy of the existing material safety data sheet. If the new information indicates either increased or decreased risks or additional measures necessary to protect employee health as compared to those stated on the material safety data sheet previously provided, the manufacturer or supplier shall provide the new material safety data sheet to the department and to those who have purchased the product directly from the manufacturer or supplier within the last year.

(2) If an employer has reason to believe that a product present at the employer's facility contains a hazardous substance as a component, but has not obtained from the manufacturer or supplier of the product a material safety data sheet, the employer shall list the product by its common name in the space provided on the survey. The department shall have the responsibility of obtaining the material safety data sheet, and, upon obtaining this information, shall transmit it to the employer.

(3) The manufacturer or supplier may provide the information required by section 3(15) of this act on an entire product mixture instead of on each hazardous substance in it when all of the following conditions exist:

(a) Hazard test information exists on the mixture itself, or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the material safety data sheet indicates that the information presented and the conclusions drawn are from some source other than direct test data on the mixture itself;

(b) Providing information on the mixture will be as effective in protecting employee health as information on the ingredients; and

(c) The hazardous substances in the mixture are identified on the material safety data sheet unless it is either unfeasible to describe all the ingredients in the mixture or the identity of the ingredients is itself a valid trade secret. In either case, the reason why the hazardous substances in the mixture are not identified shall be stated on the material safety data sheet.

(4) A single mixture material safety data sheet may be provided for more than one formulation of a product mixture if the information provided pursuant to section 3(15) of this act does not vary for the formulation.

(5) The provisions of this section shall be complied with not later than November 25, 1985.

NEW SECTION. Sec. 8. (1) The department shall, upon request, transmit a copy of the workplace survey to the health department of the county in which the employer's facility is located, the local fire department, and the local police department.

(2) The department shall annually notify the association of Washington cities, the Washington state association of counties, and the Washington fire commissioners association of their rights under this chapter. These organizations shall inform their members of the information available to the members through the department.

NEW SECTION. Sec. 9. (1) The manufacturer, employer, or supplier may make a trade secret claim to the department. Such a trade secret claim does not relieve the manufacturer or supplier from the duty to provide the department with the material safety data sheet. The department shall, by rules adopted in accordance with chapter 34.04 RCW, establish criteria to determine whether the trade secret claim is warranted, and if warranted set forth procedures for the transmittal of information obtained on the material safety data sheet to the employer while providing protection for the trade secret. While the trade secret claim is under review, a manufacturer, employer, or supplier may withhold the hazardous substance trade secret information from the label required by section 14 of this act, the workplace survey required by section 6 of this act, and the material safety data sheet required by section 7 of this act. The manufacturer or supplier shall notify purchasers of trade secret claims made to the department. For any trade secret claim, the manufacturers or suppliers shall compensate the department for expenses incurred in evaluating the validity of that claim.

(2) Where a treating physician or nurse determines that a medical emergency exists and the specific chemical identity of a hazardous chemical is necessary for emergency or first-aid treatment, the manufacturer, supplier, or employer shall immediately disclose the specific chemical identity to that treating physician or nurse, regardless of the existence of a written statement of need or a confidentiality agreement. The manufacturer, supplier, or employer may require a written statement of need and confidentiality agreement in accordance with provisions developed by the department.

(3) Any challenge to the denial of a trade secret claim shall be heard by an administrative law judge in accordance with chapter 34.04 RCW.

NEW SECTION. Sec. 10. (1) The department shall maintain a file of all completed workplace surveys and material safety data sheets received pursuant to sections 5, 7, and 8 of this act. The workplace surveys and material safety data sheets shall be retained by the department for thirty years.

(2) Copies of such records maintained on microfiche or microfilm shall be admissible evidence in any judicial or administrative proceeding.

(3) The department shall require employers who have hazardous substances present at their workplaces to update annually the workplace survey for the employer's workplace.

(4) The department shall require all employers to complete a workplace survey at least once every five years.

(5) Any person may request from the department a copy of a workplace survey for a workplace, together with the appropriate material safety data sheets. The department is the only public agency required to respond to these requests. The department shall keep a record of each request to be made available to health and law enforcement agencies. The record shall include the information released and the identification of the person or organization making the request. A "community right-to-know" state-wide toll-free telephone number shall be made available by the department to receive workplace survey and material safety data sheet requests. The department shall advise the employer when requests for information pertaining to his or her workplace have been made by persons or organizations other than (a) employees working for the employer, or (b) local health, fire, and law enforcement agencies. The department shall impose reasonable limits on requests made under this section and may establish reasonable fees to be charged for copies. Any request by an employee for material pertaining to the workplace where the employee is employed made pursuant to this subsection shall be treated by the department as confidential.

NEW SECTION. Sec. 11. Every employer shall establish and maintain a central file at that employer's workplace in which the employer shall retain a workplace survey for the workplace and appropriate material safety data sheets. Every employer shall post on bulletin boards or other places readily accessible to employees a notice in a form substantially the same as a notice developed by the department of the availability of the information in the file. Every employer shall supply employees with any material designed and provided by the department to inform employees of their rights under this chapter.

NEW SECTION. Sec. 12. (1) Within three working days, employers shall make available as soon as possible without interrupting normal work operations, a workplace survey and a material safety data sheet on each hazardous substance in the employees' work area upon written request of an employee, or the employee's designated representative.

(2) If a manufacturer or supplier has failed to provide a material safety data sheet as specified in section 7 of this act, employers shall notify the department and identify the hazardous substance, manufacturer or supplier, and trade name to the department.

(3) If the material safety data sheet is not on file with the department, the department shall request the manufacturer or supplier to furnish:

(a) The most current material safety data sheet;

(b) A statement that the material safety data sheet is under development and the estimated completion date; or

(c) A statement that the product is not subject to the requirements of this chapter.

(4) The manufacturer or supplier shall provide a response to the request under subsection

(3) of this section within fifteen days of receipt of the request.

(5) The department shall supply the employer and employee with copies of the response.

NEW SECTION. Sec. 13. (1) Every employer or group of employers shall establish or use an existing education and training program for that employer's employees, which shall be designed to inform employees in writing and orally of the nature of the hazardous substances to which they are exposed in the course of their employment and the potential health risks which the hazardous substances pose as provided in the material safety data sheets for the hazardous substances to which the employees may be exposed at the workplace. An employer shall provide current employees with the education and training program by June 1, 1986, and annually thereafter. Beginning June 1, 1986, all new employees shall be provided with the training and education program within the first month of employment. At the time of entering an employment agreement with a prospective employee, an employer shall notify a prospective employee of the availability of workplace surveys and appropriate material safety data sheets for the workplace at which the prospective employee will be employed.

(2) An employer with fewer than thirty-five full-time employees may request assistance, including on-site assistance, from the department in completing its workplace surveys and education and training programs.

NEW SECTION. Sec. 14. (1) A company or individual who manufactures or supplies a hazardous substance or mixture containing a hazardous substance and who supplies the substance or mixture to an employer in the state shall label all such substances and mixtures by the chemical or common name and the appropriate hazard warnings according to chapter 49.17 RCW. These labels shall be updated whenever the product mix is changed or if the manufacturer or supplier becomes aware of any information which is both new and significant regarding the health hazard of a component of the product.

(2) By June 1, 1986, every employer shall make every reasonable effort to assure that every container at the employer's workplace containing a hazardous substance shall bear a label indicating the chemical or common name and the appropriate hazard warnings in accordance with chapter 49.17 RCW.

(3) The labeling requirements of subsections (1) and (2) of this section shall not apply to containers labeled pursuant to the "Federal Insecticide, Fungicide, and Rodenticide Act" (61 Stat. 163; 7 U.S.C. sec. 121 et al.). The department may, by rule, certify containers labeled pursuant to any other federal rule or regulation as labeled in compliance with this section.

(4) Although process containers are excluded from labeling requirements, the employer shall post in a readily available place a workplace hazardous substance list indicating the chemical name or chemical abstracts service number of all hazardous substances contained therein. Labeling of normally-operated vents to the atmosphere, sample connections, and drains in those areas is required if there is potential for employee exposure to a hazardous substance.

(5) In cases of pipes or piping systems, a fixed storage tank, or a reaction vessel, an employer may choose to convey the information required by this section by posting signs, placards, or operating instructions, or other methods rather than affixing labels. For any pipe or piping system, the information required by this section shall be provided at points where direct employee exposure to the hazardous substance contained in the pipe or piping system is likely to occur under normal operating conditions.

(6) If any provisions of this section are inconsistent with the federal Resource Conservation and Recovery Act, or with applicable regulations issued under that act by the Environmental Protection Agency or with chapter 70 RCW, or with regulations adopted by the department of ecology pursuant to its authority under RCW 70.105.020 and RCW 70.105.130, the provisions of this section shall be deemed superseded by those federal and state statutes and regulations.

NEW SECTION. Sec. 15. An employee or employee representative may request, in writing, from the employer, a copy of a workplace survey or a material safety data sheet, filed pursuant to this chapter for the employee's work area. The employer shall supply this material within three working days of the request. If an employer has not complied with section 12 of this act, an employee shall have the right to refuse to work with a particular hazardous substance for which a request was made and not honored within the statutory time period without loss of pay or forfeit of any other privilege until the request is honored. This section shall not apply to employees of vessels while the employees are on the water.

NEW SECTION. Sec. 16. No employer may discharge, cause to be discharged, or otherwise discipline, penalize, or discriminate against any employee because the employee or the employee's representative has exercised any right established in this chapter. The discrimination provisions of chapter 49.17 RCW apply to this chapter.

NEW SECTION. Sec. 17. (1) The director shall establish in the department a right-to-know advisory council, which shall consist of fifteen members appointed by the director. Each of these members shall be appointed for a term of three years, provided that of the members of the council first appointed by the director, five shall serve for terms of one year, five shall serve for terms of two years, and five shall serve for terms of three years. Of these members, one shall be appointed from persons having training and experience in industrial hygiene recommended by recognized labor unions; one from persons recommended by recognized agricultural organizations; one from persons recommended by recognized environmental organizations; one from persons recommended by recognized public interest organizations; one from persons recommended by recognized organizations of chemical industries; one from persons recommended by recognized community organizations; one from persons recommended by recognized organizations of petroleum industries; one from persons recommended by recognized organizations of fire fighters; one from persons recommended by recognized business or trade organizations; one from persons recommended by recognized organizations of small business; one from persons holding an M.D. degree recommended by recognized public health organizations; two persons from professional accident and safety organizations; one person from the technology-based industries; and one from persons with training and experience in environmental epidemiology and toxicology recommended by recognized research or academic organizations. In the event that no recommendations for a particular category of membership are made to the director three months after the effective date of this act in the case of the initial appointments, or within sixty days of the date of the expiration of the term of office of any member or the occurrence of any vacancy in the case of subsequent appointments, the director shall appoint as a member for that category of membership a person whom the director believes will be representative thereof.

(2) A majority of the membership of the council constitutes a quorum for the transaction of council business. Action may be taken and motions and resolutions adopted by the council at any meeting thereof by the affirmative vote of a majority of the members of the council present and voting.

(3) The council shall meet regularly as it may determine, and shall also meet at the call of the department.

(4) The council shall appoint a chairman and other officers as may be necessary from among its members. The council may, within the limits of any funds appropriated or otherwise made available to it for this purpose, appoint such staff or hire such experts as it may require.

(5) Members of the council shall serve without compensation, but the council may, within the limits of funds appropriated or otherwise made available to it for such purposes, reimburse its members for necessary expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 18. (1) The council shall:

(a) Advise the department on the revision of the workplace hazardous substance lists;

(b) Study the impact of this chapter on employers and make recommendations to the legislature. Special emphasis shall be given to the study of the impacts on agricultural and small business employers;

(c) Advise the department on the implementation of this chapter; and

(d) Review any matters submitted to it by the department.

(2) The council may:

(a) Review any aspect of the implementation of this chapter, and transmit its recommendations to the department; and

(b) Hold public meetings or hearings within the state on any matter or matters related to this chapter.

NEW SECTION. Sec. 19. The department, in conjunction with the council, shall establish a procedure for annually receiving information, advice, testimony, and recommendations from the council, the public, and any other interested party concerning the implementation of this chapter. This procedure shall include a mechanism for revising the workplace hazardous substance list. Any revision of the workplace hazardous substance list shall be based on documented scientific evidence. The department shall publicly announce any revisions of the workplace hazardous substance list, and any such additions or revisions shall be made pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 20. The department shall produce educational brochures and public service announcements detailing information available to citizens under this chapter. These educational materials shall be sent to each county health department. As necessary, the department shall provide information needed to update these educational materials.

NEW SECTION. Sec. 21. A person may bring a civil action on his or her own behalf against a manufacturer, supplier, employer, or user for a violation of a provision of this chapter or any rule promulgated under this chapter. The superior court shall have jurisdiction over these actions. The court may award costs of litigation to the prevailing party, including reasonable attorney and expert witness fees.

NEW SECTION. Sec. 22. Substances not included on the workplace hazardous substance list shall not be subject to the reporting provisions of this chapter. However, the absence of any

substance from the workplace hazardous substance list, or the provision of any information by an employer to an employee or any other person pursuant to the provisions of this chapter shall not affect any other liability of an employer with regard to safeguarding the health and safety of an employee or any other person exposed to the substance, nor shall it affect any other duty or responsibility of an employer to warn ultimate users of a substance of any potential health hazards associated with the use of the substance pursuant to the provisions of any law or rule adopted pursuant thereto.

NEW SECTION. Sec. 23. The department may request from an employer submitting surveys to it further information concerning the surveys, and the employer shall provide the additional information upon the request. The employer may require the department to provide reasons why further information is needed and to sign an agreement protecting the confidentiality of any additional information provided under this section.

NEW SECTION. Sec. 24. (1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall assess each employer a fee of seventy-five cents per employee to provide for the implementation of the provisions of this chapter. After this initial assessment, the fees shall be based on a fee schedule developed by the department and shall be collected only from those employers who have hazardous substances present at their workplaces. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee pursuant to the procedures set forth in chapter 49.17 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in chapter 49.17 RCW. The employer from whom the fee is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee under written protest setting forth all the grounds upon which such fee is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or any portion of the fee which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

NEW SECTION. Sec. 25. Unless reference is specifically made to another chapter, this chapter shall be implemented and enforced including penalties, violations, citations, and other administrative procedures pursuant to chapter 49.17 RCW.

NEW SECTION. Sec. 26. If a manufacturer, supplier, employer, or user refuses or fails to provide the department with any data sheets, workplace surveys, or other papers, documents, or information required by this chapter, the department may give written notice to the manufacturer, supplier, employer, or user demanding immediate compliance. If the manufacturer, supplier, employer, or user fails to begin to comply with the terms of the notice within fourteen days of receipt, the department may levy a fine of up to five thousand dollars per day from the final date for compliance allowed by this section or by the department. In any case where the noncompliance continues for more than fifteen days or where the department determines the failure to comply creates a potential health or safety hazard to employees or hinders the department's performance of its duties under this chapter, the department may, in lieu of levying a fine or further fines, petition the superior court of Thurston county or the county where the manufacturer, supplier, employer, or user is located for an order enjoining the manufacturer, employer, supplier, or user from further noncompliance and granting any other remedies that may be appropriate. The court may award the department costs of litigation, including attorney's fees, if the department is the prevailing party.

NEW SECTION. Sec. 27. Except as otherwise provided in this chapter, the department, after consultation with the department of agriculture, shall adopt any rules necessary to carry out its responsibilities under this chapter.

NEW SECTION. Sec. 28. Sections 3 through 27 of this act shall constitute a new chapter in Title 49 RCW.

NEW SECTION. Sec. 29. There is appropriated from the general fund to the worker and community right to know fund for the biennium ending June 30, 1985, the sum of ninety-seven thousand four hundred fifty-three dollars, or so much thereof as may be necessary, to carry out the purposes of this act.

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

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Hughes moved that the Senate do concur in the House amendment to Engrossed Second Substitute Senate Bill No. 4831.

Debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Hughes, in the amendment of the House, I haven't been able to study the details, but in the general summary here, did it provide for a means for companies, particularly high tech companies, to have trade secrets or at least the detail involved in their specific advantage that they have as to the protection of that?"

Senator Hughes: "The answer is 'yes.' I'll ask Senator Talmadge to give you some of the details."

REMARKS BY SENATOR TALMADGE

Senator Talmadge: "Senator Zimmerman, Senator Hughes' response was absolutely correct. It was provided for in the original Senate Bill—a very strong protection for trade secrets, which includes the processes of the manufacturer and that is retained in the House amendment."

Senator Zimmerman: "There had been some question, apparently, of the House version. On the basis of that, that's why I asked the question, as far as some of the individual firms. But you feel comfortable, at least, that they are protected and will not be in a position where they would be losing their advantages because of the bill?"

Senator Talmadge: "I do, Senator, and I believe, in fact, the state protection of trade secrets and trade processes are as strong or perhaps stronger than the protections afforded under the OSHA regulations."

Senator Zimmerman: "One final question—do you feel that, at this point, this bill is preferable to waiting and taking some of the OSHA—the heavy items that are included in the federal legislation—that is already in effect and is going in effect?"

Senator Talmadge: "I think it's clearly preferable. It's clearly preferable for the reason that there's a broader coverage under the state act than will be true under the federal regulations. In fact, I think our definitions and our examination of the issue has been a better one than was done for the federal OSHA regulations. I think ours is a superior piece of legislation from the indications we have from other jurisdictions. They believe that's true also."

Senator Zimmerman: "You're not concerned that the paper work is going to be overwhelming in terms of length of time to keep it going?"

Senator Talmadge: "No."

POINT OF INQUIRY

Senator Deccio: "Senator Talmadge, I think that this bill is not liveable as far as those people who have to comply with it. If time proves that I'm right, would you, if you're here, be willing to scale down what I think is overkill and what would prove to be overkill, so that the bill could be made to be liveable and be possible to comply with—in order to achieve that thing which you see to be the purpose of the bill and that is to protect the workers and the people in the community?"

Senator Talmadge: "Senator, I'm always willing to do the reasonable thing in the protection of workers, but, of course, I do take some issue with the majority of terms like 'overkill' and 'onerous materials' and so forth, which you used in your question. It's simply my belief that this bill is not onerous. It's very similar to the requirements under the federal OSHA regulations. We've covered more employment because it's our belief that hazard is to be found in a greater number of employment than was true under the federal OSHA regulations. But, if in fact, it proves to be a difficulty, I will certainly join with you in dealing with that difficulty

as best I can. As I indicated, I will be chairing the subcommittee with Senator Hughes."

POINT OF INQUIRY

Senator Quigg: "Senator Talmadge, I have just a floor summary of the bill and on page 6 it says 'employees are insured regardless of any language barriers of a suitable education and training program.' Is that the equivalent of a workplace education for all provision? What does that mean in English?"

Senator Talmadge: "Senator, of course, when you read the Senate Bill, that was provided for there also, and the requirement is that they be advised of suitable precautions to take against hazardous material, and I remind you that 'hazardous materials' as defined in the bill, included those materials that would kill them, that would cause cancer, or would cause some other terrible occupational disease. So, in fact, suitable training programs would mean acquainting them with the process of material safety data sheets and the kinds of precautions they might have to take against hazardous materials."

Senator Quigg: "Well, what would be, then, the test whether or not suitability had been achieved? How would one know whether or not they suitably educated or trained employees regardless of their particular language?"

Senator Talmadge: "Well, Senator, as we provided in the Senate version, and was retained in the House version, that was required of the Department of Labor and Industries to enforce--to determine if, in fact, those people had received what amounted to a training program to advise them of the problems of these hazardous materials."

Senator Quigg: "So, in other words, L & I will be the judge and jury as it relates to this education portion?"

Senator Talmadge: "Senator, that's usually the case with any administrative regulations."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed Second Substitute Senate Bill No. 4831 was deferred.

There being no objection, the Senate resumed consideration of Reengrossed Senate Bill No. 3044 and the pending House amendment, deferred March 5, 1984.

MOTIONS

On motion of Senator Bluechel, Senator Pullen was excused.

Senator Gaspard moved that the Senate do concur in the House amendment to Reengrossed Senate Bill No. 3044.

Debate ensued.

Senator Hemstad demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Gaspard to concur in the House amendment to Reengrossed Senate Bill No. 3044.

ROLL CALL

The Secretary called the roll and the motion by Senator Gaspard carried and the Senate concurred in the House amendment to Reengrossed Senate Bill No. 3044 by the following vote: Yeas, 25; nays, 23; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Metcalf, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Goltz, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Moore, Newhouse, Patterson, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Pullen - 1.

The President declared the question before the Senate to be the roll call on final passage of Reengrossed Senate Bill No. 3044, as amended by the House.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Reengrossed Senate Bill No. 3044, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 35; nays, 13; absent, 00; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Metcalfe, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogt, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Deccio, Guess, Hayner, Lee, McCaslin, McDonald, Newhouse, Quigg, Sellar - 13.

Excused: Senator Pullen - 1.

REENGROSSED SENATE BILL NO. 3044, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House again insists on its position regarding the House amendment to ENGROSSED SENATE BILL NO. 4407 and again asks the Senate to concur therein, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hurley, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 4407 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Senate Bill No. 4407 and the House amendment thereto: Senators Hurley, Lee and McDermott.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House refuses to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 843 and once again asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate refused to recede from the Senate amendments to Substitute House Bill No. 843 and asked the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 843 and the Senate amendments thereto: Senators McDermott, Newhouse and Shinpoch.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

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

REPORT OF STANDING COMMITTEE

March 6, 1984

SB 4869 Prime Sponsor, Senator McDermott: Relating to making permanent the current excise tax on harvesters of timber. Reported by Committee on Ways and Means

MAJORITY recommendation: That Substitute Senate Bill No. 4869 be substituted therefor and the substitute bill do pass. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bottiger, Fleming, Hughes, Rinehart, Talmadge, Thompson, Wojahn, Woody.

Hold.

MOTION

On motion of Senator McDermott, the rules were suspended and Senate Bill No. 4869 was advanced to second reading and placed on the second reading calendar.

MOTION

At 12:06 p.m., on motion of Senator Shipoch, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

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

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

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1133 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4448 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4448, authorizing certain minor health care services, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 4448, read in on March 5, 1984)

Signed by: Senators McManus, Deccio and Moore; Representatives Kreidler, McClure and Mitchell.

MOTION

Senator McManus moved that the Senate adopt the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4448.

POINT OF ORDER

Senator Haley: "A point of order. I would ask for a ruling on scope and object of the Free Conference Report. The Free Conference Report is no different than the

House amendments which were ruled beyond the scope and object and I believe the whole thing still holds true for the same reasons."

Debate ensued.

At 1:54 p.m., there being no objection, the President declared the Senate to be at ease.

The President Pro Tempore called the Senate to order at 2:01 p.m.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 4619 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SENATE BILL NO. 4619, modifying procedures for filing vacancies in the office of fire commissioner, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Senate Bill No. 4619, read in on March 5, 1984)

Signed by: Senators Thompson, Woody and McCaslin; Representatives Moon, Haugen and Ballard.

MOTIONS

On motion of Senator Shinpoch, the report of the Free Conference Committee on Senate Bill No. 4619 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4619, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4619, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 47; nays, 00; absent, 02; excused, 00.

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

Absent: Senators Barr, Hansen - 2.

SENATE BILL NO. 4619, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House adopted the report of the Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 689 and granted to said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SECOND SUBSTITUTE HOUSE BILL NO. 689, establishing small business assistance coordinating council, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Second Substitute House Bill No. 689, read in on March 5, 1984)

Signed by: Senators McManus, Quigg and Moore; Representatives J. King, Ebersole and Silver.

MOTION

On motion of Senator McManus, the report of the Free Conference Committee on Second Substitute House Bill No. 689 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 689, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 689, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; nays, 02; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogtild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Voting nay: Senators Craswell, McDonald - 2.

Absent: Senators Barr, Hansen - 2.

SECOND SUBSTITUTE HOUSE BILL NO. 689, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 5, 1984

Mr. President:

The House adopted the report of the Conference Committee on HOUSE BILL NO. 880 and granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 880, regulating payment procedures for certain health care providers not participants in a health services contract, have had the same under consideration, and we recommend that the bill be amended as follows:

(See amendments in Report of Conference Committee on House Bill No. 880, read in on March 5, 1984)

Signed by: Senators Bender, Moore and Sellar; Representatives Kreidler, Lewis and Niemi.

MOTIONS

On motion of Senator Moore, the report of the Free Conference Committee on House Bill No. 880 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of House Bill No. 880, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of House Bill No. 880, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 17; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Metcalf, Moore, Owen, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, McCaslin, McDonald, Newhouse, Patterson, Pullen, Quigg, von Reichbauer - 17.

HOUSE BILL NO. 880, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193, modifying provisions of the Washington clean air act, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Second Substitute Senate Bill No. 3193, read in on March 5, 1984)

Signed by: Senators Talmadge and Hughes; Representatives Rust, Dellwo and Patrick.

MOTIONS

On motion of Senator Hughes, the report of the Free Conference Committee on Engrossed Second Substitute Senate Bill No. 3193 was adopted.

Debate ensued.

PERSONAL PRIVILEGE

Senator Lee: "Mr. President, a point of personal privilege. The remarks that Senator Hughes has alluded to as being my position are untrue."

PARLIAMENTARY INQUIRY

Senator Haley: "I'd like to inquire, is it the practice or should it be the practice of the Senate not to invite a bonafide member of the Conference Committee, if you happen to know ahead of time that he would be opposed to the other five members' point of view?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "To whom are you addressing that--?"

Senator Haley: "To you, sir."

President Pro Tempore Goltz: "Restate your question."

Senator Haley: "Should it be the procedure of the Senate that if it is known that a particular bonafide member of the Conference Committee disagrees with the majority of the members of the Conference Committee, that person should not be invited to attend the proceedings of that Conference Committee?"

President Pro Tempore Goltz: "I would assume, Senator Haley, that all members of Conference Committees should be advised and informed about meetings, so that all members have the opportunity to participate."

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 3193, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 3193, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 04; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Voting nay: Senators Barr, Benitz, Haley, Newhouse - 4.

Absent: Senator Moore - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3193, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the Senate resumed consideration of Engrossed Second Substitute Senate Bill No. 4831 and the pending motion by Senator Hughes to concur in the House amendment, deferred earlier today.

Debate ensued.

The President Pro Tempore declared the question before the Senate to be the motion by Senator Hughes to concur in the House amendment to Engrossed Second Substitute Senate Bill No. 4831.

The motion by Senator Hughes carried and the Senate concurred in the House amendment to Engrossed Second Substitute Senate Bill No. 4831.

Debate ensued.

Senators Bottiger, Shinpoch and Peterson demanded the previous question and the demand was not sustained.

Further debate ensued.

MOTION

On motion of Senator Vognild, Senator Rasmussen was excused.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute Senate Bill No. 4831, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute Senate Bill No. 4831, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; absent, 01; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 29.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Haley, Hansen, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Quigg, Sellar, Zimmerman - 18.

Absent: Senator Gaspard - 1.

Excused: Senator Rasmussen - 1.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4831, as amended by the House, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the chair.

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

SECOND READING

SENATE BILL NO. 4869, by Senator McDermott

Relating to making permanent the current excise tax on harvesters of timber.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 4869 was substituted for Senate Bill No. 4869 and the substitute bill was placed on second reading and read the second time.

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

On page 2, line 3, after "section," insert the following:

"Provided, That for timber harvested from public land and sold under a competitive bidding process, stumpage value shall mean that actual amount paid to the seller in cash or other consideration. Whenever payment for the stumpage includes considerations other than cash, the value shall be the fair market value of the other consideration, provided that if the other consideration is permanent roads, the value of the roads shall be the appraised value as appraised by the seller.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 4869 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4869.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4869, and the bill failed to pass the Senate by the following vote: Yeas, 18; nays, 30; absent, 00; excused, 01.

Voting yea: Senators Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Williams, Wojahn - 18.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Warnke, Woody, Zimmerman - 30.

Excused: Senator Rasmussen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4869, having failed to receive the constitutional majority, was declared lost.

INTRODUCTION OF SPECIAL GUEST

The President introduced Miss Moses Lake, Shauna Bergeson Grant, the guest of Senator Frank Hansen, who was seated with him on the rostrum.

MOTION

At 3:15 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 3:45 p.m.

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

There being no objection, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 4448 and the pending motion by Senator McManus to adopt the Report of the Free Conference Committee, proposed earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling on the point of order raised by Senator Haley, with regard to the Free Conference Committee Report on Engrossed Substitute Senate Bill No. 4448, the President believes that pursuant to Joint Rule No. 8, a Free Conference Committee may add 'new proposed items' to the bill in conference, as long as they come within the breadth of the title. The President believes that the title refers to the language in the enacting clause--in this case 'an act relating to the regulation of persons who perform minor health care services.'

"In this situation, the President is guided by the Joint Rules of the Legislature and fully realizes that Joint Rule 8 allows for the inclusion of amendments which may not necessarily be ruled in order pursuant to Senate Rule 65, entitled 'scope and object of bill not to be changed.'

"The President finds that a careful review of the Free Conference Committee Report to Engrossed Substitute Senate Bill No. 4448 shows that the proposed new

item does come within the title of the bill. The President, therefore, finds that the Free Conference Committee Report to Engrossed Substitute Senate Bill No. 4448 does not expand the scope and object of the title and that the point of order is not well taken."

The Report of the Free Conference Committee was ruled in order.

The President declared the question before the Senate to be the motion by Senator McManus to adopt the Report of the Free Conference Committee.

The motion by Senator McManus carried and the Report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4448 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4448, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4448, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 38; nays, 07; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody - 38.

Voting nay: Senators Bottiger, Guess, Haley, Pullen, Rinehart, Wojahn, Zimmerman - 7.

Absent: Senators Deccio, Hansen, Sellar - 3.

Excused: Senator Rasmussen - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4448, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed.

There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4798 and has granted said committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4798, extending prison overcrowding reform act, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160 are each amended to read as follows:

If the governor finds that an emergency exists in that the population of a state residential correctional facility exceeds its reasonable, maximum capacity, then the governor may do any one or more of the following:

(1) Call the sentencing guidelines commission into an emergency meeting for the purpose of evaluating the standard ranges and other standards. The commission may adopt any revision or amendment to the standard ranges or other standards that it believes appropriate to deal with the emergency situation. The revision or amendment shall be adopted in conformity with chapter 34.04 RCW and shall take effect on the date prescribed by the commission. The legislature shall approve or modify the commission's revision or amendment at the next legislative session after the revision or amendment takes effect. Failure of the legislature to act shall be deemed as approval of the revision or amendment;

(2) If the emergency occurs prior to July 1, 1988, call the board of prison terms and paroles into an emergency meeting for the purpose of evaluating its guidelines and procedures for

release of prisoners under its jurisdiction. The board shall adopt guidelines for the reduction of inmate population to be used in the event the governor calls the board into an emergency meeting under this section. The board shall not, under this subsection, reduce the prison term of an inmate serving a mandatory minimum term under RCW 9.95.040, an inmate confined for treason, an inmate confined for any violent offense as defined by RCW 9.94A.030, or an inmate who has been found to be a sexual psychopath under chapter 71.06 RCW. In establishing these guidelines, the board shall give priority to sentence reductions for inmates confined for nonviolent offenses, inmates who are within six months of a scheduled parole, and inmates with the best records of conduct during confinement. The board shall consider the public safety, the detrimental effect of overcrowding upon inmate rehabilitation, and the best allocation of limited correctional facility resources. Guidelines adopted under this subsection shall be submitted to the senate institutions and house of representatives social and health services committees for their review. This subsection does not require the board to reduce inmate population to or below any certain number. The board may also take any other action authorized by law to modify the terms of prisoners under its jurisdiction:

(3) Call the clemency and pardons board into an emergency meeting for the purpose of recommending whether the governor's commutation or pardon power should be exercised to meet the present emergency.

Sec. 2. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) \$51,803,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) \$25,458,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) \$4,054,000 is provided for intensive parole.

(v) \$16,952,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) \$4,026,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) \$877,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$ 206,860,000
General Fund Appropriation—Federal	\$ 700,000
Total Appropriation	\$ 207,560,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) The department shall contract with appropriate counties for the use of up to 200 beds in county jails. Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$ 13,278,000
General Fund—Institutional Impact Account Appropriation	\$ 865,000
Total Appropriation	\$ 14,143,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation \$ 5,463,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

NEW SECTION, Sec. 3. The legislature finds and declares that:

(1) The sentencing reform act of 1981 which established the sentencing guidelines commission and directed the commission to devise a system of recommended standard sentence ranges for all felony offenses, required the commission, in setting the standards, to emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(2) There is a need to plan and develop a system through which alternatives to total confinement can be used to serve nonviolent offenders who have been convicted of crimes but who, in the judgment of the courts and appropriate corrections personnel, can best serve their sentences without substantial danger to the community in local community programs rather than in state prisons or local jails.

(3) The department of corrections, which, under RCW 72.09.060 and 72.09.100(5), is charged with developing, establishing, and administering community service programs state-wide, has the expertise, and personnel to enable the development of a comprehensive system of alternative programs for nonviolent offenders.

NEW SECTION, Sec. 4. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 4 through 8 of this act.

(1) "Department" means the department of corrections.

(2) "Secretary" means the secretary of corrections.

(3) "Alternatives to total confinement" means residential and nonresidential programs that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW and that are operated by the department or local government entities to serve nonviolent offenders who have been convicted of crimes, in lieu of incarceration in state prisons or local jails.

(4) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION, Sec. 5. The department shall formulate a comprehensive plan for the development, implementation, and operation of alternatives to total confinement for nonviolent offenders, that meet the definitional requirements of the five categories of sanctions established under chapter 9.94A RCW.

The plan shall be submitted to the appropriate standing committee of the house of representatives and the senate for review by December 1, 1984. The plan shall include, but is not limited to:

(1) The establishment of goals and objectives for the development, implementation, and expansion of alternatives to total confinement;

(2) An identification and evaluation of current state and local alternatives to total confinement, including, but not limited to, probation-type services and court-ordered community service programs authorized under RCW 72.09.100(5);

(3) An evaluation of the existing organizational structure and of the services provided by the department's division of community services and its role in providing or administering programs that are alternatives to total confinement after July 1, 1984;

(4) The establishment of policies and procedures to improve and expand existing alternatives to total confinement including, but not limited to, probation-type services and court-ordered community service, and to develop new alternatives to total confinement. Policies and procedures on program site selection, offender intake assessment, program and offender monitoring, and evaluating and reporting the effectiveness of alternatives to total confinement should be included;

(5) The identification of the projected numbers of nonviolent offenders who may be eligible for alternatives to total confinement;

(6) A delineation of the role and functions of affected state and local government entities and state and local service providers with respect to the administration and operation of programs that are alternatives to total confinement;

(7) The identification of funding sources, funding responsibility, and costs associated with alternatives to total confinement and how funding for such programs can occur within state and local budget limitations;

(8) An analysis of the legal liability of state and local government entities and private sector service providers, and a determination of what types of insurance or other mechanisms are available to provide legal and financial safeguards;

(9) An identification of the statutory changes which may be necessary to permit full implementation of the plan; and

(10) An analysis of the role local correctional facilities should assume under chapter 9.94A RCW. The analysis shall determine: (a) Whether the state should assume financial responsibility for operating local correctional facilities, (b) whether the state should contract for county jail beds to house state prisoners, (c) whether new jail facilities have adequate programs to meet the needs of state prisoners, and (d) the feasibility of counties using minimum security facilities for low-risk offenders.

NEW SECTION. Sec. 6. The department, in developing the plan, shall consult with and receive input from representatives of affected state and local government entities including the governor's interagency criminal justice work group, correctional organizations and associations, prosecuting attorneys, the defense bar, the legislature, private nonprofit agencies, and private citizens. The plan shall be submitted to the governor's interagency criminal justice work group for review prior to the submission of such plan to the legislature.

NEW SECTION. Sec. 7. The department's plan for the development, implementation, operation, and expansion of alternatives to total confinement shall reflect regional differences. The department shall consult with and receive input from affected agencies, organizations, service providers, and individuals working at the regional level.

NEW SECTION. Sec. 8. The department, in developing the plan, may request from the office of financial management, the board of prison terms and paroles, the administrator for the courts, the sentencing guidelines commission, the corrections standards board, and the department of social and health services such staff assistance, data, information, and data processing assistance as it may need to accomplish its task, and such services shall be provided without cost to the department.

NEW SECTION. Sec. 9. There is added to chapter 72.09 RCW a new section to read as follows:

(1) In recognition of prison overcrowding and the hazardous nature of employment in state correctional institutions, the legislature hereby provides a supplementary program to reimburse employees of the department of corrections for some of their costs attributable to their being the victims of inmate assaults. This program shall be limited to the reimbursement provided in this section.

(2) An employee is only entitled to receive the reimbursement provided in this section if the secretary of corrections, or the secretary's designee, finds that each of the following has occurred:

(a) An inmate has assaulted the employee and as a result thereof the employee has sustained injuries which have required the employee to miss days of work; and

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment.

(3) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(4) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(5) The employee shall not be entitled to the reimbursement provided in subsection (3) of this section for any workday for which the secretary, or the secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(6) The reimbursement shall only be made for absences which the secretary, or the secretary's designee, believes are justified.

(7) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(8) All reimbursement payments required to be made to employees under this section shall be made by the department of corrections. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(9) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION. Sec. 10. There is appropriated from the general fund to the department of corrections for the period ending December 30, 1984, the sum of forty-five thousand five hundred dollars, or so much thereof as may be necessary, to carry out the purposes of sections 3 through 8 of this act.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 3 through 8 of this act shall expire December 30, 1984."

On page 1, line 1 of the title, after "overcrowding;" strike the remainder of the title and insert "amending section 16, chapter 137, Laws of 1981 as amended by section 4, chapter 163, Laws of 1983 and RCW 9.94A.160; amending section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified); adding a new section to chapter 72.09 RCW; creating new sections; making an appropriation; providing an expiration date; and declaring an emergency."

Signed by: Senators Granlund and Owen; Representatives Kreidler, Wang and Williams.

MOTION

On motion of Senator Rinehart, the report of the Conference Committee was adopted on Engrossed Senate Bill No. 4798 and the committee was granted the powers of Free Conference.

MOTIONS

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

Senator Owen moved that the Committee on Ways and Means be relieved of further consideration of Senate Bill No. 4421.

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Owen to relieve the Committee on Ways and Means of further consideration of Senate Bill No. 4421.

ROLL CALL

The Secretary called the roll and the motion by Senator Owen carried by the following vote: Yeas, 30; nays, 16; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 30.

Voting nay: Senators Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn - 16.

Absent: Senators Deccio, Hansen - 2.

Excused: Senator Rasmussen - 1.

The Committee on Ways and Means was relieved of further consideration of Senate Bill No. 4421.

MOTION

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

There being no objection, the Senate resumed consideration of Senate Concurrent Resolution No. 142, the Point of Information and the pending amendment by Senators Hurley, Williams, Fuller and Goltz ruled in order and deferred on March 5, 1984.

RESPONSE BY THE PRESIDENT

President Cherberg: "In response to a point of information raised by Senator Newhouse regarding the effect of a Senate Concurrent Resolution, the President would advise that such resolution is not codified, that it does not have the effect of law and it is not binding on future legislatures."

REMARKS BY SENATOR NEWHOUSE

Senator Newhouse: "Mr. President, could we also infer in that that it is not binding on official state employees?"

REPLY BY THE PRESIDENT

President Cherberg: "Would you please reduce that to writing, Senator?"

The President declared the question before the Senate to be adoption of the amendment by Senators Hurley, Williams, Fuller and Goltz.

Debate ensued.

Senator Benitz demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hurley, Williams, Fuller and Goltz.

ROLL CALL

The Secretary called the roll and the motion by Senator Hurley carried and the amendment was adopted by the following vote: Yeas, 29; nays, 16; absent, 03; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fuller, Gaspard, Goltz, Granlund, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Moore, Owen, Peterson, Rinehart, Shlnpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 29.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Lee, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer - 16.

Absent: Senators Deccio, Fleming, Hansen - 3.

Excused: Senator Rasmussen - 1.

MOTION

On motion of Senator Hurley, the rules were suspended, Engrossed Senate Concurrent Resolution No. 142 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be adoption of Engrossed Senate Concurrent Resolution No 142, and the resolution was adopted.

MOTION

On motion of Senator Hurley, Engrossed Senate Concurrent Resolution No. 142 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Owen, the rules were suspended and Senate Bill No. 4421 was advanced to second reading and placed on the second reading calendar.

SECOND READING

SENATE BILL NO. 4421, by Senators Woody, Hayner and McManus

Modifying provisions on the taxation of timber and timberlands.

The bill was read the second time.

MOTION

Senator Owen moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Composite property tax rate" for a county means the total amount of property taxes levied upon forest lands by all taxing districts in the county other than the state, divided by the total assessed value of all forest land in the county.

(2) "Forest land" means forest land which is classified or designated forest land under this chapter.

(3) "Harvested" means the time when in the ordinary course of business the quantity of timber by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(4) "Harvester" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, fells, cuts, or takes timber for sale or

for commercial or industrial use. The term does not include persons performing under contract the necessary labor or mechanical services for a harvester.

(5) "Stumpage value of timber" means the appropriate stumpage value shown on tables prepared by the department of revenue under section 11 of this act, provided that for timber harvested from public land and sold under a competitive bidding process, stumpage value shall mean that actual amount paid to the seller in cash or other consideration. Whenever payment for the stumpage includes considerations other than cash, the value shall be the fair market value of the other consideration, provided that if the other consideration is permanent roads, the value of the roads shall be the appraised value as appraised by the seller.

(6) "Timber" means forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170 includes Christmas trees.

(7) "Timber assessed value" for a county means a value, calculated by the department of revenue before October 1 of each year, equal to the total stumpage value of timber harvested from privately owned land in the county during the most recent four calendar quarters for which the information is available multiplied by a ratio. The numerator of the ratio is the rate of tax imposed by the county under section 8 of this act for the year of the calculation. The denominator of the ratio is the composite property tax rate for the county for taxes due in the year of the calculation, expressed as a percentage of assessed value.

(8) "Timber assessed value" for a taxing district means the timber assessed value for the county multiplied by a ratio. The numerator of the ratio is the total assessed value of forest land in the taxing district. The denominator is the total assessed value of forest land in the county. As used in this section, "assessed value of forest land" means the assessed value of forest land for taxes due in the year the timber assessed value for the county is calculated.

NEW SECTION. Sec. 2. (1) An excise tax is imposed on every person engaging in this state in business as a harvester of timber on privately or publicly owned land. The tax is equal to the stumpage value of timber harvested for sale or for commercial or industrial use multiplied by the rate provided in this chapter.

(2) A credit is allowed against the tax imposed under this section for any tax paid under section 8 of this act.

(3) Moneys received as payment for the tax imposed under this section and section 8 of this act shall be deposited in the timber tax distribution account hereby established in the state general fund.

NEW SECTION. Sec. 3. The rate of tax imposed under section 2 of this act for timber harvested July 1, 1984, through June 30, 1985, shall be six and one-half percent.

NEW SECTION. Sec. 4. The rate of tax imposed under section 2 of this act for timber harvested July 1, 1985, through June 30, 1986, shall be six and one-eighth percent.

NEW SECTION. Sec. 5. The rate of tax imposed under section 2 of this act for timber harvested July 1, 1986, through June 30, 1987, shall be five and three-fourths percent.

NEW SECTION. Sec. 6. The rate of tax imposed under section 2 of this act for timber harvested July 1, 1987, through June 30, 1988, shall be five and three-eighths percent.

NEW SECTION. Sec. 7. The rate of tax imposed under section 2 of this act for timber harvested July 1, 1988, and thereafter, shall be five percent.

NEW SECTION. Sec. 8. (1) The legislative body of any county may impose a tax upon every person engaging in the county in business as a harvester effective October 1, 1984. The tax shall be equal to the stumpage value of timber harvested from privately owned land multiplied by a rate of four percent.

(2) Before the effective date of any ordinance imposing a tax under this section, the county shall contract with the department of revenue for administration and collection of the tax. The tax collected by the department of revenue under this section shall be deposited by the department in the timber tax distribution account. Moneys in the account may be spent only for distributions to counties under section 9 of this act and, after appropriation by the legislature, for the activities undertaken by the department of revenue relating to the collection and administration of the taxes imposed under this section and section 2 of this act. Appropriations are not required for distributions to counties under section 9 of this act.

NEW SECTION. Sec. 9. (1) On the last business day of the second month of each calendar quarter, the state treasurer shall distribute from the timber tax distribution account to each county the amount of tax collected on behalf of each county under section 8 of this act, less each county's proportionate share of appropriations for collection and administration activities under section 8 of this act, and shall transfer to the state general fund the amount of tax collected on behalf of the state under section 2 of this act, less the state's proportionate share of appropriations for collection and administration activities under section 2 of this act. The county treasurer shall deposit moneys received under this section in a county timber tax account which shall be established by each county. Following receipt of moneys under this section, the county treasurer shall make distributions from any moneys available in the county timber tax account to taxing districts in the county, except the state, under subsections (2) through (4) of this section.

(2) From moneys available, there first shall be a distribution to each taxing district having debt service payments due during the calendar year, based upon bonds issued under authority of a vote of the people conducted pursuant to RCW 84.52.056 and based upon excess levies for a capital project fund authorized pursuant to RCW 84.52.053, of an amount equal to the timber assessed value of the district multiplied by the tax rate levied for payment of the debt service and capital projects: PROVIDED, That in respect to levies for a debt service or capital project fund authorized before the effective date of this act, the amount allocated shall not be less than an amount equal to the same percentage of such debt service or capital project fund represented by timber tax allocations to such payments in calendar year 1984. Distribution under this subsection (2) shall be used only for debt service and capital projects payments.

(3) From the moneys remaining after the distributions under subsection (2) of this section, the county treasurer shall distribute to each school district an amount equal to one-half of the timber assessed value of the district or eighty percent of the timber roll of such district in calendar year 1983 as determined under this chapter, whichever is greater, multiplied by the tax rate, if any, levied by the district under RCW 84.52.052 or 84.52.053 for purposes other than debt service payments and capital projects supported under subsection (2) of this section.

(4) After the distributions directed under subsections (2) and (3) of this section, if any, each taxing district shall receive an amount equal to the timber assessed value of the district multiplied by the tax rate, if any, levied as a regular levy of the district or as a special levy not included in subsection (2) or (3) of this section.

(5) If there are insufficient moneys in the county timber tax account to make full distribution under subsection (4) of this section, the county treasurer shall multiply the amount to be distributed to each taxing district under that subsection by a fraction. The numerator of the fraction is the county timber tax account balance before making the distribution under that subsection. The denominator of the fraction is the account balance which would be required to make full distribution under that subsection.

(6) After making the distributions under subsections (2) through (4) of this section in the full amount indicated for the calendar year, the county treasurer shall place any excess revenue up to twenty percent of the total distributions made for the year under subsections (2) through (4) of this section in a reserve status until the beginning of the next calendar year. Any moneys remaining in the county timber tax account after this amount is placed in reserve shall be distributed to each taxing district in the county in the same proportions as the distributions made under subsection (4) of this section.

NEW SECTION, Sec. 10. (1) The taxes imposed under this chapter shall be computed with respect to timber harvested each calendar quarter and shall be due and payable in quarterly installments. Remittance shall be made on or before the last day of the month next succeeding the end of the quarterly period in which the tax accrues. The taxpayer on or before such date shall make out a return, upon such forms and setting forth such information as the department of revenue may require, showing the amount of tax for which the taxpayer is liable for the preceding quarterly period and shall sign and transmit the same to the department of revenue, together with a remittance for the amount of tax.

(2) The taxes imposed by this chapter are in addition to any taxes imposed upon the same persons under chapter 82.04 RCW.

(3) Any harvester incurring less than ten dollars tax liability under this section in any calendar quarter is excused from the payment of such tax, but may be required by the department of revenue to file a return even though no tax may be due.

NEW SECTION, Sec. 11. (1) The department of revenue shall designate areas containing timber having similar growing, harvesting, and marketing conditions to be used as units for the preparation and application of stumpage values. Each year on or before December 31 for use the following January through June 30, and on or before June 30 for use the following July through December 31, the department shall prepare tables of stumpage values of each species or subclassification of timber within these units. The stumpage value shall be the amount that each such species or subclassification would sell for at a voluntary sale made in the ordinary course of business for purposes of immediate harvest. These stumpage values, expressed in terms of a dollar amount per thousand board feet or other unit measure, shall be determined in a manner which makes reasonable and adequate allowances for age, size, quality, costs of removal, accessibility to point of conversion, market conditions, and all other relevant factors from:

(a) Gross proceeds from sales on the stump of similar timber of like quality and character at similar locations, and in similar quantities;

(b) Gross proceeds from sales of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) Upon application from any person who plans to harvest damaged timber, the stumpage values for which have been materially reduced from the values shown in the applicable tables due to damage resulting from fire, blow down, ice storm, flood, or other sudden unforeseen cause, the department shall revise the stumpage value tables for any area in which such

timber is located and shall specify any additional accounting or other requirements to be complied with in reporting and paying the tax.

(3) The preliminary area designations and stumpage value tables and any revisions thereof are subject to review by the ways and means committees of the house of representatives and senate prior to finalization. Tables of stumpage values shall be signed by the director or the director's designee and authenticated by the official seal of the department. A copy thereof shall be mailed to anyone who has submitted to the department a written request for a copy.

(4) On or before the sixtieth day after the date of final adoption of any stumpage value tables, any harvester may appeal to the board of tax appeals for a revision of stumpage values for an area determined pursuant to subsection (3) of this section.

NEW SECTION. Sec. 12. The state timber tax account A and state timber tax reserve account established in RCW 84.33.071 and the timber tax distribution guarantee account established in RCW 84.33.085 shall continue within the state general fund and state treasury, respectively, until all funds remaining therein after complying with subsections (4) and (5) of this section are distributed as follows:

(1) Any remaining timber tax moneys in the state timber tax account A and state timber tax reserve account shall be distributed in the following manner:

(a) Thirty-seven percent to the state general fund for use in support of the common schools.

(b) Subject to appropriation by the legislature, sixty-three percent to the counties of the state in the proportion the receipts of harvester excise tax from each county are to the total receipts of harvester excise tax from all counties in the state in calendar years 1982 and 1983.

(2) Any remaining timber tax moneys in the timber tax distribution guarantee account shall be distributed to the counties in the same proportions and percentages as provided for the state timber tax account A and the state timber tax reserve account on May 1, 1985.

(3) Distributions to the counties under authority of this section shall be deposited in the timber tax account of the counties and disbursed to taxing districts of each county in the same priority and as part of the distributions authorized by section 9 of this act.

(4) The taxes due and payable under RCW 84.33.071 with respect to timber harvested during the second and third quarters of calendar year 1984 shall be collected and deposited in the state treasury as though this act had not been enacted.

(5) The payments required to be made through November 20, 1984, by the state treasurer to the treasurer of each timber county under RCW 84.33.080 shall be made as though this act had not been enacted.

This section shall expire on January 1, 1986.

NEW SECTION. Sec. 13. All sections of chapter 82.32 RCW, except RCW 82.32.045 and 82.32.270, apply to the taxes imposed under this chapter.

Sec. 14. Section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080 are each amended to read as follows:

(1) The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

(2) For the purpose of computing the rate necessary to raise the amount of any excess levy in a taxing district which has classified or designated forest land under chapter 84.33 RCW, other than the state, the county assessor shall add the district's timber assessed value, as defined in section 1 of this 1984 act, to the assessed value of the property: PROVIDED, That for school districts maintenance and operations levies only one-half of the district's timber assessed value shall be added.

(3) Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I,, assessor of county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of for the year one thousand nine hundred and

Witness my hand this day of, 19....

....., County Assessor

(4) The county assessor shall deliver said tax rolls to the county treasurer on or before the fifteenth day of December, taking his receipt therefor, and at the same time the county assessor shall provide the county auditor with an abstract of the tax rolls showing the total amount of taxes collectible in each of the taxing districts.

Sec. 15. Section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015 are each amended to read as follows:

Whenever used in this 1970 amendatory act, the term "value of the taxable property" shall mean the actual value of the taxable property in a taxing district incurring indebtedness, as the term "taxing district" is defined in RCW 39.36.010, to be ascertained by the last assessment for state and county purposes previous to the incurring of such indebtedness except that in incorporated cities the assessment shall be taken from the last assessment for city purposes, plus the timber assessed value for the district as defined in section 1 of this 1984 act.

Sec. 16. Section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010 are each amended to read as follows:

As a result of the study and analysis of systems of taxation of standing timber and forest lands by the forest tax committee pursuant to Senate Concurrent Resolution No. 30 of the 41st session of the legislature, and the recommendations of the committee based thereon, the legislature hereby finds that:

(1) The public welfare requires that this state's system for taxation of timber and forest lands be modernized to assure the citizens of this state and its future generations the advantages to be derived from the continuous production of timber and forest products from the significant area of privately owned forests in this state. It is this state's policy to encourage forestry and restocking and reforesting of such forests so that present and future generations will enjoy the benefits which forest areas provide in enhancing water supply, in minimizing soil erosion, storm and flood damage to persons or property, in providing a habitat for wild game, in providing scenic and recreational spaces, in maintaining land areas whose forests contribute to the natural ecological equilibrium, and in providing employment and profits to its citizens and raw materials for products needed by everyone.

(2) The combination of variations in quantities, qualities and locations of timber and forest lands, the fact that market areas for timber products are nation-wide and world-wide and the unique long term nature of investment costs and risks associated with growing timber, all make exceedingly difficult the function of valuing and assessing timber and forest lands.

(3) The existing ad valorem property tax system is unsatisfactory for taxation of standing timber and forest land and will significantly frustrate, to an ever increasing degree with the passage of time, the perpetual enjoyment of the benefits enumerated above.

(4) For these reasons it is desirable, in exercise of the powers to promote the general welfare and to impose taxes; that

(a) the ad valorem system for taxing timber be modified and discontinued in stages over a three year period during which such system will be replaced by one under which timber will be taxed on the basis of stumpage value at the time of harvest, and

(b) forest land remain under the ad valorem taxation system but be taxed only as provided in this chapter ~~(and RCW 84.33.074)~~ and RCW 28A.41.130.

Sec. 17. Section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020 are each amended to read as follows:

Lands not heretofore so classified, which are primarily devoted to and used for growing and harvesting timber are hereby classified as lands devoted to reforestation and such lands and timber shall be taxed in accordance with the provisions of this chapter ~~(RCW 84.33.074)~~ and RCW 28A.41.130.

Sec. 18. Section 4, chapter 294, Laws of 1971 ex. sess. as amended by section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040 are each amended to read as follows:

~~(Except as provided in RCW 84.33.050;)~~ Timber on privately owned land or federally owned land shall be exempt from ad valorem taxation.

Sec. 19. Section 2, chapter 146, Laws of 1981 and RCW 84.33.074 are each amended to read as follows:

(1) A small harvester may elect to calculate the tax imposed by ~~(RCW 84.33.074)~~ this chapter in the manner provided in this section.

(2) Timber shall be considered harvested at the time when in the ordinary course of business the quantity thereof by species is first definitely determined. The amount harvested shall be determined by the Scribner Decimal C Scale or other prevalent measuring practice adjusted to arrive at substantially equivalent measurements, as approved by the department of revenue.

(3) Timber values shall be determined by either of the following methods, whichever is most appropriate to the circumstances of the harvest:

(a) When standing timber is sold on the stump, the taxable value is the actual gross receipts received by the landowner from the sale of the standing timber.

(b) When timber is sold after it has been harvested, the taxable value is the actual gross receipts from sale of the harvested timber minus the costs of harvesting and marketing the timber. When the taxpayer is unable to provide documented proof of harvesting and marketing costs, this deduction for harvesting and marketing costs shall be a percentage of the gross receipts from sale of the harvested timber as determined by the department of revenue but in no case less than twenty-five percent.

(4) The department of revenue shall prescribe a short filing form which shall be as simple as possible.

Sec. 20. Section 6, chapter 134, Laws of 1980 and RCW 84.33.075 are each amended to read as follows:

The excise tax imposed by ((RCW 84.33.071)) this chapter shall not apply to any timber harvested by a nonprofit organization, association, or corporation from forest lands owned by it, where such lands are exempt from property taxes under RCW 84.36.030, and where all of the income and receipts of the nonprofit organization, association, or corporation derived from such timber sales are used solely for the expense of promoting, operating, and maintaining youth programs which are equally available to all, regardless of race, color, national origin, ancestry, or religious belief.

In order to determine whether the harvesting of timber by a nonprofit organization, association, or corporation is exempt, the director of the department of revenue shall have access to its books.

For the purposes of this section, a "nonprofit" organization, association, or corporation is one: (1) Which pays no part of its income directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the organization, association, or corporation in accordance with its purposes and bylaws; and (2) which pays salary or compensation to its officers only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the public services of the state.

Sec. 21. Section 8, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.077 are each amended to read as follows:

The amount of any property taxes paid on timber standing on public land shall be allowed as a credit against any tax imposed with respect to the business of harvesting timber from publicly owned land under ((RCW 84.33.071)) section 2 of this 1984 act. However, the amount of credit allowed shall not exceed the amount of excise tax due in respect to the business of harvesting timber from publicly owned land.

Sec. 22. Section 9, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.078 are each amended to read as follows:

When any timber standing on public land, other than federally owned land, is sold separate from the land, the department of natural resources or other governmental unit, as appropriate, shall provide each bidder with a written notice clearly stating that timber sold separate from the land is subject to property tax in 1984 and thereafter and that the amount of the tax paid may be used as a credit against any tax imposed with respect to business of harvesting timber from publicly owned land under ((RCW 84.33.071)) section 2 of this 1984 act.

Sec. 23. Section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120 are each amended to read as follows:

(1) In preparing the assessment rolls as of January 1, 1982, for taxes payable in 1983 and each January 1st thereafter, the assessor shall list each parcel of forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (2) of this section and shall compute the assessed value of the land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. Values for the several grades of bare forest land shall be as follows.

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$141
	2	136
	3	131
	4	95
2	1	118
	2	114
	3	110
	4	80
3	1	93
	2	90
	3	87
	4	66
4	1	70
	2	68
	3	66
	4	52

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
5	1	51
	2	48
	3	46
	4	31
6	1	26
	2	25
	3	25
	4	23
7	1	12
	2	12
	3	11
	4	11
8		1

(2) On or before December 31, 1981, the department shall adjust, by rule under chapter 34.04 RCW, the forest land values contained in subsection (1) of this section in accordance with this subsection, and shall certify these adjusted values to the county assessor for his use in preparing the assessment rolls as of January 1, 1982. For the adjustment to be made on or before December 31, 1981, for use in the 1982 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1976, and June 30, 1981, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1975, and June 30, 1980, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 82.04.291 and 84.33.071; and

(c) Adjust the forest land values contained in subsection (1) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

For the adjustments to be made on or before December 31, 1982, and each succeeding year thereafter, the same procedure shall be followed as described in this subsection utilizing harvester excise tax returns filed under RCW 82.04.291 and ((84.33.071;)) this chapter except that this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(3) In preparing the assessment roll for 1972 and each year thereafter, the assessor shall enter as the true and fair value of each parcel of forest land the appropriate grade value certified to him by the department of revenue, and he shall compute the assessed value of such land by using the same assessment ratio he applies generally in computing the assessed value of other property in his county. In preparing the assessment roll for 1975 and each year thereafter, the assessor shall assess and value as classified forest land all forest land that is not then designated pursuant to RCW 84.33.120(4) or 84.33.130 and shall make a notation of such classification upon the assessment and tax rolls. On or before January 15 of the first year in which such notation is made, the assessor shall mail notice by certified mail to the owner that such land has been classified as forest land and is subject to the compensating tax imposed by this section. If the owner desires not to have such land assessed and valued as classified forest land, he shall give the assessor written notice thereof on or before March 31 of such year and the assessor shall remove from the assessment and tax rolls the classification notation entered pursuant to this subsection, and shall thereafter assess and value such land in the manner provided by law other than this chapter 84.33 RCW.

(4) In any year commencing with 1972, an owner of land which is assessed and valued by the assessor other than pursuant to the procedures set forth in RCW 84.33.110 and this section, and which has, in the immediately preceding year, been assessed and valued by the assessor as forest land, may appeal to the county board of equalization by filing an application with the board in the manner prescribed in subsection (2) of RCW 84.33.130. The county board shall afford the applicant an opportunity to be heard if the application so requests and shall act upon the application in the manner prescribed in subsection (3) of RCW 84.33.130.

(5) Land that has been assessed and valued as classified forest land as of any year commencing with 1975 assessment year or earlier shall continue to be so assessed and valued until removal of classification by the assessor only upon the occurrence of one of the following events:

- (a) Receipt of notice from the owner to remove such land from classification as forest land;
- (b) Sale or transfer to an ownership making such land exempt from ad valorem taxation;

(c) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that, because of actions taken by the owner, such land is no longer primarily devoted to and used for growing and harvesting timber;

(d) Determination that a higher and better use exists for such land than growing and harvesting timber after giving the owner written notice and an opportunity to be heard;

(e) Sale or transfer of all or a portion of such land to a new owner, unless the new owner has signed a notice of forest land classification continuance. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.120, as now or hereafter amended. The notice of continuance shall be on a form prepared by the department of revenue. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated pursuant to subsection (7) of this section shall become due and payable by the seller or transferor at time of sale. The county auditor shall not accept an instrument of conveyance of classified forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (7) of this section to the county board of equalization. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals.

The assessor shall remove classification pursuant to subsections (c) or (d) above prior to September 30 of the year prior to the assessment year for which termination of classification is to be effective. Removal of classification as forest land upon occurrence of subsection (a), (b), (d), or (e) above shall apply only to the land affected, and upon occurrence of subsection (c) shall apply only to the actual area of land no longer primarily devoted to and used for growing and harvesting timber: PROVIDED, That any remaining classified forest land meets necessary definitions of forest land pursuant to RCW 84.33.100 as now or hereafter amended.

(6) Within thirty days after such removal of classification as forest land, the assessor shall notify the owner in writing setting forth the reasons for such removal. The owner of such land shall thereupon have the right to apply for designation of such land as forest land pursuant to subsection (4) of this section or RCW 84.33.130. The seller, transferor, or owner may appeal such removal to the county board of equalization.

(7) Unless the owner successfully applies for designation of such land or unless the removal is reversed on appeal, notation of removal from classification shall immediately be made upon the assessment and tax rolls, and commencing on January 1 of the year following the year in which the assessor made such notation, such land shall be assessed on the same basis as real property is assessed generally in that county. Except as provided in ~~((subsection(s)))~~ subsections (5)(e) and (9) of this section and unless the assessor shall not have mailed notice of classification pursuant to subsection (3) of this section, a compensating tax shall be imposed which shall be due and payable to the county treasurer thirty days after the owner is notified of the amount of the compensating tax. As soon as possible, the assessor shall compute the amount of such compensating tax and mail notice to the owner of the amount thereof and the date on which payment is due. The amount of such compensating tax shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number, in no event greater than ten, equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land.

(8) Compensating tax, together with applicable interest thereon, shall become a lien on such land which shall attach at the time such land is removed from classification as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which such land may become charged or liable. Such lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(9) The compensating tax specified in subsection (7) of this section shall not be imposed if the removal of classification as forest land pursuant to subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) Sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in such land.

(10) With respect to any land that has been designated prior to May 6, 1974, pursuant to RCW 84.33.120(4) or 84.33.130, the assessor may, prior to January 1, 1975, on his own motion or pursuant to petition by the owner, change, without imposition of the compensating tax provided under RCW 84.33.140, the status of such designated land to classified forest land.

Sec. 24. Section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170 are each amended to read as follows:

Notwithstanding any provision of this chapter to the contrary, this chapter shall not exempt from the ad valorem tax nor subject to the excise tax imposed by (~~RCW 84.33.071~~) this chapter, Christmas trees which are grown on land which has been prepared by intensive cultivation and tilling, such as by plowing or turning over the soil, and on which all unwanted plant growth is controlled continuously for the exclusive purpose of raising such Christmas trees, and such land on which such Christmas trees stand shall not be taxed as provided in RCW 84.33.100 through 84.33.140.

Sec. 25. Section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200 are each amended to read as follows:

(1) The legislature shall review the system of distribution and allocation of all timber excise tax revenues in January, 1975 and each year thereafter to provide a uniform and equitable distribution and allocation of such revenues to the state and local taxing districts.

(2) In order to allow legislative review of the rules and regulations to be adopted by the department of revenue establishing the stumpage (~~value index~~) values provided for in (~~RCW 84.33.071(3)~~) section 11 of this 1984 act, such rules and regulations shall be effective not less than sixty days after transmitting to the staffs of the senate and house ways and means committees (or their successor committees) the same proposed rules and regulations as shall have been previously filed with the office of the code reviser pursuant to RCW 34.04.025(1)(a).

(3) In the event that a permanent timber tax rate is not set in 1979, a joint timber tax advisory committee shall be established. The joint advisory committee shall be composed of members of the house of representatives and the senate and co-chaired by a member of the house revenue committee and a member of the senate ways and means committee. The joint advisory committee shall recommend a rate level and distribution system on or before the convening of the forty-seventh legislature.

(4) The department of revenue and the department of natural resources shall make available to the revenue committees of the senate and house of representatives of the state legislature information and data, as it may be available, pertaining to the status of forest land grading throughout the state, the collection of timber excise tax revenues, the distribution and allocation of timber excise tax revenues to the state and local taxing districts, and any other information as may be necessary for the proper legislative review and implementation of the timber excise tax system, and in addition, the departments shall provide an annual report of such matters in January of each year to such committees.

Sec. 26. Section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010 are each amended to read as follows:

The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through (~~82.27~~) 82.29A RCW of this title (~~and~~), under chapter 84.33 RCW (~~84.33.071~~), and under other titles, chapters, and sections in such manner and to such extent as indicated in each such title, chapter, or section.

NEW SECTION. Sec. 27. The legislature finds that two separate systems are used in the taxation of forest land and the timber and forest crops grown thereon. Less than eight percent of private forest land is taxed under the system enacted in 1931; over ninety-two percent is taxed under the 1971 law. The policies established under RCW 84.28.005 in 1931 and RCW 84.33.010 in 1971 will be carried out more efficiently and equitably under a single uniform taxing system. It is the purpose of sections 28 through 43 of this act to phase out the system enacted in 1931 for taxation of forest land and forest crops and to integrate the taxation of that land and forest crops into the tax system enacted in 1971.

NEW SECTION. Sec. 28. There is added to chapter 84.28 RCW a new section to read as follows:

The classification of land as reforestation land under this chapter is terminated, effective July 1, 1984. Effective July 1, 1984, this land shall be classified forest land under chapter 84.33 RCW and this land and the timber standing thereon shall be subject to all provisions of chapter 84.33 RCW.

NEW SECTION. Sec. 29. There is added to chapter 84.28 RCW a new section to read as follows:

As used in this chapter, "reclassified reforestation land" means land for which the classification has terminated under section 28 of this act.

NEW SECTION. Sec. 30. There is added to chapter 84.28 RCW a new section to read as follows:

The county assessor of a county in which there are reclassified reforestation lands shall notify each owner of record of reclassified reforestation land of the reclassification prior to August 1, 1984. If the owner desires to remove any such land from classification as reclassified reforestation land, the owner shall file an application for removal from classification of the land by legal description prior to October 1, 1984. The application for declassification shall be accompanied by a payment equal to six percent of the stumpage value of any commercial timber standing on the land as of July 1, 1984. The assessor shall accept the request for removal

from classification but may ask for an appraisal of the standing timber certified by an experienced timber cruiser before final acceptance of the payment due. Upon final approval and payment of the proper amount, the assessor shall assess the land at its value for highest and best use as of January 1, 1985.

NEW SECTION. Sec. 31. There is added to chapter 84.28 RCW a new section to read as follows:

In preparing the assessment rolls as of January 1, 1985, for taxes payable in 1986, the assessor shall list, prior to May 31, 1985, each parcel of reclassified reforestation land at the values set in accordance with RCW 84.33.120. For the purpose of calculating the limitation on tax levies under chapter 84.55 RCW, the increase in assessed valuation of reclassified reforestation land entered on the tax rolls as of January 1, 1985, shall be treated the same as increases resulting from new construction. Reclassified reforestation land shall be considered to have been designated or classified forest land for a period in excess of ten years for purposes of calculating any compensating tax which may become payable under RCW 84.33.140.

NEW SECTION. Sec. 32. There is added to chapter 84.33 RCW a new section to read as follows:

There shall be paid by each owner of reclassified reforestation lands, as defined in section 29 of this act, in lieu of the excise tax rate imposed under section 2 of this act, a rate equal to twelve and one-half percent, minus the amounts specified in this chapter. Such tax shall be paid and distributed as follows:

(1) The amount of taxes payable equal to the amount of taxes which would be payable if the rate under this section equaled the rate imposed under section 2 of this act shall be paid and distributed as provided in this chapter.

(2) The amount of taxes payable in excess of the amount of taxes which would be payable if the rate under this section equaled the rate imposed under section 2 of this act shall be paid by the harvester to the department of revenue. The department of revenue shall distribute these receipts, less amounts appropriated for administration, on or before March 15 of the year following the harvest to the county treasurer of the county in which the timber was harvested. The county treasurer shall distribute these receipts to local taxing districts in the county in which the timber was harvested in the same manner as the distributions of tax receipts under chapter 84.28 RCW.

For timber harvested from reclassified reforestation lands, as defined in section 29 of this act, for the period July 1, 1984, through December 31, 1984, the tax shall be paid prior to January 31, 1985, and such tax revenue shall be distributed to the state and local taxing districts in the same manner as if the timber were harvested after October 1, 1984.

NEW SECTION. Sec. 33. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested July 1, 1984, through December 31, 1984, the rate provided in section 32 of this act shall be reduced by one percent.

NEW SECTION. Sec. 34. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1985, the rate provided in section 32 of this act shall be reduced by two percent.

NEW SECTION. Sec. 35. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1986, the rate provided in section 32 of this act shall be reduced by three percent.

NEW SECTION. Sec. 36. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1987, the rate provided in section 32 of this act shall be reduced by three and one-half percent.

NEW SECTION. Sec. 37. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1988, the rate provided in section 32 of this act shall be reduced by four percent.

NEW SECTION. Sec. 38. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1989, the rate provided in section 32 of this act shall be reduced by four and one-half percent.

NEW SECTION. Sec. 39. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1990, the rate provided in section 32 of this act shall be reduced by five percent.

NEW SECTION. Sec. 40. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1991, the rate provided in section 32 of this act shall be reduced by five and one-half percent.

NEW SECTION. Sec. 41. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1992, the rate provided in section 32 of this act shall be reduced by six percent.

NEW SECTION. Sec. 42. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1993, the rate provided in section 32 of this act shall be reduced by six and one-half percent.

NEW SECTION. Sec. 43. There is added to chapter 84.33 RCW a new section to read as follows:

For timber harvested in 1994, and thereafter, the rate provided in section 32 of this act shall be reduced by seven and one-half percent.

NEW SECTION. Sec. 44. The department of revenue shall audit the records of each county in which there are forest lands classified under chapter 84.28 RCW for the purpose of determining compliance with chapter 84.28 RCW in respect to the collection of yield taxes on timber harvested and the disposition of such moneys for the period 1980 through 1984. The department of revenue shall advise the state treasurer of any underpayment or overpayment of moneys due the state and may enter into an agreement with the county treasurer relieving the county of any further liability under chapter 84.28 RCW.

NEW SECTION. Sec. 45. Nothing in sections 28 through 43 of this act excuses or discharges any person from the yield tax imposed by RCW 84.28.110 with respect to timber harvested from reforestation lands prior to July 1, 1984.

NEW SECTION. Sec. 46. Sections 1 through 13 of this act are each added to chapter 84.33 RCW.

NEW SECTION. Sec. 47. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 294, Laws of 1971 ex. sess., section 1, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.030;

(2) Section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050;

(3) Section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060;

(4) Section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071;

(5) Section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072;

(6) Section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080;

(7) Section 5, chapter 4, Laws of 1981 and RCW 84.33.085; and

(8) Section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090.

NEW SECTION. Sec. 48. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 49. This act shall take effect July 1, 1984."

MOTION

Senator Hurley moved the following amendment by Senators Hurley and Hughes to the Owen amendment be adopted:

On page 4, line 16, strike ", through June 30, 1985" and insert "and thereafter", and on line 17, after "percent" insert ", except that as to small harvesters, as defined in RCW 84.33.073, the amount of tax imposed with respect to such business shall be equal to the timber value determined under RCW 84.33.074 multiplied by the rate of five percent"

On page 4, beginning on line 18, strike all of sections 4, 5, 6, and 7 and renumber the sections and change internal references accordingly.

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senators Hurley and Hughes to the Owen amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Hurley failed and the amendment to the amendment was not adopted by the following vote:

Yeas, 18; nays, 30; absent, 00; excused, 01.

Voting yea: Senators Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn - 18.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Woody, Zimmerman - 30.

Excused: Senator Rasmussen - 1.

MOTION

Senator McDermott moved that the following amendments to the Owen amendment be considered and adopted simultaneously:

On page 34, after line 33, insert the following:

"NEW SECTION, Sec. 27. There is added to chapter 84.33 RCW a new section to read as follows:

(1) As used in this section:

(a) "Base year" means the calendar year before the employment year.

(b) "Eligibility voucher" means a voucher issued under subsection (4) of this section.

(c) "Employment year" means the calendar year before the year in which an application for credit is made under this section.

(d) "Other person" means a person other than a previously unemployed resident.

(e) "Previously unemployed resident" means a person who possesses a validly issued eligibility voucher indicating the person has been a resident of this state for a minimum of two years immediately preceding the issuance of the voucher and has been unemployed for at least twenty out of the most recent fifty-two weeks.

(2) Beginning July 1, 1986, credits may be claimed against the tax imposed under RCW 84.33.071 in the following amounts:

(a) For each previously unemployed resident newly employed by the taxpayer, four thousand dollars after the first year of continuous employment, plus two thousand dollars after the second year of continuous employment; and

(b) For each other person newly employed by the taxpayer, two thousand dollars after the first year of continuous employment, plus one thousand dollars after the second year of continuous employment.

(3) The number of employees for which a taxpayer may claim a credit under this section shall not exceed the total number of persons employed by the taxpayer during the employment year, minus the total number of persons employed by the taxpayer during the base year. Unclaimed credits may not be carried forward to future years.

(4) The employment security department shall issue an eligibility voucher to each previously unemployed resident upon application. The employment security department shall not issue more than one eligibility voucher to any person per three-year period. The employment security department shall issue rules for the effective administration of this section. The employment security department shall not impose more than minimal paperwork requirements upon taxpayers under this section.

NEW SECTION, Sec. 28. Section 2 of this act shall take effect January 1, 1985."

On page 4, line 16, after "1984" strike ", through June 30, 1985" and insert "and thereafter"

On page 4, beginning on line 18, strike all of sections 4, 5, 6 and 7.

Renumber the sections and change internal references accordingly.

POINT OF ORDER

Senator Clarke: "Thank you, Mr. President, a point of order. I raise the question of scope and object and will do the same on the various other amendments which I feel are definitely beyond the scope and object of the bill."

Debate ensued.

The President Pro Tempore assumed the chair.

MOTION

Senator Conner moved the following amendment to the Owen amendment be adopted:

On page 37 of the amendment, line 33, after "chapter" insert ": PROVIDED, That the rate imposed on small harvesters, as defined in RCW 84.33.073, shall equal the rate imposed under section 2 of this act"

POINT OF INQUIRY

Senator Quigg: "Senator, just a little clarification on this. How many acres are we talking about? What is the magnitude of the impact of your amendment?"

Senator Conner: "I guess I couldn't really answer that. If I researched, but perhaps I could ask Senator Bottiger. He has some small timber operators in his area and a great deal more than myself."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Quigg, unlike the amendment by Senators Hurley and Hughes, which pertains to the harvesters, this amendment pertains to the landowner--and again it's one million board feet."

Further debate ensued.

POINT OF INQUIRY

Senator Hemstad: "Senator Conner, this bill also deals with the issue of the reforestation change in the standards and tends to apply, for example, to the Simpson Timber Company. How does this amendment relate to that portion of the bill? I'm asking it so I can better understand the impact of your amendment."

Senator Conner: "I couldn't really explain that. I don't happen to live around Simpson Timber, but I know we have some small loggers in our area that are concerned about this."

POINT OF INQUIRY

Senator Hemstad: "Would Senator Owen yield to that question?"

Senator Owen: "Senator Hemstad, it's my understanding of how it relates is that under the reforestation act and those that would harvest over one million board feet per year would fall under what's in the bill right now--of a phase out of ten years. What I understand that this amendment would do would be to immediately phase out for those small companies."

Senator Hemstad: "....The bill as it is now with regard to those persons falling under the reforestation act is a ten year phase out, but for the small forester then, it would be an immediate, complete phase out?"

Senator Owen: "That's the way I understand."

Further debate ensued.

Senator Conner demanded a roll call and the demand was sustained.

The President Pro Tempore declared the question before the Senate to be the roll call on adoption of the amendment by Senator Conner to the Owen amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Conner failed and the amendment to the amendment was not adopted by the following vote:

Yeas, 21; nays, 27; absent, 00; excused, 01.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Peterson, Rinehart, Shinpoch, Talmadge, Warnke, Williams, Wojahn, Woody - 21.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Owen, Patterson, Pullen, Quigg, Sellar, Thompson, Vognild, von Reichbauer, Zimmerman - 27.

Excused: Senator Rasmussen - 1.

MOTION

On motion of Senator Bottiger, further consideration of Senate Bill No. 4421 was deferred.

REPORT OF CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 552, permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert:

"AN ACT Relating to the Washington state patrol; adding a new section to chapter 43.43 RCW; and declaring an emergency.

NEW SECTION. Sec. 1. There is added to chapter 43.43 RCW a new section to read as follows:

(1) The chief of the Washington state patrol shall designate twenty-four or more officers as traffic safety education officers. The chief of the Washington state patrol shall make the designations in a manner designed to ensure that the programs under subsection (2) of this section are reasonably available in all areas of the state.

(2) The chief of the Washington state patrol may permit these traffic safety education officers to appear in their off-duty hours in uniform to give programs in schools or the community on the duties of the state patrol, traffic safety, or crime prevention.

(3) The traffic safety education officers may accept such pay and reimbursement of expenses as are approved by the state patrol from the sponsoring organization.

(4) The state patrol is encouraged to work with community organizations to set up these programs state-wide.

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

Signed by: Senators Warnke and Quigg; Representatives Niemi, Halsan and West.

MOTION

On motion of Senator Bottiger, the report of the Conference Committee was adopted on Substitute House Bill No. 552 and the committee was granted the powers of Free Conference.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 392 and the request for a Free Conference Committee in order to amend the bill, deferred March 5, 1984.

RULING BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "In ruling on the point of order raised by Senator Pullen, with regard to the Free Conference Report on Engrossed House Bill No. 392, the President believes that pursuant to Joint Rule No. 8 that a Free Conference Committee may add 'new proposed items' to the bill in conference as long as they come within the breadth of the title. The President believes that the title refers to the language in the enacting clause--in this case 'an act relating to local government.'"

"The President finds that a careful review of the Free Conference Committee Report to Engrossed House Bill No. 392 shows that all of the proposed new items do relate to the subject of local government."

"The President, therefore, finds that the Free Conference Committee Report to Engrossed House Bill No. 392 does not expand the scope and object of the title and that the point of order is not well taken."

The amendment proposed by the Free Conference Committee was ruled in order.

MOTION

Senator Thompson moved that the Report of the Conference Committee be adopted on Engrossed House Bill No. 392 and that the committee be granted the powers of Free Conference.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: "Senator Thompson, as I was reading this report, I was looking at new section 8. It says 'Territory may be withdrawn from a public hospital district as provided by this section. The commissioners of a public hospital district

may hold a hearing on the proposed removal of--.' What is that section about? Who is asking for that bill? I don't even remember us working on that."

Senator Thompson: "Senator McDermott, that section has been handled out of sympathy for the purpose desired by the minority, as I understand, in both houses of the legislature and included in consultation with people from the Tri Cities and their legislative representatives here to facilitate a problem connected with the hospital district in that area."

Senator McDermott: "Then this is essentially, if I understand you correctly, a central Washington amendment that aids members of the minority who represent a district that is having difficulty."

Senator Thompson: "You recognized it correctly."

Further debate ensued.

PERSONAL PRIVILEGE

Senator Haley: "So that I'll be sure to fall within the rules of what I'm going to talk, it suggests to me that we're seeing a new trend develop here, and there may be something good about it. We might call this bill the local government clean-up bill, but we could also run things through so they get to a Free Conference Report and then have a state government clean-up bill--"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "I believe, Senator Haley, you are not speaking to a point of personal privilege at this point."

Further debate ensued.

The President Pro Tempore declared the question before the Senate to be adoption of the Conference Report on Engrossed House Bill No. 392.

The motion by Senator Thompson failed and the Report of the Free Conference Conference Committee on Engrossed House Bill No. 392 was not adopted.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Upon the defeat of that motion, I take it the Conference Committee could return and attempt to work out the problem and re-draft another Conference Committee Report?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "My understanding is that the bill is in the same position it was before the motion placed by Senator Thompson and that the conference--the bill is in the hands of the Conference Committee."

PARLIAMENTARY INQUIRY

Senator Haley: "Mr. Speaker, would it be proper to ask the House to recede from its position on various aspects of this bill?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "It's in conference at the present time and that would be a matter for the conferees to consider."

PARLIAMENTARY INQUIRY

Senator Hayner: "The Conference Committee could now go back and rewrite the bill in a different way and come back and ask for another conference--Free Conference Committee--is that not so?"

REPLY BY THE PRESIDENT PRO TEMPORE

President Pro Tempore Goltz: "That is correct. The Conference Committee has the bill in its possession and can make any report that it wishes to this body."

At 5:21 p.m., and there being no objection, the President Pro Tempore declared the Senate to be at ease.

The President called the Senate to order at 5:25 p.m.

MESSAGE FROM THE HOUSE

March 3, 1984

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Braddock, Grimm and Tilly, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Substitute House Bill No. 1157 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Substitute House Bill No. 1157 and the Senate amendments thereto: Senators McDermott, Deccio and Thompson.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

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

There being no objection, the Senate resumed consideration of Senate Bill No. 4421 and the pending McDermott amendments to the Owen amendment, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Clarke, the President finds that Senate Bill No. 4421 is an omnibus measure which deals with the subject of taxation of timber and forest lands and the distribution of the revenue collected.

"The amendments proposed by Senator McDermott, also, deal with this subject by providing for a credit against the timber tax for employment of previously unemployed persons.

"The President, therefore, finds that the proposed amendments do not expand the scope and object of the bill and that the point of order is not well taken."

The amendments to the amendment were ruled in order.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator McDermott, are you saying that they will get the credit and not the tax reduction or both?"

Senator McDermott: "They'll not get the tax reduction. The last segment takes away the tax reduction, but it would give them the credit if they hire anybody. If they don't hire anybody, they don't get any tax reduction."

PERSONAL PRIVILEGE

Senator Lee: "When someone is trying to put words into another person's mouth, I think it's proper to correct that, and I'm simply saying that the words that were attributed to me were not the words that I said. The point that I'm trying to make, and I think that it has been well made by others on this floor, is that timber harvesters are not a homogenous group and the particular measure we have before us applies only to those who have large numbers of employees."

Senator Talmadge demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDermott to the Owen amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed and the amendments to the amendment were not adopted by the following vote: Yeas, 18; nays, 29; absent, 01; excused, 01.

Voting yea: Senators Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn - 18.

Voting nay: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, von Reichbauer, Warnke, Woody, Zimmerman - 29.

Absent: Senator Vognil - 1.

Excused: Senator Rasmussen - 1.

MOTION

On motion of Senator McDermott, and there being no objection, all of his amendments on the desk were withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Owen.

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

MOTION

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

On page 1, line 1 of the title, after "taxation" strike the remainder of the title and insert "; amending section 84.52.080, chapter 15, Laws of 1961 as amended by section 1, chapter 7, Laws of 1965 ex. sess. and RCW 84.52.080; amending section 1, chapter 42, Laws of 1970 ex. sess. and RCW 39.36.015; amending section 1, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.010; amending section 2, chapter 294, Laws of 1971 ex. sess. and RCW 84.33.020; amending section 4, chapter 294, Laws of 1971 ex. sess. as amended by section 7, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.040; amending section 2, chapter 146, Laws of 1981 and RCW 84.33.074; amending section 6, chapter 134, Laws of 1980 and RCW 84.33.075; amending section 8, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.077; amending section 9, chapter 62, Laws of 1983 1st ex. sess. and RCW 84.33.078; amending section 12, chapter 294, Laws of 1971 ex. sess. as last amended by section 7, chapter 148, Laws of 1981 and RCW 84.33.120; amending section 17, chapter 294, Laws of 1971 ex. sess. as amended by section 226, chapter 3, Laws of 1983 and RCW 84.33.170; amending section 9, chapter 187, Laws of 1974 ex. sess. as amended by section 4, chapter 6, Laws of 1979 and RCW 84.33.200; amending section 82.32.010, chapter 15, Laws of 1961 as last amended by section 219, chapter 3, Laws of 1983 and RCW 82.32.010; adding new sections to chapter 84.28 RCW; adding new sections to chapter 84.33 RCW; creating new sections; repealing section 3, chapter 294, Laws of 1971 ex. sess., section 1, chapter 4, Laws of 1982 2nd ex. sess. and RCW 84.33.030; repealing section 5, chapter 294, Laws of 1971 ex. sess., section 4, chapter 148, Laws of 1972 ex. sess., section 90, chapter 195, Laws of 1973 1st ex. sess., section 3, chapter 187, Laws of 1974 ex. sess., section 2, chapter 148, Laws of 1981 and RCW 84.33.050; repealing section 6, chapter 294, Laws of 1971 ex. sess., section 91, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 347, Laws of 1977 ex. sess., section 2, chapter 6, Laws of 1979 and RCW 84.33.060; repealing section 1, chapter 347, Laws of 1977 ex. sess., section 1, chapter 6, Laws of 1979, section 1, chapter 148, Laws of 1981, section 2, chapter 4, Laws of 1982 2nd ex. sess., section 59, chapter 3, Laws of 1983 2nd ex. sess. and RCW 84.33.071; repealing section 6, chapter 95, Laws of 1979 ex. sess. and RCW 84.33.072; repealing section 8, chapter 294, Laws of 1971 ex. sess., section 2, chapter 148, Laws of 1972 ex. sess., section 92, chapter 195, Laws of 1973 1st ex. sess., section 2, chapter 187, Laws of 1974 ex. sess., section 8, chapter 123, Laws of 1975-'76 2nd ex. sess., section 3, chapter 347, Laws of 1977 ex. sess., section 3, chapter 6, Laws of 1979, section 6, chapter 4, Laws of 1981, section 1, chapter 8, Laws of 1983 and RCW 84.33.080; repealing section 5, chapter 4, Laws of 1981 and RCW 84.33.085; repealing section 9, chapter 294, Laws of 1971 ex. sess., section 3, chapter 148, Laws of 1972 ex. sess., section 3, chapter 148, Laws of 1981 and RCW 84.33.090; and providing an effective date."

MOTION

On motion of Senator Owen, the rules were suspended, Engrossed Senate Bill No. 4221 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4221.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4221, and the bill passed the Senate by the following vote: Yeas, 28; nays, 20; absent, 00; excused, 01.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McManus, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 28.

Voting nay: Senators Bauer, Bender, Bottiger, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McDonald, Metcalf, Moore, Rinehart, Shinpoch, Talmadge, Thompson, Williams, Wojahn - 20.

Excused: Senator Rasmussen - 1.

ENGROSSED SENATE BILL NO. 4221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 3044,

SECOND SUBSTITUTE SENATE BILL NO. 3193,

SECOND SUBSTITUTE SENATE BILL NO. 4831,

SUBSTITUTE SENATE BILL NO. 4448,

SENATE BILL NO. 4619.

MOTION

At 6:08 p.m., on motion of Senator Shinpoch, the Senate adjourned until 9:00 a.m., Wednesday, March 7, 1984.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 7, 1984

The Senate was called to order at 9:00 a.m. by President Pro Tempore Goltz. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bender, Craswell, Haley, Hughes, Hurley, McDermott, McDonald, Owen, Pullen, Quigg and von Reichbauer. On motion of Senator Vognild, Senators Hughes and McDermott were excused. On motion of Senator Zimmerman, Senators Haley, Quigg and von Reichbauer were excused.

The Sergeant at Arms Color Guard, consisting of Pages Robin Clampett and Mitch McDonald, presented the Colors. Reverend Henry Paasonen, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

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

MESSAGES FROM THE HOUSE

March 6, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1509, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 6, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 3044,

SECOND SUBSTITUTE SENATE BILL NO. 3193,

SUBSTITUTE SENATE BILL NO. 4448,

SENATE BILL NO. 4619,

SECOND SUBSTITUTE SENATE BILL NO. 4831, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 6, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3181,

SUBSTITUTE SENATE BILL NO. 3429,

SENATE BILL NO. 4309,

SUBSTITUTE SENATE BILL NO. 4416,

SUBSTITUTE SENATE BILL NO. 4788, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 5, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1163, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 6, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 105,

SUBSTITUTE HOUSE BILL NO. 1652, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 6, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 480, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 6, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4275,

SUBSTITUTE SENATE BILL NO. 4435,

SUBSTITUTE SENATE BILL NO. 4578,

SENATE BILL NO. 4607, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1304 and passed the bill as amended by the Senate, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House granted the request of the Senate for a conference on SUBSTITUTE HOUSE BILL NO. 843, and the Speaker has appointed the following members as conferees: Representatives Monohon, Sommers and Cantu, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 843, modifying provisions relating to retirement from public services, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 41.50 RCW a new section to read as follows:

(1) The employer of any employee whose retirement benefits are based in part on excess compensation, as defined in this section, shall, upon receipt of a billing from the department, pay into the appropriate retirement system the present value at the time of the employee's retirement of the total estimated cost of all present and future benefits from the retirement system attributable to the excess compensation. The state actuary shall determine the estimated cost using the same method and procedure as is used in preparing fiscal note costs for the legislature. However, the director may in the director's discretion decline to bill the employer if the amount due is less than fifty dollars. Accounts unsettled within thirty days of the receipt of the billing shall be assessed an interest penalty of one percent of the amount due for each month or fraction thereof beyond the original thirty-day period.

(2) "Excess compensation," as used in this section, includes any payment that was used in the calculation of the employee's retirement allowance, except regular salary and overtime, but is not limited to a cash out of unused annual leave in excess of two hundred forty hours of such leave, a cash out of any other form of leave, a payment for, or in lieu of, any personal expense, and any other termination or severance payment used in the calculation of the employee's retirement allowance. Any payment which is made pursuant to any labor agreement currently in force shall not be deemed excess compensation. Any payments in excess of regular salary and overtime, and two hundred forty hours of unused annual leave made after the expiration of a current contract shall be excess compensation.

(3) This section applies to the retirement systems listed in RCW 41.50.030 and to retirements occurring on or after the effective date of this act. Nothing in this section is intended to amend or determine the meaning of any definition in chapter 2.10, 2.12, 41.26, 41.32, 41.40, or 43.43 RCW or to determine in any manner what payments are includable in the calculation of a retirement allowance under such chapters.

(4) An employer is not relieved of liability under this section because of the death of any person either before or after the billing from the department.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 10, Laws of 1982 1st ex. sess. and RCW 41.32.4985; and

(2) Section 34, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.187.

NEW SECTION. Sec. 3. There is added to chapter 2.10 RCW a new section to read as follows:

The director of retirement systems is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 4. There is added to chapter 2.12 RCW a new section to read as follows:

The director of retirement systems is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 5. There is added to chapter 41.26 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 6. There is added to chapter 41.32 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 7. There is added to chapter 41.40 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 8. There is added to chapter 43.43 RCW a new section to read as follows:

The director is authorized to pay from the interest earnings of the trust funds of the system lawful obligations of the system for legal expenses and medical expenses which expenses are primarily incurred for the purpose of protecting the trust fund or are incurred in compliance with statutes governing such funds.

The term "legal expense" includes, but is not limited to, legal services provided through the legal services revolving fund, fees for expert witnesses, travel expenses, fees for court reporters, cost of transcript preparation, and reproduction of documents.

The term "medical costs" includes, but is not limited to, expenses for the medical examination or reexamination of members or retirees, the costs of preparation of medical reports, and fees charged by medical professionals for attendance at discovery proceedings or hearings.

NEW SECTION. Sec. 9. There is added to chapter 41.40 RCW a new section to read as follows:

(1) Any person who was a member of the state-wide city employees' retirement system governed by chapter 41.44 RCW and who also became a member of the public employees' retirement system on or before the effective date of this act may, in a writing filed with the director, elect to:

(a) Transfer to the public employees' retirement system all service currently credited under chapter 41.44 RCW;

(b) Reestablish and transfer to the public employees' retirement system all service which was previously credited under chapter 41.44 RCW but which was canceled by discontinuance of service and withdrawal of accumulated contributions as provided in RCW 41.44.190. The service may be reestablished and transferred only upon payment by the member to the employees' savings fund of the public employees' retirement system of the amount withdrawn plus interest thereon from the date of withdrawal until the date of payment at a rate determined by the director. No additional payments are required for service credit described in this subsection if already established under this chapter; and

(c) Establish service credit for the initial period of employment not to exceed six months, prior to establishing membership under chapter 41.44 RCW, upon payment in full by the member of the total employer's contribution to the benefit account fund of the public employees' retirement system that would have been made under this chapter when the initial service was rendered. The payment shall be based on the first month's compensation earnable as a member of the state-wide city employees' retirement system and as defined in RCW 41.44.030(13). However, a person who has established service credit under RCW 41.40.010(11) (c) or (d) shall not establish additional credit under this subsection nor may anyone who establishes credit under this subsection establish any additional credit under RCW 41.40.010(11) (c) or (d). No additional payments are required for service credit described in this subsection if already established under this chapter.

(2)(a) In the case of a member of the public employees' retirement system who is employed by an employer on the effective date of this act, the written election required by subsection (1) of this section must be filed and the payments required by subsection (1)(b) and (c) of this section must be completed in full within one year after the effective date of this act.

(b) In the case of a former member of the public employees' retirement system who is not employed by an employer on the effective date of this act, the written election must be filed and the payments must be completed in full within one year after reemployment by an employer.

(c) In the case of a retiree receiving a retirement allowance from the public employees' retirement system on the effective date of this act or any person having vested rights as described in RCW 41.40.150(3) or (5), the written election may be filed and the payments may be completed at any time.

(3) Upon receipt of the written election and payments required by subsection (1) of this section from any retiree described in subsection (2)(c) of this section, the department shall recompute the retiree's allowance in accordance with this section and shall pay any additional benefit resulting from such recomputation retroactively to the date of retirement from the system governed by this chapter.

Sec. 10. Section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450 are each amended to read as follows:

The required contribution rates to the retirement system for members, employers, and the state of Washington shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

The member, the employer and the state shall each contribute the following shares of the cost of the retirement system:

Member	50%
Employer	30%
State	20%

Any adjustments in contribution rates required from time to time for future costs shall likewise be shared proportionally by the members, employers, and the state: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the state.

Any increase in the contribution rate required as the result of a failure of the state or of an employer to make any contribution required by this section shall be borne in full by the state or by that employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members' contributions required by this section shall be deducted from the members basic salary each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members, employers of such members, and the state shall each contribute the following percentages of basic salary:

Member	8.14%
Employer	4.88%
State	3.28%

In addition, the state shall initially contribute an additional twenty percent of basic salary per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 11. Section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary: PROVIDED, That the employer contribution shall be contributed as provided in RCW 41.32.401.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members earnable compensation each payroll period. The members contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends and the employers contribution shall be remitted as provided by law.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.66% of earnable compensation: PROVIDED, That employers shall initially contribute an additional 5.80% of earnable compensation per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 12. Section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650 are each amended to read as follows:

The required contribution rates to the retirement system for both members and employers shall be established by the director from time to time as may be necessary upon the advice of the state actuary.

Contribution rates required to fund the costs of the retirement system shall always be equal for members and employers, except as herein provided. Any adjustments in contribution rates required from time to time for future costs shall likewise be shared equally by the members and employers: PROVIDED, That the costs of amortizing the unfunded supplemental present value of the retirement system, in existence on September 30, 1977, shall be borne in full by the employers.

Any increase in the contribution rate required as the result of a failure of an employer to make any contribution required by this section shall be borne in full by the employer not making the contribution.

The director shall notify ~~((the retirement board))~~ all employers of any pending adjustment in the required contribution rate and such increase shall be announced ~~((at a board meeting held))~~ at least thirty days prior to the effective date of the change.

Members contributions required by this section shall be deducted from the members compensation earnable each payroll period. The members contribution and the employers contribution shall be remitted directly to the department within fifteen days following the end of the calendar month during which the payroll period ends.

Until such time as the director shall establish other rates, members and employers of such members shall each contribute 5.51% of compensation earnable: PROVIDED, That employers shall initially contribute an additional one and one-half percent of compensation earnable per member to amortize the unfunded supplemental present value of the retirement system in effect on September 30, 1977.

Sec. 13. Section 13, chapter 274, Laws of 1947 as last amended by section 1, chapter ... (SB 4731), Laws of 1984 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

(1) Persons in ineligible positions;

(2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;

(3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership ~~((and to be accepted by the action of the director, such application for those taking elective office for the first time after May 21, 1971, shall be submitted within eight years of the beginning of their initial term of office: AND PROVIDED FURTHER, That any such persons previously denied service credit because of any prior laws excluding membership which have subsequently been repealed, shall nevertheless be allowed to recover or regain such service credit denied or lost because of the previous lack of authority))~~ during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership ((and be accepted by action of the director:)) to be effective during such term or terms of office, and shall be allowed to ((recover or regain)) establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That ((any person who was an elected official eligible to apply for membership pursuant to this subsection, who failed to exercise that option while holding such elected office and who is now a member of the retirement system, shall have the option to recover service credit for such elected service upon payment to the retirement system of the employee and employer contributions which would have been made had the person been a member during the period of such elective service)) all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions:

(4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after the effective date of chapter ... (SB 4731), Laws of 1984 be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;

(5) Patient and inmate help in state charitable, penal, and correctional institutions;

(6) "Members" of a state veterans' home or state soldiers' home;

(7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;

(8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;

(9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;

(10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;

(11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;

(12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application.

Sec. 14. Section 32, chapter 274, Laws of 1947 as last amended by section 7, chapter 155, Laws of 1965 and RCW 41.40.310 are each amended to read as follows:

Once each year during the first five years following the retirement of a member on a disability pension or retirement allowance, and at least once in every three year period thereafter the retirement board may, and upon the member's application shall, require any disability beneficiary, who has not attained age sixty years, to undergo a medical examination; such examination to be made by or under the direction of the medical adviser at the place of residence of said beneficiary, or other place mutually agreed upon. Should any disability beneficiary, who has not attained age sixty years, refuse to submit to such medical examination in any such period, his disability pension or retirement allowance may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, all his rights in and to his disability pension, or retirement allowance, may be revoked by the retirement board. If upon such medical examination of a disability beneficiary, the medical adviser reports and his report is concurred in by the retirement board, that the disability beneficiary is no longer totally incapacitated for duty as the result of the injury or illness for which the disability was granted, or that he is engaged in a gainful occupation, his disability pension or retirement allowance shall cease: PROVIDED, That if the disability beneficiary resumes a gainful occupation and his compensation is less than his compensation earnable at the date of disability, the board shall continue the disability benefits in an amount which when added to his compensation does not exceed his compensation earnable at the date of separation, but the disability benefit shall in no event exceed the disability benefit originally awarded; PROVIDED FURTHER, That the compensation earnable at the date of separation is adjusted July 1 of each year by the ratio of the average consumer price index (Seattle, Washington area) for urban consumers,

compiled by the United States department of labor, bureau of labor statistics, for the calendar year prior to the adjustment to the average consumer price index for the calendar year in which separation from service occurred but in no event shall the adjustment result in an amount lower than the original compensation earnable at the date of separation.

Sec. 15. Section 9, chapter 163, Laws of 1982 and RCW 41.50.032 are each amended to read as follows:

(1) The director shall assume all powers, duties, and functions of the retirement boards abolished by RCW 2.10.052, 41.26.051, 41.32.015, 41.40.022, and 43.43.142 except as otherwise assigned in this section.

(2) There is hereby created a state advisory committee to the department of retirement systems which shall serve in an advisory capacity to the director of retirement systems. The committee shall consist of twelve members appointed by the governor as provided in this section:

(a) Three active members and one retired member of the public employees' retirement system;

(b) Two active members, one a law enforcement officer and the other a fire fighter, and one retired fire fighter, of the law enforcement officers' and fire fighters' retirement system;

(c) Two active members, one a teacher and the other an administrator, and one retired member of the teachers' retirement system;

(d) One active member of the state patrol retirement system;

(e) One active member of the judicial retirement system.

The active members appointed under subsections (a), (b), (c), and (d) of this subsection shall be selected from a list of three nominees submitted by each organization representing active members. The retired members appointed under subsections (a), (b), and (c) of this subsection shall be selected from a list of three nominees submitted by each organization representing retired members. The member appointed under subsection (e) of this subsection shall be appointed from a list of three nominees submitted by the state supreme court.

Members shall serve staggered three-year terms as determined by the governor. Members shall serve without compensation but shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended.

(3) The advisory committee shall at its first meeting of each fiscal year elect a chairperson and vice chairperson.

(4) The chairperson shall annually appoint from the committee members a subcommittee for each retirement system covered by this chapter. Each subcommittee shall have one committee member representing the system for which appointed and two other committee members who represent any other system. The subcommittees shall meet upon the call of the director to review all disability appeals cases which have been heard by a hearings examiner. Having considered the ~~(report of the hearings examiner and all other legally pertinent material)~~ hearings examiner's proposed decision, including findings of fact and conclusions of law, and having personally considered the whole record or such portions thereof as may be cited by the parties, the subcommittee shall make a recommendation to the director for the disposition of the appeal.

Sec. 16. Section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210 are each amended to read as follows:

Any person aggrieved by any final decision of the director must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing ~~((before the retirement board))~~. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered ~~((by the retirement board))~~, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

Sec. 17. Section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220 are each amended to read as follows:

A hearing shall be held by ~~((members of the retirement board, or its))~~ the director, or the director's duly authorized representative((s)), in the county of the residence of the claimant at a time and place designated by the ~~((retirement board))~~ director. Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The disability board and the ~~((director))~~ department shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the ~~((retirement board))~~ director shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

Sec. 18. Section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230 are each amended to read as follows:

No bond of any kind shall be required of a claimant appealing to the superior court, the court of appeals, or the supreme court from a ~~((finding))~~ decision of the ~~((retirement board))~~ director affecting such claimant's right to retirement or disability benefits.

Sec. 19. Section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040 are each amended to read as follows:

Each subordinate officer and employee of the several offices, departments, and institutions of the state government shall be entitled under their contract of employment with the state government to not less than one working day of vacation leave with full pay for each month of employment if said employment is continuous for six months.

Each such subordinate officer and employee shall be entitled under such contract of employment to not less than one additional working day of vacation with full pay each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

Such part time officers or employees of the state government who are employed on a regular schedule of duration of not less than one year shall be entitled under their contract of employment to that fractional part of the vacation leave that the total number of hours of such employment bears to the total number of hours of full time employment.

Each subordinate officer and employee of the several offices, departments and institutions of the state government shall be entitled under his contract of employment with the state government to accrue unused vacation leave not to exceed thirty working days. Officers and employees transferring within the several offices, departments and institutions of the state government shall be entitled to transfer such accrued vacation leave to each succeeding state office, department or institution. All vacation leave shall be taken at the time convenient to the employing office, department or institution: PROVIDED, That if a subordinate officer's or employee's request for vacation leave is deferred by reason of the convenience of the employing office, department or institution, and a statement of the necessity therefor is filed by such employing office, department or institution with the appropriate personnel board or other state agency or officer, then the aforesaid maximum thirty working days of accrued unused vacation leave shall be extended for each month said leave is so deferred. ~~((No agency or department of the state may make any payment to an employee for unused or accrued vacation leave upon termination of employment except in the case of death. PROVIDED: That agencies or departments of the state shall provide a method whereby all accumulated vacation leave may be taken as vacation leave.))~~

Sec. 20. Section 43.01.041, chapter 8, Laws of 1965 as amended by section 3, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.041 are each amended to read as follows:

Officers and employees referred to in RCW 43.01.040 whose employment is terminated by their death, reduction in force, resignation, dismissal, or retirement, and who have accrued vacation leave as specified in RCW 43.01.040, shall ~~((have such accrued vacation leave))~~ be paid ~~((to))~~ therefor under their contract of employment, or their estate if they are deceased, or if the employee in case of voluntary resignation has provided adequate notice of termination.

NEW SECTION. Sec. 21. Section 1, chapter 51, Laws of 1982 1st ex. sess. and RCW 41.04.345 are each repealed.

NEW SECTION. Sec. 22. It is the purpose of sections 23 through 28 of this act to govern the retirement rights of persons whose employment status is altered when: (1) Two or more units of local government of this state, at least one of which is a first class city with its own retirement system, enter into an agreement for the consolidated performance of a governmental service, activity, or undertaking; (2) the service, activity, or undertaking is to be performed either by one of the participating local governmental units or by a newly established separate legal entity; and (3) the employees of the participating local governmental units are not all members of the same Washington public retirement system.

Sections 23 through 28 of this act are not intended to and do not govern retirement rights of any members of the retirement systems established by chapter 41.16, 41.18, 41.20, or 41.26 RCW, or of employees described in RCW 35.58.265, 35.58.390, or 70.08.070. To the extent there is any conflict between sections 23 through 28 of this act and RCW 41.04.110, the provisions of sections 23 through 28 of this act shall govern.

NEW SECTION. Sec. 23. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 22 through 28 of this act.

(1) "Legal entity" means any political subdivision or municipal corporation of the state, including but not limited to public agencies created under RCW 35.63.070, 36.70.060, or 39.34.030.

(2) "Consolidated employer" means the legal entity assigned by agreement to perform a governmental service, activity, or undertaking for two or more units of local government of the state, at least one of which is a first class city with its own retirement system.

(3) "Existing employee" means a person who both (a) becomes employed by the consolidated employer within one year after the consolidation and (b) was employed by one of the combining legal entities at the time of the consolidation.

(4) "New employee" means an employee of the consolidated employer who is not an existing employee.

(5) "Active member" means a member of a retirement system who was making contributions to that retirement system at the time of the consolidation.

NEW SECTION. Sec. 24. If a consolidated employer is a participating member in the public employees' retirement system under chapter 41.40 RCW prior to the consolidation:

(1) All existing employees of the consolidated employer who are active members of the public employees' retirement system immediately prior to the consolidation shall continue to be members of that retirement system while employed by the consolidated employer.

(2) All existing employees of the consolidated employer who are active members of a first class city retirement system under chapter 41.28 RCW immediately prior to the consolidation shall cease to be members of that system at the time of the consolidation and, if eligible, shall immediately become members of the public employees' retirement system. However, any such active member may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue to be a member of the first class city retirement system, thereby forever waiving any rights under the public employees' retirement system based upon employment with the consolidated employer.

(3) Only prospective periods of qualifying service under the public employees' retirement system may be established under this section.

NEW SECTION. Sec. 25. If a consolidated employer is a city operating a first class city retirement system under chapter 41.28 RCW prior to the consolidation:

(1) All existing employees of the consolidated employer who are active members of the first class city retirement system immediately prior to the consolidation shall continue to be members of that retirement system while employed by the consolidated employer.

(2) All existing employees of the consolidated employer who are active members of the public employees' retirement system under chapter 41.40 RCW immediately prior to the consolidation shall cease to be members of that system at the time of the consolidation and, if eligible, shall immediately become members of the first class city retirement system. However, any such active member may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue to be a member of the public employees' retirement system, thereby forever waiving any rights under the first class city retirement system based upon such employment with the consolidated employer.

(3) Only prospective periods of qualifying service under the first class city retirement system may be established under this section.

NEW SECTION. Sec. 26. If a consolidated employer is a newly created legal entity and does not immediately join the public employees' retirement system pursuant to RCW 41.40.410:

(1) All existing employees of the consolidated employer who are active members of a first class city retirement system or the public employees' retirement system immediately prior to the consolidation shall cease to be members of these systems. However, any such active members may, by a writing filed with the consolidated employer within thirty days after the consolidation or within thirty days after the effective date of this act, whichever is later, irrevocably elect instead to continue as members of the retirement system to which they belonged at the time of the consolidation for all periods of employment with the consolidated employer.

(2) If the consolidated employer later joins the public employees' retirement system, all existing employees still employed on that date shall, effective from that date, have the same retirement system rights and options, subject to the same conditions as employees governed by section 24 of this act, notwithstanding any previous election under subsection (1) of this section.

(3) No new employees of the consolidated employer may become members of an employer-sponsored retirement system until such time as the employer joins the public employees' retirement system pursuant to RCW 41.40.410.

NEW SECTION. Sec. 27. Notwithstanding any provision of section 24, 25, or 26 of this act:

(1) No person may simultaneously accrue any contractual rights whatsoever in more than one Washington public retirement system as a consequence of employment by a consolidated employer.

(2) No person who makes a written election permitted by section 24, 25, or 26 of this act may receive a retirement allowance from such retirement system under any circumstances while employed or reemployed by the consolidated employer.

(3) No person may accrue any benefits or rights under any Washington public retirement system as a result of section 24, 25, or 26 of this act except such rights of continuing membership that are specifically and explicitly granted by section 24, 25, or 26 of this act.

(4) Nothing in sections 22 through 27 of this act is intended to constitute an amendment or waiver of any law or rule of any Washington public retirement system, including but not limited to those governing eligibility for service credit, benefits, or membership, except to broaden the class of legal entities that are deemed to be participating employers in the retirement systems in the specific circumstances stated in sections 24, 25, and 26 of this act.

NEW SECTION. Sec. 28. (1) Consolidated employers that employ persons governed by section 24, 25, or 26 of this act shall comply with all laws and rules governing the retirement system in which the persons participate as members, including but not limited to the obligations to

make employer contributions, to deduct and transmit employee contributions, and to submit required reports.

(2) Sections 24, 25, 26, and 27 of this act govern any consolidation occurring on or after December 31, 1981.

NEW SECTION. Sec. 29. Sections 22 through 28 of this act are each added to chapter 41.04 RCW.

NEW SECTION. Sec. 30. (1) There is appropriated for the biennium ending June 30, 1985, from the state general fund to the public employees' retirement system fund the sum of two hundred ten thousand dollars, or so much thereof as may be necessary, to carry out the purposes of section 9 of this act.

(2) There is appropriated to the department of retirement systems for the biennium ending June 30, 1985, from the department of retirement systems expense fund the sum of fifty-five thousand dollars, or so much thereof as may be necessary, to carry out the administration of this act.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "service;" strike the remainder of the title and insert "amending section 6, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.450; amending section 6, chapter 293, Laws of 1977 ex. sess. and RCW 41.32.775; amending section 6, chapter 295, Laws of 1977 ex. sess. and RCW 41.40.650; amending section 13, chapter 274, Laws of 1947 as last amended by section 1, chapter ... (SB 4731), Laws of 1984 and RCW 41.40.120; amending section 32, chapter 274, Laws of 1947 as last amended by section 7, chapter 155, Laws of 1965 and RCW 41.40.310; amending section 9, chapter 163, Laws of 1982 and RCW 41.50.032; amending section 19, chapter 209, Laws of 1969 ex. sess. as amended by section 6, chapter 294, Laws of 1981 and RCW 41.26.210; amending section 20, chapter 209, Laws of 1969 ex. sess. as amended by section 7, chapter 294, Laws of 1981 and RCW 41.26.220; amending section 21, chapter 209, Laws of 1969 ex. sess. as amended by section 103, chapter 81, Laws of 1971 and RCW 41.26.230; amending section 43.01.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.040; amending section 43.01.041, chapter 8, Laws of 1965 as amended by section 3, chapter 51, Laws of 1982 1st ex. sess. and RCW 43.01.041; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding new sections to chapter 41.04 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.32 RCW; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 43.43 RCW; repealing section 2, chapter 10, Laws of 1982 1st ex. sess. and RCW 41.32.4985; repealing section 34, chapter 52, Laws of 1982 1st ex. sess. and RCW 41.40.187; repealing section 1, chapter 51, Laws of 1982 1st ex. sess. and RCW 41.04.345; making appropriations; and declaring an emergency."

Signed by: Senators Shinpoch, McDermott and Newhouse; Representatives Monohon, Sommers and Cantu.

MOTION

On motion of Senator Shinpoch, the report of the Conference Committee was adopted on Substitute House Bill No. 843 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 6, 1984

- Mr. President:

The House granted the request of the Senate for a conference on ENGROSSED SENATE BILL NO. 4407, and the Speaker has appointed the following members as conferees: Representatives Grimm, Dellwo and Vander Stoep.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on HOUSE BILL NO. 880 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

There being no objection, the President Pro Tempore advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, the appointment of Larry Sanford as a member of the State Board for Community College Education was confirmed.

APPOINTMENT OF LARRY SANFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 35; nays, 00; absent, 09; excused, 05.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Woody, Zimmerman - 35.

Absent: Senators Bender, Bottiger, Craswell, Hurley, McDonald, Owen, Peterson, Pullen, Wojahn - 9.

Excused: Senators Haley, Hughes, McDermott, Quigg, von Reichbauer - 5.

MOTION

On motion of Senator Rinehart, the appointment of Vaughn A. Sherman as a member of the Board of Trustees for Edmonds Community College District No. 23 was confirmed.

APPOINTMENT OF VAUGHN A. SHERMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; nays, 00; absent, 03; excused, 05.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 41.

Absent: Senators Bauer, Deccio, Owen - 3.

Excused: Senators Haley, Hughes, Pullen, Quigg, von Reichbauer - 5.

MOTION

On motion of Senator Rinehart, the appointment of Tsuguo "Ike" Ikeda as a member of the Commission for Vocational Education was confirmed.

APPOINTMENT OF TSUGUO "IKE" IKEDA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Owen - 1.

Excused: Senators Haley, Hughes, Pullen, Quigg, von Reichbauer - 5.

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

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on SECOND SUBSTITUTE HOUSE BILL NO. 689 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 977, delaying the effective date of administrative revocation of driver's licenses for DWI violations and instituting an interim system of temporary licenses,

have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 47, chapter 165, Laws of 1983 (uncodified) is amended to read as follows:

Sections 2, 3 through 12, 14, 16, 18, 22, 24, and 26 of ~~((this act))~~ chapter 165, Laws of 1983 shall take effect on January 1, ~~((1985))~~ 1986. The remainder of ~~((this act))~~ chapter 165, Laws of 1983 is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1983. The director of licensing may immediately take such steps as are necessary to insure that all sections of ~~((this act))~~ chapter 165, Laws of 1983 are implemented on their respective effective dates.

NEW SECTION. Sec. 2. There is added to chapter 46.20 RCW a new section to read as follows:

(1) Whenever any person is arrested for a violation of RCW 46.61.502 or 46.61.504, the arresting officer shall, at the time of arrest, confiscate the person's Washington state license or permit to drive, if any, and issue a temporary license to replace any confiscated license or permit.

(2) Within twenty-four hours of the arrest, the arresting officer shall transmit any confiscated license or permit to the department with a report indicating the date and location of the arrest.

(3) Any temporary license issued under this section shall be dated with the same expiration date as the confiscated license or permit. A temporary license shall be valid only until the sooner of:

(a) Its expiration date; or

(b) The suspension, revocation, or denial by judicial or administrative action for any reason of the license, permit, or privilege to drive of the person holding the temporary license.

(4) The department shall return, replace, or authorize renewal of any confiscated license or permit that has not been suspended or revoked for any reason upon notification:

(a) By the law enforcement agency that made the arrest that a charge has not been filed for the offense for which the license or permit was confiscated;

(b) By the prosecuting authority of the jurisdiction in which the offense occurred that the charge has been dropped or changed to other than one for which confiscation is required under this section; or

(c) By the court in which the case has been or was to be heard that the charge has been dismissed or that the person charged has been found not guilty of the charge; or

(d) By a court that the person has been convicted of the offense for which the license or permit was confiscated, but the suspension or revocation of the license or permit has been stayed pending appeal of the conviction.

(5) If a temporary license issued under this section expires before the department receives notification under subsection (4) of this section, the department shall authorize the driver to seek renewal of the license. If the driver is qualified for renewal, the department shall issue a new temporary license with the same expiration date as the driver would have received had his or her license or permit not been confiscated.

(6) Upon receipt of a returned or replaced confiscated license from the department, the driver shall return any temporary license in his or her possession or shall sign an affidavit that the temporary license has been lost, stolen, or destroyed.

(7) No temporary license issued under this section is valid to any greater degree than the confiscated license or permit that it replaces.

(8) The department shall provide courts and law enforcement agencies with the appropriate temporary license and notice forms for use under this section.

(9) This section shall expire on December 31, 1985."

Signed by: Senators Peterson, Clarke and Talmadge; Representatives Armstrong, Wang and Tilly.

MOTION

On motion of Senator Peterson, the report of the Conference Committee was adopted on Substitute House Bill No. 977 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4798 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 4798, extending prison overcrowding reform act, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Senate Bill No. 4798, read in on March 6, 1984)

Signed by: Senators Granlund and Owen; Representatives Kreidler, Wang, Williams.

MOTION

On motion of Senator Granlund, the report of the Free Conference Committee on Engrossed Senate Bill No. 4798 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4798, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4798, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 39; nays, 02; absent, 03; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Craswell, Guess - 2.

Absent: Senators Bottiger, Newhouse, Owen - 3.

Excused: Senators Haley, Hughes, Pullen, Quigg, von Reichbauer - 5.

ENGROSSED SENATE BILL NO. 4798, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 552 and has granted said committee powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 552, permitting off-duty patrol officers to wear their uniforms while participating in public service educational programs, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Substitute House Bill No. 552, read in on March 6, 1984)

Signed by: Senators Warnke and Quigg; Representatives Niemi, Halsan and West.

MOTION

On motion of Senator Warnke, the report of the Free Conference Committee on Substitute House Bill No. 552 was adopted.

The President Pro Tempore declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 552, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 552, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senator Owen - 1.

Excused: Senators Haley, Hughes, Pullen, Quigg, von Reichbauer - 5.

SUBSTITUTE HOUSE BILL NO. 552, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House refused to accept the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 and once again asks for a conference thereon, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4490, restricting utilities from terminating utility service for residential space heat, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 4490, read in on March 4, 1984)

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1986, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsection (2) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, 1986:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan.

NEW SECTION. Sec. 2. There is added to chapter 54.16 RCW a new section to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section.

(3) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make payments either directly to the utility or jointly payable to the customer and the utility.

(4) This section shall expire June 30, 1986.

NEW SECTION. Sec. 3. There is added to chapter 54.16 RCW a new section to read as follows:

All districts shall offer to residential customers the option of a budget billing or equal payment plan.

Sec. 4. Section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, 1986:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) Brings a statement from the department of social and health services or a grantee of the planning and community affairs agency which administers federally funded energy assistance programs, that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and which provides a dollar figure that is seven percent of household income;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is applicable for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but the plan shall not be invalidated unless payment during this period is less than seven percent. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination a description of the customer's duties in this subsection;

(ii) Assist the customer in fulfilling the requirements under this subsection;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this subsection moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection.

(c) In distributing energy assistance funds pursuant to 42 U.S.C. Sec. 8624, the department of social and health services and grantees of the planning and community affairs agency shall make all payments either directly to the utility or jointly payable to the customer and the utility.

(d) A payment plan implemented under this subsection is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

NEW SECTION. Sec. 5. There is added to chapter 35.21 RCW a new section to read as follows:

Until 1986, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 6. There is added to chapter 54.16 RCW a new section to read as follows:

Until 1986, districts distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986.

NEW SECTION. Sec. 7. There is added to chapter 80.28 RCW a new section to read as follows:

Until 1986, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ____ (Engrossed Substitute Senate Bill No. 4490), Laws of 1984 benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, 1986."

On page 1, line 1 of the title, after "heating;" strike the remainder of the title and insert "amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300; amending section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010; adding a new section to chapter 35.21 RCW; adding new sections to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW."

Signed by: Senators Williams, McDermott and Hemstad; Representatives D. Nelson and Sutherland.

MOTION

On motion of Senator Shinpoch, the request of the House for another conference on Engrossed Substitute Senate Bill No. 4490 was granted.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House refused to concur in the Senate amendments to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660 and requests a conference thereon. The Speaker has appointed the following members as conferees: Representatives Ballard, P. King and Schoon, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the request for a conference on Engrossed Second Substitute House Bill No. 1660 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed Second Substitute House Bill No. 1660 and the Senate amendments thereto: Senators Gaspard, Craswell and Bauer.

MOTION

On motion of Senator Shinpoch, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Governatorial Appointments Nos. 135, 136, 176, 177, 178, 179, 180, 181, 182 and 199 were advanced to second reading and placed on the second reading calendar.

MOTION

At 9:47 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 10:15 a.m.

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

MOTION

On motion of Senator Vognild, Senators Bottiger, Granlund and McDermott were excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Rueben A. Flores as a member of the Board of Trustees for Central Washington University was confirmed.

APPOINTMENT OF RUEBEN A. FLORES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 04; excused, 06.

Voting yea: Senators Barr, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Bauer, Deccio, McManus, Thompson - 4.

Excused: Senators Bottiger, Granlund, Haley, McDermott, Pullen, von Reichbauer - 6.

MOTION FOR RECONSIDERATION

Senator Shinpoch moved that the Senate reconsider the vote, taken earlier today, by which another conference was granted on Engrossed Substitute Senate Bill No. 4490.

The President declared the question before the Senate to be the motion by Senator Shinpoch to reconsider the vote by which another conference was granted on Engrossed Substitute Senate Bill No. 4490.

The motion by Senator Shinpoch carried.

MOTION

Senator Shinpoch moved that the Senate do not grant another conference on Engrossed Substitute Senate Bill No. 4490.

The President declared the question before the Senate to be the motion to not grant another conference on Engrossed Substitute Senate Bill No. 4490.

The motion by Senator Shinpoch carried and the Senate did not grant another conference on Engrossed Substitute Senate Bill No. 4490.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Gaspard, the appointment of Rindetta D. Stewart as a member of the Board of Trustees for Fort Steilacoom Community College District No. 11 was confirmed.

APPOINTMENT OF RINDETTA D. STEWART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 05; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Fleming, Fuller, Gaspard, Goltz, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 40.

Absent: Senators Conner, Deccio, Guess, McManus, Moore - 5.

Excused: Senators Granlund, Haley, Pullen, von Reichbauer - 4.

MOTION

On motion of Senator Rinehart, the appointment of Earlyse Allen Swift as a member of the Board of Trustees for Centralia Community College District No. 12 was confirmed.

APPOINTMENT OF EARLYSE ALLEN SWIFT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Lee - 1.

Excused: Senators Granlund, Haley, Pullen, von Reichbauer - 4.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 105.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 480.

SUBSTITUTE HOUSE BILL NO. 1163.

ENGROSSED HOUSE BILL NO. 1509.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1652.

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

There being no objection, the Senate resumed consideration of Second Substitute House Bill No. 181, which was placed on third reading on March 5, 1984.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 181, by Committee on Ways and Means (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

The bill was read the third time and placed on final passage.

Debate ensued.

POINT OF ORDER

Senator Vognild: "Thank you, Mr. President, I'd like to raise a point of order that this bill fails to survive the cut-off.

"Mr. President, I have read this bill several times. I have been trying to find where it fits into the cut-off resolution. It is not a part of the budget bill. I can find nothing in here dealing with unemployment unless, perhaps, the creation of a new department which I perceive would wind up having something to do with reducing unemployment, other than that I can't find it.

"Talking about revenue--the third section of the cut-off--there are no fee increases in here. There's merely a piece of language which says the Department may continue to extract 25% fees when they handle the exchange of property. I do not consider that an increase in fees or change in fees. Dealing in terms of revenues to the fund, I can only quote Mr. Hitchman, who indicates that he thinks that the possibility of DNR entering into commercial real estate business is very risky. Success in this area demands a great deal of expertise and a highly competent, experienced staff. Although there is a potential that income to the trust beneficiary could be increased, that potential will not come to fruition without some way to eliminate some of the risks associated with the transaction.

"Viewing that, which happens to be my opinion of the bill, as well, I cannot find that there is any revenue portion of this bill. Unless one of those three elements is strongly in this bill, I believe that the bill has failed to survive the cut-off, and that it is not properly before this body."

RULING BY THE PRESIDENT

President Cherberg: "In reply to Senator Vognild's point, the President rules that Second Substitute House Bill No. 181 is properly before the Senate when one reads the cut-off resolution, which states 'That after 5:00 p.m. on the forty-ninth day of the session, Sunday, February 26, 1984, neither the House nor the Senate may consider any bills except the supplemental budget and matters relating to revenue....' This measure relates to revenue, either the gain or the loss. So, therefore, the President rules the bill is properly before the Senate."

Further debate ensued.

Senators Bottiger, Peterson and Conner demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 181, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 181, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; absent, 00; excused, 01.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hayner, Hemstad, Kiskaddon, McDermott, McDonald, Newhouse, Peterson, Peterson, Rasmussen, Shinpoch, Thompson, von Reichbauer, Williams, Zimmerman - 25.

Voting nay: Senators Barr, Bender, Conner, Craswell, Deccio, Hansen, Hughes, Hurley, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Pullen, Quigg, Rinehart, Sellar, Talmadge, Vogtild, Warnke, Wojahn, Woody - 23.

Excused: Senator Haley - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 181, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Metcalf moved that the Senate revert to the fifth order of business.

MOTION

At 11:23 a.m., Senator Bottiger moved that the Senate recess until 1:30 p.m.

POINT OF INQUIRY

Senator Metcalf: Senator Bottiger, would it be your intent, then, to take up this motion after 1:30 p.m.?"

Senator Bottiger: "Senator, I don't want to take up the motion at any time. What I really wanted to do was to get some Conference Committee Reports on the desk, which have to be here by 12:00 or those Conference Committee Reports are dead. If we spend four hours debating your motion, then a lot of these measures are going to fall through the cracks."

Senator Metcalf: "Well, all I would ask you is that you'll give us a commitment to take this up at 1:30. Certainly, you know, I think we should take it up at that time. I don't want to get involved in delaying any essential business of the Senate, but this is a very essential measure. If we take it up at 1:30, that's fine. Let's do that."

The motion by Senator Bottiger carried and at 11:24 a.m., the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

There being no objection, the Senate resumed consideration of the motion by Senator Metcalf to revert to the fifth order of business.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Metcalf to revert to the fifth order of business.

ROLL CALL

The Secretary called the roll and the motion by Senator Metcalf failed by the following vote: Yeas, 21; nays, 22; absent, 06; excused, 00.

Voting yea: Senators Barr, Benitz, Clarke, Conner, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Voting nay: Senators Bauer, Bender, Bluechel, Bottiger, Fleming, Gaspard, Goltz, Hansen, Hemstad, McDermott, McManus, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Warnke, Williams, Wojahn, Woody - 22.

Absent: Senators Granlund, Hughes, Hurley, Moore, Owen, Patterson - 6.

MOTION

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

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has passed ENGROSSED SENATE BILL NO. 4504 with the following amendments:

On page 1, after line 25, insert the following:

"Sec. 3. Section 43.88.090, chapter 8, Laws of 1965 as last amended by section 4, chapter 270, Laws of 1981 and RCW 43.88.090 are each amended to read as follows:

(1) For purposes of developing budget proposals to the legislature, the governor shall have the power, and it shall be the governor's duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as the governor shall direct. (~~The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues.~~) The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget (~~Estimates for the legislature and for the supreme court shall be included in the budget~~) without revision. Copies of all such estimates shall be transmitted to the standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of financial management.

(2) Estimates from each agency shall include goals and objectives for each program administered by the agency. The goals and objectives shall, whenever possible, be stated in terms of objective measurable results. The estimates shall include statements or tables which indicate, by agency, the state funds which are required for the receipt of federal matching revenues. The estimates shall be revised as necessary to reflect legislative enactments and adopted appropriations and shall be included with the initial biennial allotment submitted under RCW 43.88.110.

(3) Each agency shall submit to the office of financial management a report by September 15 of each odd-numbered year on its performance toward the goals and objectives established for the previous fiscal biennium and the goals and objectives established for the current fiscal biennium. Copies of the reports shall be transmitted by the office of financial management to the standing committees on ways and means of the house of representatives and senate and the legislative budget committee by December 31 of each odd-numbered year.

(4) In the year of the gubernatorial election, the governor shall invite the governor-elect or the governor-elect's designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or the governor-elect's designee with such information as will enable the governor-elect or the governor-elect's designee to gain an understanding of the state's budget requirements. The governor-elect or the governor-elect's designee may ask such questions during the hearings and require such information as the governor-elect or the governor-elect's designee deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the standing committees on ways and means of the house and senate.

NEW SECTION. Sec. 4. Section 1, chapter 306, Laws of 1983 and RCW 43.17.220 are each repealed."

On page 1, line 1 of the title, after "accounting;" strike the remainder of the title and insert "amending section 43.88.090, chapter 8, Laws of 1965 as last amended by section 4, chapter 270, Laws of 1981 and RCW 43.88.090; adding new sections to chapter 43.88 RCW; and repealing section 1, chapter 306, Laws of 1983 and RCW 43.17.220."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Shinpoch, the Senate concurred in the House amendments to Engrossed Senate Bill No. 4504.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4504, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4504, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; nays, 00; absent, 06; excused, 00.

Voting yea: Senators Barr, Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Bender, Granlund, Hughes, Hurley, Moore, Owen - 6.

ENGROSSED SENATE BILL NO. 4504, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Second Substitute House Bill No. 181 passed the Senate earlier today.

POINT OF ORDER

Senator Bluechel: "A point of order, Mr. Chairman. Did Senator McDermott vote on the prevailing side on House Bill 181?"

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that Senator McDermott voted on the prevailing side."

REPORT OF CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1246, providing programs for educational excellence, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Each school district board of directors is encouraged to revise its goal-setting process and to begin immediately to establish an annual process of identifying measurable goals which concentrate on improving educational excellence in the district. This process of identifying goals should involve teachers, administrators, school directors, students, parents, business persons, and other community members. The annual goals and recognition of accomplishments should be reported by the school district to the community each year.

NEW SECTION, Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

School district boards of directors shall identify and offer courses with content that meet or exceed: (1) The basic education skills identified in RCW 28A.58.752; (2) the graduation requirements under section 6 of this act; and (3) the courses required to meet the minimum college entrance requirements under section 16 of this act. Such courses may be applied or theoretical, academic or vocational.

Sec. 3. Section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090 are each amended to read as follows:

Every school district board of directors, being accountable to the citizens within its district as to the education offered to the students therein, ~~((on or before September 1, 1977, for grades kindergarten through eight, and on or before September 1, 1978, for grades nine through twelve, by rule and regulation;))~~ shall, based on the timeline established by the superintendent of public instruction, develop a program identifying student learning objectives for their district ~~((in the areas of language arts, reading, and math, and initiate implementation of such program on or before September 1, 1978, for grades kindergarten through eight, and on or before September 1, 1981, for grades nine through twelve. PROVIDED: That such student learning objectives for grades kindergarten through eight shall be reviewed by the superintendent of public instruction and a report of such review shall be submitted to the legislature on or before January 31, 1978. PROVIDED FURTHER: That))~~ in all courses of study included in the school district programs. The school district must evidence community participation in defining the objectives of such a program. ((Such)) The program of student learning objectives shall assure that the district's resources in ((such)) the educational program, such as money, facilities, time, materials and personnel, ((shall be utilized)) are used so as to provide both economies in management and operation, and quality education in ((the aforesaid)) all subject areas and courses. (-PROVIDED FURTHER: That such). The learning objectives shall be measurable as to the actual student attainment; student attainment shall be locally assessed annually and the student learning objectives program shall be reviewed at least every two years. In developing and reviewing the learning objectives, districts shall give specific attention to improving the depth of course content within courses and in coordinating the sequence in which subject matter is presented.

The superintendent of public instruction shall review implementation of the learning objectives law biennially and shall submit a report of such review to the legislature on or before January 1 of each odd-numbered year.

The state board of education shall examine the programs in each school district in the state for reasons of program approval as required in accordance with RCW 28A.41.130, as now or hereafter amended.

School districts may obtain assistance in carrying out their duties under this section from the educational service district of which they are a part.

NEW SECTION. Sec. 4. Section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092 are each repealed.

NEW SECTION. Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The office of the superintendent of public instruction, in consultation with the state board of education, shall prepare model curriculum programs and/or curriculum guidelines in three subject areas each year. These model curriculum programs or curriculum guidelines shall span all grade levels and shall include statements of expected learning outcomes, content, integration with other subject areas, recommended instructional strategies, and suggested resources.

Certificated employees with expertise in the subject area under consideration shall be chosen by the superintendent of public instruction from each educational service district, from a list of persons suggested by their peers, to work with the staff of the superintendent of public instruction to prepare each model curriculum program or curriculum guidelines. Each participant shall be paid his or her regular salary by his or her district, and travel and per diem expenses by the superintendent of public instruction. The superintendent of public instruction shall make selections of additional experts in the subject area under consideration as are needed to provide technical assistance and to review and comment upon the model curriculum programs and/or curriculum guidelines before publication and shall be paid travel and per diem expenses by the superintendent of public instruction as necessary. The model curriculum programs and curriculum guidelines shall be made available to all districts. Participants developing model curriculum programs and/or curriculum guidelines may be used by school districts to provide training or technical assistance or both. After completion of the original development of model curriculum programs or curriculum guidelines, the office of the superintendent of public instruction shall schedule, at least every five years, a regular review and updating of programs and guidelines in each subject matter area. Any travel and per diem expenses provided to employees involved in the development of model programs or guidelines shall not be considered salary or compensation for purposes of the limitations established in RCW 28A.58.095.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students who commence the ninth grade subsequent to July 1, 1985, that meet or exceed the following:

SUBJECT	CREDITS*	YEARS*
English	9	3**
Mathematics	6	2**
Social Studies		
United States history and government	3	1
Washington state history and government	1 1/2	1/2
Contemporary world history, geography, and problems	3	1
Science (3 credits must be in laboratory science)	6	2**
Occupational Education	3	1
Physical Education	(See RCW 28A.05.040 for physical education requirements.)***	
Electives	16 1/2	
Total	48	

* Credit means 60 hours of instruction including normal class change passing time. Three credits are the equivalent to a one-year course.

** No more than 1 credit per trimester or 1 1/2 credits per semester or 3 credits per year may be applied toward graduation requirements in these subjects. Additional credits in these subjects may be counted as electives.

*** The state board of education shall establish through rules and regulations clearly defined physical education requirements for the purpose of minimum high school graduation requirements under RCW 28A.05.040.

A candidate for graduation must have in addition earned a minimum of 48 credits and fulfilled the physical education requirement. These credits shall consist of the state requirements listed above and such additional requirements and electives as shall be established by each district.

(2) The state board of education shall develop and establish procedures for students to meet equivalencies for courses required for graduation in subsection (1) of this section. Such procedures may include provisions for competency testing in lieu of such courses.

(3) The state board of education shall establish procedures for establishing high school graduation requirements for students with special educational needs, in accord with limitations on their ability to fulfill these high school graduation requirements.

(4) The local school districts shall consider the relevance of vocational and applied courses in fulfilling these high school graduation requirements.

(5) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from the graduation requirements in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach required subjects. The state board of education may adopt reasonable and necessary rules regarding exemptions for students who transfer between districts.

(6) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

NEW SECTION. Sec. 7. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Each school district board of directors may establish student grading policies which permit teachers to consider a student's attendance in determining the student's overall grade or deciding whether the student should be granted or denied credit. Such policies shall take into consideration the circumstances pertaining to the student's inability to attend school. However, no policy shall be adopted whereby a grade shall be reduced or credit shall be denied for disciplinary reasons only, rather than for academic reasons, unless due process of law is provided as set forth by the state board of education under RCW 28A.04.132.

Sec. 8. Section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. and RCW 28A.03.360 are each amended to read as follows:

~~(1) (It shall be the intent and purpose of this section to direct the office of superintendent of public instruction to conduct standardized reading, mathematics, and language arts achievement level surveys of approximately two thousand students distributed throughout the state in each of the grade levels eight and eleven during such testing cycles as provided for in subsection (2) of this section. The survey testing shall be based on a statistical random sample of students from these grade levels sufficient to generalize about all of the students at each of the selected grade levels from the state's school districts. The purpose of these surveys is to allow the public and the legislature to evaluate how Washington students in these grades compare to students in the same grades tested in other comparable national achievement surveys. The office of superintendent of public instruction shall coordinate such tests and provide such information as obtained therefrom to the legislature no less often than once every four years.~~

~~(2) The superintendent of public instruction shall prepare a report to the legislature on the achievement levels of students in grades eight and eleven based on the achievement level surveys conducted in the 1975-77 biennium and for each of the subsequent testing cycles as designated by the superintendent of public instruction's office. Such report shall include a comparison of the achievement levels attained by Washington students to the levels attained by students outside of the state, with special emphasis placed on the basic skills of reading, mathematics, and language arts. Such report shall also focus on appropriate input variables and comparisons of variables reported by other states' testing programs.~~

~~(3) Results of the first survey test shall be made available to the school districts and the legislature no later than June 30, 1977.~~

~~(4) In addition to the survey testing for grades eight and eleven as set forth in this section,)) Every school district is encouraged to test pupils in grade two by an assessment device designed or selected by the local school districts. This test shall be used to help teachers in identifying those pupils in need of assistance in the skills of reading, writing, mathematics, and language arts. The test results are not to be compiled by the superintendent of public instruction, but are only to be used by the local school district.~~

~~((5)) (2) The superintendent of public instruction shall prepare((-with the assistance of local school districts)) and conduct, with the assistance of local school districts, a standardized achievement test to be given annually to all pupils in grade four. The test shall assess students' skill in reading, mathematics, and language arts and shall focus upon appropriate input variables. Results of such tests shall be compiled by the superintendent of public instruction, who shall make those results available annually to the legislature, to all local school districts and~~

subsequently to parents of those children tested. The results shall allow parents to ascertain the achievement levels and input variables of their children as compared with the other students within the district, the state and, if applicable, the nation.

(3) The superintendent of public instruction shall prepare and conduct, with the assistance of local school districts, an assessment to be administered annually to all grade eight students. The purposes of the assessment are to assist students, parents, and teachers in the planning and selection of appropriate high school programs and courses for the students and to provide comparisons within the district, the state and, if applicable, the nation. The assessment shall include but not be limited to tests in reading, mathematics, and language arts and a student interest inventory. The superintendent of public instruction shall make the results available to all local school districts which shall in turn make them available to students, parents, and teachers in a timely fashion.

(4) The superintendent of public instruction shall test approximately two thousand students distributed throughout the state in the eleventh grade once every two years. Choice of students shall be based on a statistical random sample of students from this grade level sufficient to generalize about all of the students at the grade level from the state's school districts. The purpose of the test is to allow the public, the legislature, and school district personnel to evaluate how Washington students in this grade compare to students in the same grade tested in other comparable national achievement surveys.

(5) The superintendent of public instruction shall report annually to the legislature on the achievement levels of students in grades four and eight and shall report biennially to the legislature on the achievement levels of students in grade eleven.

NEW SECTION. Sec. 9. The superintendent of public instruction shall conduct a study to determine the need for and feasibility of administering annually an assessment test to be given to all grade ten students. The superintendent shall report to the legislature by January 1, 1985, on the study findings and any recommendations.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

School districts are encouraged to prepare and administer a program of assessment tests to be periodically administered to students as they progress from the eighth through eleventh grades for the purpose of identifying and remedying deficiencies.

NEW SECTION. Sec. 11. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) The superintendent of public instruction shall prepare, in consultation with and with the assistance of school districts, a model test to assess students' ability to perform various functions common to everyday life. This model test shall be called the "Washington life skills test" and shall be made available to school districts for use at the district's option. The test shall include questions designed to determine students' academic growth and proficiency in skills generally thought to be useful in adult life, including but not limited to English, vocabulary, communications, and mathematical skills as such skills relate to career, consumer, economic, health, and other issues important to individuals becoming productive citizens. The superintendent of public instruction shall develop and implement a process to review periodically the contents of the test and make changes as may be appropriate or necessary.

(2) School districts may establish their own policies and procedures governing the use of the test. Districts may use the test as a requirement for graduation in conjunction with other state and local graduation requirements or for other purposes as districts may determine.

NEW SECTION. Sec. 12. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Pursuant to rules and regulations adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by section 14 of this act.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules and regulations adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall

be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

NEW SECTION, Sec. 14. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW a new section to read as follows:

Supplementary funds as may be provided by the state for this program, in accordance with RCW 28A.41.162, shall be categorical funding on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment.

NEW SECTION, Sec. 15. The following acts or parts of acts are each repealed:

(1) Section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010;

(2) Section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; and

(3) Section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030.

NEW SECTION, Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW a new section to read as follows:

(1) All public high schools of the state shall provide a program, directly or otherwise, for students whose educational plans include application for entrance to a baccalaureate-granting institution after being granted a high school diploma. The program shall help these students to meet at least the minimum entrance requirements under section 18 of this act.

(2) The state board of education, upon request from local school districts, shall be authorized to grant temporary exemptions from providing the program described in subsection (1) of this section for reasons relating to school district size and availability of staff authorized to teach subjects which must be provided.

NEW SECTION, Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

(1) The boards of regents and trustees of the regional universities, state universities, and The Evergreen State College shall waive tuition, operating, and service and activities fees for two years for recipients of the Washington scholars award under RCW 28A.58.820 through 28A.58.832. To qualify for the waiver, recipients shall enter the college or university within three years of high school graduation and maintain a minimum grade point average at the college or university equivalent to 3.50.

(2) The council for postsecondary education shall report to the legislature on or before January 15, 1986, on the tuition waivers for the Washington scholars program. The report shall include an evaluation and recommendations on the effect of extending the waivers for a period of four years.

NEW SECTION, Sec. 18. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

(1) Notwithstanding the provisions of RCW 28B.10.050, the boards of regents or trustees of the state universities, regional universities, and The Evergreen State College shall mutually establish uniform minimum entrance requirements.

The council for postsecondary education shall publish and disseminate the entrance requirements to all high schools in this state. Commencing July 1, 1986, and by July 1 annually thereafter, the council for postsecondary education shall report to the legislature on the entrance requirements.

(2) The boards of regents or trustees shall ensure that special admission procedures shall be available to applicants who may be unable to meet the requirements in subsection (1) of this section for admission. Such applicants must be able to submit additional evidence of academic capability sufficient to ensure that the applicant will benefit from or contribute to the institutions' undergraduate program: PROVIDED, That such special admission procedures shall not be interpreted as guaranteeing admittance to the institutions. The special admission of students into educational opportunity programs shall be included in this special admission procedure.

Sec. 19. Section 28B.10.050, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.050 are each amended to read as follows:

Except as the legislature shall otherwise specifically direct, the boards of regents and the boards of trustees for the state universities, the regional universities, and The Evergreen State College (~~shall determine~~) may establish entrance requirements for their respective institutions of higher education that exceed the minimum entrance requirements established under section 18 of this 1984 act.

NEW SECTION, Sec. 20. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW a new section to read as follows:

The boards of regents or trustees of the state universities, regional universities, and The Evergreen State College, in consultation with the council for postsecondary education, shall mutually set uniform academic transfer policies for students who complete Washington state community college associate degrees.

NEW SECTION. Sec. 21. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction is authorized to grant funds to selected school districts to assist in the development of innovative programs for the retention of students in the common school system.

NEW SECTION. Sec. 22. Implementation of sections 5, 11, and 21 of this act and the amendment to RCW 28A.03.360 by section 8 of this act are each subject to funds being appropriated or available for such purpose or purposes.

NEW SECTION. Sec. 23. Sections 16, 18, and 19 of this act shall take effect July 1, 1986.

NEW SECTION. Sec. 24. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.*

On page 1, line 1 of the title, after "education," strike the remainder of the title and insert "amending section 1, chapter 90, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.090; amending section 1, chapter 98, Laws of 1975-'76 2nd ex. sess. and RCW 28A.03.360; amending section 28B.10.050, chapter 223, Laws of 1969 ex. sess. as amended by section 9, chapter 169, Laws of 1977 ex. sess. and RCW 28B.10.050; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.16 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.10 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating new sections; repealing section 2, chapter 305, Laws of 1977 ex. sess. and RCW 28A.58.092; repealing section 28A.16.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.010; repealing section 28A.16.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.020; repealing section 28A.16.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.16.030; and providing an effective date."

Signed by: Senators Gaspard, Bauer and Lee; Representatives Galloway and Appelwick.

MOTION

On motion of Senator Gaspard, the report of the Conference Committee was adopted on Substitute House Bill No. 1246 and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1613, creating the Washington award for vocational excellence program, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Every year community colleges, vocational-technical institutes, and high schools graduate students who have distinguished themselves by their outstanding performance in their occupational training programs. The legislature intends to recognize and honor these students by establishing a Washington award for vocational excellence.

NEW SECTION. Sec. 2. The Washington award for vocational excellence program is established. The purposes of this annual program are to:

- (1) Maximize public awareness of the achievements, leadership ability, and community contributions of the state's public vocational-technical students;
- (2) Emphasize the dignity of work in our society;
- (3) Instill respect for those who become skilled in crafts and technology;
- (4) Recognize the value of vocational education and its contribution to the economy of this state;

(5) Foster business, labor, and community involvement in vocational-technical training programs and in this award program; and

(6) Recognize the outstanding achievements of up to three graduating vocational or technical students in each legislative district.

NEW SECTION. Sec. 3. (1) The commission for vocational education shall have the responsibility for the development and administration of the Washington award for vocational excellence program. The commission shall develop the program in consultation with other state agencies and private organizations having interest and responsibility in vocational education, including but not limited to: The state board for community college education, the office of the

superintendent of public instruction, a voluntary professional association of vocational educators, and representatives from business, labor, and industry.

(2) The commission shall establish a planning committee to develop the criteria for screening and selecting the students who will receive the award. This criteria shall include but not be limited to the following characteristics: Proficiency in their chosen fields, attendance, attitude, character, leadership, and civic contributions.

NEW SECTION. Sec. 4. The Washington award for vocational excellence shall be granted annually. The commission shall notify the students receiving the award, their vocational instructors, local chambers of commerce, the legislators of their respective districts, and the governor, after final selections have been made. The commission, in conjunction with the governor's office, shall prepare appropriate certificates to be presented to the selected students. Awards shall be presented in public ceremonies at times and places determined by the commission in cooperation with the office of the governor.

NEW SECTION. Sec. 5. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from any federal, state, or local agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the Washington award for vocational excellence program. The commission shall encourage maximum participation from business, labor, and community groups. The commission shall also coordinate, where feasible, the contribution activities of the various participants.

The commission shall not make expenditures from funds collected under this section until February 15, 1985.

NEW SECTION. Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

The boards of regents and trustees of the state universities, regional universities, The Evergreen State College, and the community colleges shall waive tuition, operating, and services and activities fees for a maximum of one academic year for recipients of the Washington award for vocational excellence established under sections 1 through 5 of this act. To qualify for the waiver, recipients shall enter the college or university within three years of receiving the award.

NEW SECTION. Sec. 7. The respective governing boards of the public vocational-technical institutes shall provide fee waivers for a maximum of one school year for recipients of the Washington award for vocational excellence established under sections 1 through 5 of this act. To qualify for the waiver, recipients shall enter the public vocational-technical institute within three years of receiving the award.

NEW SECTION. Sec. 8. The Washington award for vocational excellence shall be effective commencing with the 1984-85 academic year. The commission for vocational education shall report on the program to the legislature and to the governor by January 15, 1985. The report shall include a description of the program, a copy of any rules implementing the program, a list of the participants, and the commission's recommendations for any additional statutory changes needed to improve the program.

Thereafter, the commission shall report on the results and effectiveness of this award program to the legislature and the governor on or before January 15 of each odd-numbered year. The 1987 report shall include an evaluation of the effects of expanding the tuition and fee waiver period from one to two years.

NEW SECTION. Sec. 9. There is appropriated from the general fund to the commission for vocational education for the biennium ending June 30, 1985, the sum of ten thousand dollars or so much thereof as may be necessary to carry out the purposes of this act.

NEW SECTION. Sec. 10. Sections 1 through 5, 7, and 8 of this act are each added to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "excellence," strike the remainder of the title and insert "adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28C.04 RCW; making an appropriation; and declaring an emergency."

Signed by: Senators Gaspard, Goltz and Kiskaddon; Representatives Burns, Powers and Silver.

MOTION

On motion of Senator Gaspard, the report of the Conference Committee was adopted on Substitute House Bill No. 1613 and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, improving the quality of education, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction, in consultation with representatives of the state and regional universities, the council for postsecondary education, and the state board of education, shall develop a program to implement at least one campus educational research center located in the state of Washington. Any research center shall be located at an existing state or regional university campus and may be utilized by school districts and all teacher preparation institutions to assist in educational research and the field testing of new innovations in curriculum design, teaching methodology, management practices, and school organizational structures. The superintendent of public instruction shall report to the legislature and the temporary committee on educational policies, structure and management by January 1, 1985, on the plan for the organization and operation of any research center, locations, and costs related thereto. The superintendent of public instruction shall also make available to the temporary committee on educational policies, structure and management, prior to the presentation of the final plan, such information as may be developed in the preparation of the plan.

NEW SECTION, Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

(1) The superintendent of public instruction is hereby authorized to grant funds for selected school improvement and research projects, including improvements in curriculum, instruction, and classroom management developed by teachers.

(2) The superintendent shall appoint an advisory committee on research and development composed of certificated and noncertificated staff, administrators, curriculum specialists, parents, school directors, postsecondary educators, business persons, and others as the superintendent finds necessary. The committee shall propose criteria to the superintendent to evaluate proposed school improvement and research projects proposed by educational employees. The criteria approved by the superintendent shall: (a) Assure to the extent possible that projects will be chosen which represent the various geographical locations, school or district sizes, and grade levels existent in the state; (b) provide for evaluation of each project upon completion; and (c) include such other requirements as the superintendent finds necessary. The committee shall recommend to the superintendent of public instruction the awarding of grants to fund those proposals showing the most potential for developing knowledge which will be helpful to local districts in their efforts to enhance educational equity and excellence. Projects may involve the collaboration of personnel from higher education institutions and kindergarten through grade twelve educators.

(3) The superintendent of public instruction shall award grants to selected project participants in such amounts as recommended by the advisory committee on research and development under subsection (2) of this section and the sum of all grants awarded per year shall not exceed that amount appropriated by the legislature for such purposes. Grants may be awarded to individual teachers or teams of teachers including teacher's aides and volunteers.

(4) The superintendent of public instruction shall maintain a clearinghouse of information on these research projects for the use of local districts.

NEW SECTION, Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

(1) Recent and expanding activity in educational research has produced and continues to produce much valuable information. The legislature finds that such information should be shared with the citizens and educational community of the state as widely as possible. To facilitate access to information and materials on education, the superintendent of public instruction shall act as the state clearinghouse for educational information.

(2) In carrying out this function, the superintendent of public instruction's primary duty shall be to collect, screen, organize, and disseminate information pertaining to the state's educational system from preschool through grade twelve, including but not limited to in-state research and development efforts; descriptions of exemplary, model, and innovative programs; and related information that can be used in developing more effective programs.

(3) The superintendent of public instruction shall maintain a collection of such studies, articles, reports, research findings, monographs, bibliographies, directories, curriculum materials, speeches, conference proceedings, legal decisions that are concerned with some aspect of the state's education system, and other applicable materials. All materials and information shall be

considered public documents under chapter 42.17 RCW and the superintendent of public instruction shall furnish copies of educational materials at nominal cost, including information on the school improvement research projects under section 2 of this act.

(4) The superintendent of public instruction shall coordinate the dissemination of information with the educational service districts and shall publish and distribute, on a monthly basis, a newsletter describing current activities and developments in education in the state.

NEW SECTION, Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

Each school district board of directors shall develop a schedule and process by which each public school within its jurisdiction shall undertake self-study procedures on a regular basis. Each school may follow the accreditation process developed by the state board of education under RCW 28A.04.120(4), although no school is required to file for actual accreditation, or the school may follow a self-study process developed locally. Whatever process is used must focus upon the quality and appropriateness of the school's educational program and the results of its operational efforts.

Any self-study process must include the participation of staff, parents, members of the community, and students, where appropriate to their age.

Emphasis throughout the process shall be placed upon:

- (1) Achieving educational excellence and equity;
- (2) Building stronger links with the community; and
- (3) Reaching consensus upon educational expectations through community involvement and corresponding school management.

The initial self-study process within each district shall begin by September 1, 1985, and should be completed for all schools within a district by the end of the 1989-90 school year.

The state board of education shall develop rules and regulations governing procedural criteria. Such rules and regulations should be flexible so as to accommodate local goals and circumstances. Rules and regulations may allow for waiver of the self-study for economic reasons and may also allow for waiver of the initial self-study if a district or its schools have participated successfully in an official accreditation process or in a similar assessment of educational programs within the last three years. The self-study process shall be conducted on a cyclical basis every seven years following the initial 1989-90 period.

The superintendent of public instruction shall provide training to assist districts in their self-studies.

Each district shall annually report to the superintendent of public instruction on the scheduling and implementation of their self-study activities.

NEW SECTION, Sec. 5. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW a new section to read as follows:

The superintendent of public instruction is hereby authorized to grant funds to local school districts to establish pilot projects in building-based management from funds appropriated to include that purpose or from funds otherwise available.

NEW SECTION, Sec. 6. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

The superintendent of public instruction shall develop, with the advice of the state board of education, school board members, administrators, the temporary committee on educational policies, structure and management and the institutions of higher education offering teacher training programs, a plan for an administrators training academy. The plan shall include components to develop management skills of board members, superintendents, principals, and other supervisory personnel. The plan should focus on developing leadership skills, curriculum improvement and upgrading, teacher evaluation and counseling, linkages with the community, enhancement of a positive learning environment, planning and goal setting, effective school research, finance, school law, and classroom management techniques and methods to make better use of the school day for learning and to reduce disruptions and nonteaching tasks for teachers.

The plan shall provide for the shared cost of the academy.

Sec. 7. Section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (1) Certificated staff and their related costs;
- (2) Classified staff and their related costs;
- (3) Nonsalary costs;
- (4) Extraordinary costs of remote and necessary schools and small high schools; and

(5) The attendance of students pursuant to RCW 28A.58.075 and 28A.58.245, each as now or hereafter amended, who do not reside within the servicing school district.

This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. Commencing with the 1980-81 school year, the formula adopted by the legislature shall reflect a ratio of not less than fifty certificated personnel to one thousand annual average full time equivalent students and one classified person to three certificated personnel. In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.58.754. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.41.145, as now or hereafter amended, enrolled on the first school day of each month. The definition of full time equivalent student shall be determined by rules and regulations of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

Certificated staff shall include those persons employed by a school district in a teaching, instructional, educational staff associate, learning resources specialist, administrative or supervisory capacity and who hold positions as certificated employees as defined under RCW 28A-.01.130, as now or hereafter amended, and every school district superintendent, and any person hired in any manner to fill a position designated as, or which is in fact, that of deputy superintendent or assistant superintendent: PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such noncertificated people shall not occur during a labor dispute and such noncertificated people shall not be hired to replace certificated employees during a labor dispute. Each annual average full time equivalent certificated classroom teacher's direct classroom contact hours shall average at least twenty-five hours per week. Direct classroom contact hours shall be exclusive of time required to be spent for preparation, conferences, or any other nonclassroom instruction duties. Up to two hundred minutes per week may be deducted from the twenty-five contact hour requirement, at the discretion of the school district board of directors, to accommodate authorized teacher/parent-guardian conferences, recess, passing time between classes, and informal instructional activity. Implementing rules to be adopted by the state board of education pursuant to RCW 28A.58.754(6) shall provide that compliance with the direct contact hour requirement shall be based upon teachers' normally assigned weekly instructional schedules, as assigned by the district administration. Additional record-keeping by classroom teachers as a means of accounting for contact hours shall not be required. However, upon request from the board of directors of any school district, the provisions relating to direct classroom contact hours for individual teachers in that district may be waived by the state board of education if the waiver is necessary to implement a locally approved plan for educational excellence and the waiver is limited to those individual teachers approved in the local plan for educational excellence. The state board of education shall develop criteria to evaluate the need for the waiver. Granting of the waiver shall depend upon verification that: (a) The students' classroom instructional time will not be reduced; and (b) the teacher's expertise is critical to the success of the local plan for excellence.

NEW SECTION, Sec. 8. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW a new section to read as follows:

(1) The superintendent of public instruction shall establish an annual teacher excellence award program for teachers in diverse grades or subject areas. Not more than one award per educational service district may be granted in any school year.

(2) The awards shall include:

(a) Certificates presented by the governor and the superintendent of public instruction at public ceremonies in appropriate locations;

(b) Waiver of tuition and fees under section 9 of this act; and

(c) A stipend not to exceed one thousand dollars to cover costs incurred in taking courses, which stipend shall not be considered compensation for the purposes of RCW 28A.58.095.

NEW SECTION, Sec. 9. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Teachers who have received a teacher excellence award under section 8 of this act shall have the tuition and fees waived at any state institution of higher education for eighteen quarter hours or twelve semester hours taken within three years after the award was received.

NEW SECTION. Sec. 10. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

School district boards of directors are encouraged to develop and implement incentives which recognize and encourage staff excellence. School districts may provide compensation incentives to staff for additional work or assigned projects conducted as part of a district's excellence in education program or programs that are in addition to a district's basic education program. Such compensation shall not be deemed an increase in salary or compensation for purposes of RCW 28A.58.095 nor shall such compensation be applied to the district's salary schedule or be provided in a manner which would increase the state's basic education funding obligation.

NEW SECTION. Sec. 11. (1) There is established for the 1984-85 school year a pilot program to permit up to one hundred fifty teachers who are assigned to supervise the field experience of student teachers to receive a stipend and up to three quarter hour credits or the equivalent at a state institution of higher education.

(2) The objective of the program is to: (a) Enhance the quality of teachers entering the profession through improved practical field experience; and (b) recognize the value of instruction provided by supervisory teachers.

(3) Each supervisory teacher shall assure that the student teacher receives practical teaching experience and direct supervision throughout the assignment.

(4) Each participating school or college of education shall provide training in supervisory skills for the supervisory teacher.

(5) School districts shall provide supervisory teachers with release time the district deems necessary to be able to supervise the student teachers.

(6) For the purposes of this section, "student teacher" means an individual who receives training experiences under supervision in school or school-related settings while participating in a teacher education program approved by the state board of education.

(7) The state board of education shall administer, coordinate, and evaluate the program and report back to the education committees of the house of representatives and the senate by September 15, 1985.

NEW SECTION. Sec. 12. The state board of education shall recommend a plan to establish a graduate level professional teacher preparation program for teacher certification. The plan shall be based on an analysis of the need for and design of: Explicit entry and exit competency criteria, which shall include testing and assessments of competency in various subject matters or in pedagogy including the ability to encourage students to learn and relate to others in a mutually respectful manner, or both; breadth and depth of subject matter; training and research relevant to teaching skills; extensive experience in local districts including internship, a portion of which may be paid; research on education; continued involvement of program units as defined by the state board of education; and other criteria as the board may determine appropriate. The state board shall also recommend enabling legislation and changes in certification needed to establish such program, provide data relative to costs, and recommend a process for certifying teachers who have been certified in another state. The state board of education shall submit to the legislature by December 1, 1984, recommendations for legislation required to implement such a graduate level professional teacher preparation program.

NEW SECTION. Sec. 13. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW a new section to read as follows:

After June 30, 1987, each applicant for initial certification shall have completed the necessary coursework and field training requirements, shall submit letters of evaluation from academic and field training supervisors, shall pass an examination or examinations that measure the applicant's subject area knowledge, and shall satisfy other procedures prescribed by the state board of education before receiving initial certification to teach or perform other professional duties in the schools of the state.

NEW SECTION. Sec. 14. The Washington state legislature intends to study the appropriate salary and benefit levels of educators. The study shall:

(1) Address the appropriate salary and benefit levels of teachers, for both current preparation standards and the increased professional preparation standards under section 12 of this act, to a level similar to persons in public and private occupations in this state holding positions requiring or imposing similar training, responsibilities, judgment, knowledge, skills, and working conditions. The study shall compare teachers to public and private occupations on both an hourly wage basis and on an annual salary basis.

(2) Compare Washington state teachers and administrators to teachers and administrators in other states on the bases under subsection (1) of this section; and

(3) Compare the workloads of Washington state teachers and administrators with teachers and administrators in other states.

The superintendent of public instruction shall contract for a study to assist the legislature in the study. The study shall be completed and the results reported to the legislature by January 1, 1985. The superintendent of public instruction shall also make available to the temporary committee on educational policies, structure and management, prior to the presentation of the

final report, such data as may be developed as part of the study. The legislature is not obligated to implement any or all of the results contained in such study.

NEW SECTION. Sec. 15. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to equate credits for district in-service training with college credits for the purpose of salary allocation. Certificated employees may receive up to three additional education credits per year for advancement on the salary schedule for staff development courses taking place after September 1, 1985.

NEW SECTION. Sec. 16. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW a new section to read as follows:

Each school district shall design, and implement a staff development plan under the In-Service Training Act of 1977, RCW 28A.71.200 and 28A.71.210.

The plan shall be established prior to September 1, 1985, and shall provide for staff development training programs which are of professional benefit to employees. School districts shall review and approve staff development training courses. Courses shall be recognized by a school district if such courses:

(1) Enable employees to maintain or improve proficiency in their current or anticipated assignments; or

(2) Respond to an area of district-needed expertise.

NEW SECTION. Sec. 17. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW a new section to read as follows:

(1) Local districts shall assign secondary teachers holding initial level certificates to endorsed areas and levels only. Teachers holding initial level elementary endorsement shall be assigned to elementary grades only. Teachers holding continuing level certificates should be assigned to recommended areas and levels or to areas and levels in which they have demonstrated competency during professional service: PROVIDED, That teachers holding certificates endorsed for grades kindergarten through eight or seven through twelve may be assigned to junior high schools and middle schools: PROVIDED FURTHER, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize initially certificated teachers to serve at different grade levels or in different subject matter fields from those recommended: PROVIDED FURTHER, That when a certificated teacher is assigned outside his or her recommended areas or levels, or outside areas or levels where competence has been demonstrated, the school district shall provide training in the new assignment and the district shall develop with each affected teacher a plan for this training, which plan shall be submitted to the superintendent of public instruction within thirty days of the individual's assignment, and the teacher may not continue teaching outside his or her recommended areas or levels for more than one year unless substantial progress has been made on this planned training.

(2) Assignments to serve in educational staff associate roles shall be limited to persons holding valid educational staff associate certificates with appropriate endorsements.

(3) Assignment of persons to serve as principals or vice principals shall be limited to persons holding valid administrator certificates with the appropriate endorsement or endorsements: PROVIDED, That principals holding certificates endorsed for grades kindergarten through eight or seven through twelve may be assigned to junior high schools and middle schools.

(4) School districts shall assign beginning teachers who hold provisional certificates to the elementary, junior high, or senior high school levels and to subject fields in accordance with the beginning teacher's qualifications. Such assignment shall obtain during the beginning teacher's first year of teaching: PROVIDED, That when it is considered justifiable the superintendent of public instruction may, if requested by the school district superintendent who will provide evidence of the need for such assignment, authorize beginning teachers to teach at different grade levels or in different subject matter fields from those recommended: PROVIDED FURTHER, That when a beginning teacher is assigned outside his or her areas or levels of qualification, the school district shall provide training equivalent to that needed for endorsement in the new assignment and the district shall develop with each affected teacher a plan for this training, and the teacher may not continue teaching outside his or her areas or levels of qualification for more than one year unless substantial progress has been made on this planned training.

Sec. 18. Section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of (~~computers, computer components, computer accessories, or computer software~~) tangible personal property irrevocably donated to and accepted by any public or private nonprofit school or (college) institution of higher education, as defined under chapter 84.36 RCW, in this state. (~~For purposes of this section, "computer" means a data processor that can perform substantial computation;~~

including numerous arithmetic or logic operations, without intervention by a human operator during the run.))

NEW SECTION. Sec. 19. Implementation of sections 1, 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, and 16 of this act are each subject to funds being appropriated or available for such purpose or purposes.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending section 14, chapter 244, Laws of 1969 ex. sess. as last amended by section 1, chapter 229, Laws of 1983 and RCW 28A.41.140; amending section 7, chapter 55, Laws of 1983 1st ex. sess. and RCW 82.12.0284; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.67 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.71 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.70 RCW; and creating new sections."

Signed by: Senators Gaspard and Bauer; Representatives Galloway and P. King.

MOTION

On motion of Senator Gaspard, the report of the Conference Committee was adopted on Engrossed Second Substitute House Bill No. 1660 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House concurred in the Senate amendment to HOUSE BILL NO. 1201 on page 13, line 7, refused to concur in the amendment on page 5, line 21, and asks the Senate to recede therefrom, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate refused to recede from the amendment on page 5, line 21, to House Bill No. 1201 and once again asked the House to concur in the Senate amendment.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 552 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1386 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 3194 and has granted said committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 3194, authorizing department to destroy vehicle license renewal applications upon entering the information contained on them into the computer system, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46.08.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 22, Laws of 1971 ex. sess. and RCW 46.01.260 are each amended to read as follows:

The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration, or other documents, records, or supporting papers on file in his office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

NEW SECTION. Sec. 2. There is added to chapter 46.12 RCW a new section to read as follows:

Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor or other public agency except upon written request, signed by the person requesting disclosure, stating their full legal name and address. The request for disclosure is itself a public record, subject to inspection and copying, and shall be retained by the disclosing agency for two years.

When deemed appropriate by the disclosing agency, notice that such a disclosure request has been honored may be sent to the affected vehicle owner, indicating the name and address of the person requesting disclosure.

This section shall not apply to persons who routinely request disclosure of vehicle registration information for use in the course of their business or occupation."

In line 2 of the title, after "amending" strike the remainder of the title, and insert "section 46.08.120, chapter 12, Laws of 1961 as last amended by section 1, chapter 22, Laws of 1971 ex. sess. and RCW 46.01.260; and adding a new section to chapter 46.12 RCW."

Signed by: Senators Peterson and Patterson; Representatives Walk, Sutherland and Wilson.

POINT OF INQUIRY

Senator Rasmussen: "A parliamentary inquiry, Mr. President. Presumably, that Free Conference Report would have to be on the desks by 12:00 noon today, and powers of Free Conference would only extend if we had an extended session, because everything would die as of the end of the session."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the report was on the Senator's desk prior to noon."

Senator Rasmussen: "We're only granting the powers of Free Conference right now. I don't know how the report of the Free Conference Committee could be on the desks at noon when we're only granting the powers right now. I'm confused."

President Cherberg: "Senator Rasmussen and other members, Rule 11 of the Joint Rules states that 'The report shall be read in full in each house before a vote is taken on the report. The Senate and House, within their own bodies, can suspend the reading of a report in full. The House and Senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a Free Conference Committee and shall not vote thereon until the thirty-six hour period shall have elapsed, except that with respect to budget and appropriations and revenue and tax measures, the required interval shall be twenty-four hours.'

"The Secretary advises and Senator Peterson corroborates the reports were on the desks yesterday."

Senator Rasmussen: "Mr. President, I fail to understand how a Free Conference Committee Report can be on the desks before we have granted the powers of Free Conference, which we are purporting to do right now."

President Cherberg: "The rules permit the Conference Committee to prepare amendments that will be incorporated in the bill that will be drawn by the Free Conference Committee."

Senator Rasmussen: "I understand that, Mr. President, but a Free Conference Committee has no limit on what it does, as we well know. As we look at the bill, and I should point out to you, House Bill 392, came back with three different bills on it and we never had any hint of what they were going to do with that. So, I would think that our rules--and I don't wish to argue with the President--I might argue with the Secretary of the Senate--that our rules would provide thirty-six hours from the time that the Free Conference Committee lays the report on our desks and was signed by the Free Conference Committee--not the Conference Committee."

President Cherberg: "Senator, this rule refers to the conference request."

Senator Rasmussen: "The conference request, but the rules require that we have the completed material by the Free Conference Committee."

President Cherberg: "The President wishes to advise Senator Rasmussen that, in all honesty, he believes that the report is properly before the Senate."

Senator Rasmussen: "Thank you, Mr. President. Then the question can be raised at the time that we consider the Free Conference Report, as to whether it has been on our desks for thirty-six hours?"

President Cherberg: "You may raise the question at any time, Senator."

Senator Rasmussen: "Thank you, Mr. President."

PARLIAMENTARY INQUIRY

Senator Pullen: "A point of parliamentary inquiry. Based on the remarks of the previous two Senators, I'm curious as to whether the reports of the Conference Committees are time-stamped when they are distributed on our desks or if there is some way that we know the precise time at which the Report of the Free Conference Committee is put on the desks? I think that's very important to know concerning some of the reports that are now being considered by this body within the last twenty-four hours of the session. May we inquire of the Secretary for any particular bill, the precise time that it was distributed, so that we can watch the thirty-six hour rule?"

REPLY BY THE PRESIDENT

President Cherberg: "Well, all the President can realize is that if the Report of a Free Conference Committee comes on the desk now, it will probably be two o'clock Friday morning before you can consider the measure."

Senator Pullen: "Yes, I agree one hundred percent and I gather that if we watched for such distributions, we can rise to a point of order at the time that someone wishes to bring it up."

President Cherberg: "Yes, Senator Pullen."

MOTION

On motion of Senator Peterson, the report of the Conference Committee was adopted on Substitute Senate Bill No. 3194 and the committee was granted the powers of Free Conference.

MESSAGE FROM THE HOUSE

March 2, 1984

Mr. President:

The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 1462 and asks the Senate to recede therefrom, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

On motion of Senator Wojahn, the Senate insisted on its position and requested once again that the House concur in the Senate amendments to Engrossed House Bill No. 1462.

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of Deanna Anderson as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF DEANNA ANDERSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 04; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Craswell, Owen, Quigg, Warnke - 4.

MOTION

On motion of Senator Clarke, Senator Hayner was excused.

MOTION

On motion of Senator Rinehart, the appointment of Donald M. Baker as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF DONALD M. BAKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; nays, 00; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 46.

Absent: Senators Craswell, Quigg - 2.

Excused: Senator Hayner - 1.

MOTION

On motion of Senator Vognild, he and Senator McDermott were excused.

MOTION

On motion of Senator Rinehart, the appointment of Robert W. Bradford as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF ROBERT W. BRADFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 02; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Owen, Quigg - 2.

Excused: Senators McDermott, Vognild - 2.

MOTION

On motion of Senator Rinehart, the appointment of Robert L. Hancock as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF ROBERT L. HANCOCK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senators Hayner, Moore, Quigg, Sellar - 4.

Excused: Senator Vogtild - 1.

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

MESSAGES FROM THE HOUSE

March 6, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1133, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 880.

HOUSE BILL NO. 1304, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 880.

ENGROSSED HOUSE BILL NO. 1133,

ENGROSSED HOUSE BILL NO. 1304.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 4798.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 843 and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 843, modifying provisions relating to retirement from public service, have had the same under consideration, and we recommend that the bill be amended as follows:

(See amendments in Report of Conference Committee on Substitute House Bill No. 843, read in earlier today)

Signed by: Senators Shinpoch, McDermott and Newhouse; Representatives Monohon, Sommers and Cantu.

MOTION

On motion of Senator Shinpoch, the report of the Free Conference Committee on Substitute House Bill No. 843 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 843, as amended by the Free Conference Committee.

POINT OF INQUIRY

Senator Shinpoch: "Senator McDermott, referring to subsection (2) of section 1 of the bill, there are references there to 'any labor agreement currently in force' and also 'after the expiration of the current contract.' As the sponsor of the amendment adding this language to the bill, did you intend these references to include

only traditional collective bargaining agreements with a recognized union bargaining agent? In other words, was this language intended not to extend to general personnel policies of an employer or individual written or oral agreements with individual employees?"

Senator McDermott: "Senator Shinpoch, this language is intended to refer only to a traditional union collective bargaining agreement with a fixed expiration date. It was brought to me by the Association of Counties who have collective bargaining agreements in effect which will be allowed to run until the end of them and then they will have to negotiate a new contract under the terms of this bill."

POINT OF INQUIRY

Senator Vognild: "Senator Shinpoch, it's my understanding that the PUD pension system is funded fully by the employer--the state is not involved--and with that understanding, is it correct that this bill would not affect the PUD pensions?"

Senator Shinpoch: "Senator Vognild, I'm not sure what portion you're referring to, but we do have a portion of this bill that the PUD seemed to be concerned about and it deals with the ballooning of pensions and it does not tell any pension system that they can't balloon their pensions, if that's their desire. It simply says that they have to pay for it, rather than other people paying for it."

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 843, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 843, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 46; nays, 01; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 46.

Voting nay: Senator Sellar - 1.

Absent: Senators Barr, Woody - 2.

SUBSTITUTE HOUSE BILL NO. 843, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTION AND FIRST READING

SCR 154 by Senators Vognild, Wojahn, McManus, Gaspard, Haley, Lee and Conner (by Lieutenant Governor request)

Providing for a study of international trade strategies and initiatives.

Hold.

MOTION

On motion of Senator Vognild, the rules were suspended and Senate Concurrent Resolution No. 154 was advanced to second reading and placed on the second reading calendar.

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

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 154, by Senators Vognild, Wojahn, McManus, Gaspard, Haley, Lee and Conner (by Lieutenant Governor request)

Providing for a study of international trade strategies and initiatives.

The resolution was read the second time.

MOTIONS

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

On page 5, line 5, after "if" insert "all of the provisions of"

On page 5, line 6, before "signed" strike "is" and insert "are"

On motion of Senator Vognild, the rules were suspended, Engrossed Senate Concurrent Resolution No. 154 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 154.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 154, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 03; absent, 04; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gasparid, Goltz, Granlund, Guess, Haley, Hemstad, Hughes, Hurley, Kiskaddon, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shimpoch, Talmadge, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Craswell, Hayner, Quigg - 3.

Absent: Senators Hansen, Lee, McDermott, Thompson - 4.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 154, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Rasmussen: "A point of personal privilege. Mr. President and Senator Quigg, I forgot to tell you that all of the members of the Trade Mission pay their own way, contrary to many of those governmental junkets that you hear about. Each member of the Trade Mission has paid his own way and if he takes his wife along--which most of them hopefully will--rather than a girl friend--they pay for their wife's travel, also, and that's contrary to a lot of the junkets, as the public generally attributes to the politicians. I just wanted to bring that out. I think it's to the credit of the Washington Trade Mission that they do that."

MOTION

On motion of Senator Vognild, Engrossed Senate Concurrent Resolution No. 154 was ordered immediately transmitted to the House.

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

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4403 and granted said committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4403, revising provisions relating to health care costs, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010 are each amended to read as follows:

The primary purpose of this chapter is to promote the economic delivery of high quality, necessary, and effective ((hospital)) health care services to the people by establishing a hospital commission with authority over financial disclosure ((and)), budget ((and)), prospective rate ((review)) approval, and other related matters, including authority to develop a hospital reimbursement control system, which will assure all purchasers of ((hospital)) health care services that total hospital costs are reasonably related to total services, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that hospital rates are reasonably related to aggregate costs, and that such rates are set equitably among all purchasers of these services without undue discrimination.

The legislature finds and declares that rising hospital costs are a vital concern to the people of this state because of the danger which is posed that hospital and health care services are fast becoming out of the economic reach of the majority of our population. It is further declared that health care is a right of the people and one of the primary purposes for which governments are established, and it is, therefore, essential that an effective cost control program be established ((which will both enable and motivate hospitals to control their spiraling costs)). It is the legislative intent, in pursuance of this declared public policy, to provide for uniform measures on a state-wide basis to control hospital ((costs)) rates without the sacrifice of quality of service or reasonable access to necessary health care.

The legislature further finds and declares that: (1) There is an increased need for comprehensive public oversight of the costs of and expenditures for health care services; (2) no one should be denied access to necessary health care because of poverty or unemployment; (3) access to necessary health care in rural areas must be assured; (4) the hospital commission and the public need additional information to make better-informed decisions about health care costs and charges; (5) there is a need to encourage market penetration of alternative health care delivery systems that have internal incentives to control costs and stimulate market competition, and that some regulatory policies have impeded health care cost containment by unduly restricting competition; (6) there is a need for more effective assessment of the impact of technology on the cost and delivery of health care services so that appropriate public policies may be adopted; and (7) the hospital commission should be more representative of a diversity of public interests so that it can more effectively carry out its mission.

It is the intent of the 1984 amendments to this chapter to strengthen certain regulatory policies which have had limited success in containing hospital costs since this chapter was enacted, and to promote constructive competition among health care delivery systems.

Sec. 2. Section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020 are each amended to read as follows:

As used in this chapter:

(1) "Commission" means the hospital commission of the state of Washington as created by this chapter;

(2) "Consumer" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services;

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(4) "Diagnosis-related groups" is a classification system that groups hospital patients according to principal and secondary diagnosis, presence or absence of a surgical procedure, age, presence or absence of significant comorbidities or complications, and other relevant criteria, an example of which has been adopted as the basis for prospective payment under the federal medicare program by the social security amendments of 1983, Public Law 98-21.

(5) "Medical technology" means the drugs, devices, and medical or surgical procedures used in the delivery of health care, and the organizational or supportive systems within which such care is provided.

(6) "Technology assessment" means a comprehensive form of policy research that examines the technical, economic, and social consequences of technological applications, including the indirect, unintended, or delayed social or economic impacts. In health care, such analysis must evaluate efficacy and safety as well as efficiency.

(7) "Charity care" means necessary hospital health care rendered to indigent persons, to the extent that the persons are unable to pay for the care or to pay deductibles or co-insurance amounts required by a third-party payer, as determined by the commission.

(8) "Rate" means the maximum revenue which a hospital may receive for each unit of service, as determined by the commission.

(9) "Comprehensive cancer center" means an institution and its research programs as recognized by the National Cancer Institute prior to April 20, 1983.

(10) "Region" means one of the health service areas established pursuant to RCW 70.38.085, except that King county shall be considered a separate region for the purposes of this chapter.

Sec. 3. Section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030 are each amended to read as follows:

(1) There is hereby created a hospital commission, which shall be a separate and independent commission of the state. The commission shall be composed of ~~((five))~~ nine members appointed by the governor ~~((and generally representative of the public as consumers, labor, business, and hospitals, and shall be individuals concerned with the delivery of quality health care, but in no event shall more than two members have any fiduciary obligation to a health facility or other health agency, nor any direct financial interest in the rendering of health services, in cases when proposed rate increases for osteopathic hospitals are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace a hospital representative on the commission))~~ as follows:

(a) Three members representing consumers of health care services, at least one of whom represents the interests of low-income persons;

(b) One member representing private employers;

(c) One member representing labor;

(d) One member representing hospitals, but in cases in which rates for an osteopathic hospital are to be considered, the representative of osteopathic hospitals on the technical advisory committee shall replace the hospital representative on the commission;

(e) One member representing health care professionals licensed under Title 18 RCW;

(f) One member representing commercial health insurers or health care service contractors; and

(g) The secretary of social and health services, representing the interests of the state as a major purchaser of health care services. The secretary may delegate a permanent designee in the secretary's absence.

(2) Except for the members designated in subsection (1) (d) and (e) of this section, members shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

Sec. 4. Section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040 are each amended to read as follows:

Except for the secretary of social and health services or the secretary's designee, members of the commission shall serve for four-year terms ~~((PROVIDED, That upon the expiration of the initial four-year terms, two persons shall be appointed for three-year terms and three persons for four-year terms and thereafter all members of the commission shall serve for four-year terms))~~. Appointments shall require senate confirmation. No member shall serve on the commission for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes. Of the three additional members, other than the secretary, appointed after the effective date of this 1984 act, two shall initially be appointed for two-year terms and one for a three-year term.

Sec. 5. Section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050 are each amended to read as follows:

~~((The))~~ A member representing consumers of health care services and designated by the governor shall serve as chairman. The commission shall elect from its members a vice-chairman biennially. Meetings of the commission shall be held as frequently as its duties require. The commission shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions.

~~((Three))~~ Five members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless ~~((three))~~ five members concur therein.

The members of the commission shall receive no compensation for their service as members but, with the exception of the secretary of social and health services or the secretary's designee, the members shall be reimbursed for their expenses while attending meetings of the commission in the same manner as legislators engaged in interim committee business as in RCW 44.04.120.

Sec. 6. Section 7, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 35, Laws of 1977 and RCW 70.39.060 are each amended to read as follows:

The commission ~~((shall appoint))~~ may employ a full time executive director ~~((and))~~, a deputy director, an associate director for budget and rate review, an associate director for program planning and research, and a confidential secretary who shall be exempt from the civil service law, chapter 41.06 RCW and who shall perform the duties delegated by the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction.

The commission shall employ such other staff as are necessary to fulfill the responsibilities and duties of the commission, such staff to be subject to the civil service law, chapter 41.06 RCW, and under the supervision of the executive director. In addition, the commission may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise.

Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commission.

The commission may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital health care costs.

Sec. 7. Section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070 are each amended to read as follows:

In order to assist the commission in carrying out its duties, the governor shall appoint a technical advisory committee, hereinafter referred to as "committee", which shall consist of ~~((eleven))~~ seventeen members as follows:

(1) One member who shall be a certified public accountant licensed pursuant to chapter 18.04 RCW and who shall be knowledgeable in the financial affairs of hospitals.

(2) ~~((One))~~ Two members who shall be ~~((a))~~ health care practitioners, one of whom shall be a physician, licensed under the laws of this state and who shall be knowledgeable in hospital administration.

(3) ~~((Five))~~ Six members who shall be representative of the interest of investor-owned, district, not-for-profit, osteopathic, ~~((and))~~ university, and rural hospitals.

(4) One member who shall be representative of consumers of health care.

(5) One member who shall be the secretary of the department of social and health services, or ~~((his))~~ the secretary's designee, to provide continuing liaison, data and support from those functions of the department which may affect the responsibilities of the commission and to represent the department as a purchaser of health care services.

(6) One member who shall be ~~((the director of the planning and community affairs agency, or his designee, to provide continuing liaison with the planning efforts of the comprehensive health planning council))~~ the executive director of the state health coordinating council established under RCW 70.38.055.

(7) One member of the commission, elected by the commission.

(8) One member who shall be representative of private employers.

(9) One member who shall be representative of commercial health insurers registered and doing business in the state under Title 48 RCW.

(10) One member who shall be representative of health care service contractors, as defined in RCW 48.44.010.

(11) One member who shall be representative of health maintenance organizations, as defined in RCW 48.46.030.

Except for the members designated in subsections (2), (3), (10), and (11) of this section, members of the committee shall not have any fiduciary obligation to any health care facility or any material financial interest in the provision of health care services.

With the exception of members designated in subsections (5) and (6) of this section, the members shall serve concurrently and shall have four-year terms. Any vacancy shall be filled by appointment by the governor and an appointee selected to fill such vacancy shall hold office for the balance of the term for which his predecessor was appointed. The committee shall elect from its members a chairman and a vice-chairman to serve concurrently with the chairman. The executive director of the commission shall act as executive secretary to the committee, and the commission shall otherwise offer such staff services and supplies as the committee may require to carry out its responsibilities.

The committee shall meet on call of the chairman of the commission, or on request of a majority of the commission. Members of the committee shall serve without compensation for their service as members but, except for those designated in subsections (5) and (6) of this section, shall be reimbursed for their expenses in the same manner as members of the commission.

Sec. 8. Section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080 are each amended to read as follows:

The committee shall have the duty upon the request of the commission to consult with and make recommendations to the commission:

(1) On matters of public policy related to the delivery of health care services;

(2) On rules and regulations proposed by the commission to implement this chapter;

(3) On analyses and studies of hospital health care costs and related matters which may be undertaken by the commission; ~~((and))~~

(4) On any issue related to medical technology or technology assessment in the area of health care; and

(5) On such other matters as the commission may refer.

Sec. 9. Section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090 are each amended to read as follows:

To further the purposes of this chapter, the commission may create committees from its membership, and may create such ad hoc advisory committees in specialized fields, related to the functions of hospitals, the delivery of health care services, economic issues concerning

health care, technology assessment, and such other subjects as it deems necessary, to supplement the resources provided by the technical advisory committee.

Sec. 10. Section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100 are each amended to read as follows:

(1) The commission, after study and in consultation with advisory committees, if any, shall establish by the promulgation of rules and regulations pursuant to the Administrative Procedure Act, chapter 34.04 RCW, a uniform system of accounting and financial reporting, including such cost allocation methods as it may prescribe, by which hospitals shall record and report to the commission their revenues, expenses, other income, other outlays, assets and liabilities, and units of service. All hospitals shall adopt the system for their fiscal year period to be effective at such time and date as the commission shall direct. In determining the effective date for reporting requirements, the commission shall be mindful both of the immediate need for uniform hospital reporting information to effectuate the purposes of this chapter and the administrative and economic difficulties which hospitals may encounter in conversion, but in no event shall such effective date be later than two and one-half years from the date of the formation of the commission.

(2) In establishing such accounting systems and uniform reporting procedures, the commission shall take into consideration:

(a) Existing systems of accounting and reporting presently utilized by hospitals;

(b) Differences among hospitals according to size; financial structure; methods of payment for services; and scope, type, and method of providing services; and

(c) Other pertinent distinguishing factors.

(3) The commission shall, where appropriate, provide for modification, consistent with the purposes of this chapter, of reporting requirements to correctly reflect these differences among hospitals, and to avoid otherwise unduly burdensome costs in meeting the requirements of the uniform system of accounting and financial reporting.

(4) The accounting system, where appropriate, shall be structured so as to establish and differentiate costs incurred for patient-related services rendered by hospitals, as distinguished from those incurred with reference to educational research and other nonpatient-related activities including but not limited to charitable activities of such hospitals.

(5) The commission shall collect and maintain patient discharge data, including data necessary for identification of discharges by diagnosis-related groups. So far as possible, the data collection procedures shall be coordinated with any similar procedures or requirements of the federal department of health and human services for the medicare program and the needs of the department of social and health services in gathering public health statistics, in order to minimize any unduly burdensome reporting requirements imposed on hospitals.

Sec. 11. Section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110 are each amended to read as follows:

(1) Each hospital shall file annually, at such time as the commission may prescribe, its proposed budget for the next fiscal year, showing projected revenues and expenses and including such further information as the commission may require to implement the purposes of this chapter.

(2) Each hospital shall file annually with the commission after the close of the fiscal year:

(a) A balance sheet detailing the assets, liabilities, and net worth of the hospital;

(b) A statement of income and expenses; and

(c) Such other reports of the costs incurred in rendering services as the commission may prescribe.

~~((2))~~ (3) Where more than one licensed hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

~~((3))~~ (4) The commission shall require certification of specified financial reports by the hospital's certified public accountant, and may require attestation as to such statements from responsible officials of the hospital that such reports have to the best of their knowledge and belief been prepared in accordance with the prescribed system of accounting and reporting.

~~((4))~~ (5) All reports, except privileged medical information, filed under this chapter shall be ~~((open to))~~ available for public inspection and copying under RCW 42.17.250 through 42.17.340.

~~((5))~~ (6) The commission shall ~~((have the right of inspection of))~~ inspect hospital books, audits, and records as reasonably necessary to ~~((verify hospital reports))~~ implement the policies and purposes of this chapter.

Sec. 12. Section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120 are each amended to read as follows:

(1) The commission shall from time to time undertake analyses and studies relating to ~~((hospital))~~ the need for and delivery of health care services, the availability of such services, hospital rates, health care costs, and ((to)) the financial status of any hospital or hospitals subject to the provisions of this chapter, and may publish and disseminate such information as it deems desirable in the public interest. It shall further ((require the filing of)) publish information concerning the ((total financial needs of each hospital and the resources available or expected to become available to meet such needs, including the effect of proposals made by area-wide

and state comprehensive health planning agencies)) need for health care services identified by area-wide and state comprehensive health planning agencies under chapter 70.38 RCW and the extent to which such needs are being met.

(2) The commission shall also prepare and file such summaries and compilations or other supplementary reports based on the information filed with the commission hereunder as will advance the purposes of this chapter.

(3) The commission shall furnish a copy of any report regarding any hospital to the chief executive officer of the hospital and the presiding officer of the hospital's governing body.

Sec. 13. Section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130 are each amended to read as follows:

The commission shall prepare and, prior to each legislative session beginning in January, transmit to the governor and to the legislature an annual report of commission operations and activities for the preceding fiscal year. This report shall include such findings and recommendations as the commission ((deems necessary)) believes will further the legislative goal of cost containment in the delivery of good quality health care services, including cost-containment programs that have been or might be adopted, and issues of access to good quality care. The report shall also include data on the amount and proportion of charity care provided by each hospital. The commission's report for 1986, to be submitted in January 1987, shall include an analysis of the impacts of section 15 of this 1984 act on (1) the use by indigent persons of health care settings other than hospitals and (2) the caseloads and costs associated with the limited casualty program for medical indigents under RCW 74.09.700. The department of social and health services and the health systems agencies established under chapter 70.38 RCW shall provide such information and assistance as the commission may reasonably require in preparing the report on the impact of section 15 of this 1984 act.

Sec. 14. Section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140 are each amended to read as follows:

(1) From and after a date not less than twelve months but not more than twenty-four months after the adoption of the uniform system of accounting and financial reporting required by RCW 70.39.100, as the commission may direct, the commission shall have the power to initiate such reviews or investigations as may be necessary to assure all purchasers of ((hospital)) health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that the hospital's ((aggregate revenues as expressed by)) rates are reasonably related to the hospital's aggregate costs; and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference. Effective July 1, 1985, if all 1984 amendments to this section and section 22 of this 1984 act take effect, this chapter does not preclude any hospital from negotiating with and charging any particular payer or purchaser rates that are less than those approved by the commission, if:

(a) The rates are cost justified and do not result in any shifting of costs to other payers or purchasers in the current or any subsequent year;

(b) The hospital granting such rates has been determined by the commission to be providing charity care at or above the average for such care in the region served by the hospital and as determined by the commission; and

(c) All the terms of such negotiated rates are filed with the commission within ten working days and made available for public inspection.

The commission may retrospectively disapprove such negotiated rates in accordance with procedures established by the commission if such rates are found to contravene any provision of this section.

(2) In order to properly discharge these obligations, the commission shall have full power to review projected annual revenues and approve the reasonableness of rates proposed to generate that revenue established or requested by any hospital subject to the provisions of this chapter. No hospital shall charge for services at rates ((other than)) exceeding those established in accordance with the procedures established hereunder. After June 30, 1985, rates for inpatient care shall be expressed using an appropriate measure of hospital efficiency, such as that based on diagnosis-related groups, and, if necessary for federal medicare participation in a hospital reimbursement control system, hospitals shall charge for such care at rates prospectively established and expressed in terms of a comparable unit of total payment, such as diagnosis-related groups. In the event any hospital reimbursement control system is implemented, children's hospitals shall be exempted until such time as a pediatric based classification system which reflects the unique resource consumption by patients of a children's hospital is perfected. For the purposes of this exemption, children's hospitals are defined as hospitals whose patients are predominantly under eighteen years of age.

(3) In the interest of promoting the most efficient and effective use of ((hospital)) health care service, and providing greater promise of hospital cost containment, the commission may ((promote and approve alternative methods of rate determination and payment of an experimental nature that may be in the public interest and consistent with the purposes of this chapter)) develop a hospital reimbursement control system in which all payers or purchasers

participate, that includes procedures for establishing prospective rates, that deals equitably with the costs of providing charity care, and that shall include the participation of the federal medicare program under the social security amendments of 1983, Public Law 98-21. The commission shall have the authority to require utilization reviews of patient care to ensure that hospital admissions and services provided are medically justified. The commission may seek approval, concurrence, or participation in such a system from any federal agency, such as the department of health and human services, prior to securing legislative approval pursuant to concurrent resolution for implementation of any hospital reimbursement control system developed pursuant to this section. The commission shall involve the legislature in the development of any plan for a hospital reimbursement control system.

(4) The commission shall assure that no hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage and who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital; or

(d) The refusal to provide emergency or other medically necessary services to any person who is in need of such services if the hospital provides such services. The commission shall establish by rule a definition of "medically necessary services" for the purposes of this subsection (4)(d), which shall be narrowly construed.

(5) The commission shall serve as the state agency responsible for coordinating state actions and otherwise responding and relating to the efforts of the ((cost of living council, or its successor)) federal department of health and human services in planning and implementing federal cost containment programs with respect to hospitals and related health care institutions as authorized by the ((Federal Economic Stabilization Act of 1970)) social security amendments of 1983, as now or hereafter amended, or other federal law, and any rules or regulations promulgated thereto. In carrying out this responsibility, the commission may ((serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the cost of living council, or its successor; may apply to the cost of living council for authorization to administer a control program in Washington state in lieu of the federal controls established and otherwise administered by the cost of living council; may)) assume ((another)) any function or role authorized by appropriate federal regulations implementing the ((Federal Economic Stabilization Act of 1970)) social security amendments of 1983; or assume any combination of such roles or functions as it may determine will most effectively contain the rising costs of the varying kinds of hospitals and related health care institutions in Washington state. In determining its functions or roles in relation to ((the)) federal efforts ((to the cost of living council, or its successor)), the commission shall seek to ensure coordination, and the reduction of duplicatory cost containment efforts, by the state and federal governments, as well as the diligent fulfillment of the purposes of this chapter and declared public policy and legislative intent herein((-PROVIDED, HOWEVER, That in cases where the rates of nursing homes or similar health institutions are subject to review pursuant to the provisions of the Federal Economic Stabilization Act of 1970 or any rules or regulations promulgated thereto, the members of the commission representing hospitals shall not sit in the proceedings nor vote, and the governor shall appoint an ad hoc member representing nursing homes or similar health institutions in lieu thereof, who shall have the same powers as the other members with respect to such review only)).

Nothing in this chapter limits the ability of the department of social and health services to establish hospital payment rates pursuant to RCW 74.09.120 or in accord with a federally approvable state plan under Title XIX of the federal social security act.

NEW SECTION. Sec. 15. There is added to chapter 70.39 RCW a new section to read as follows:

Within six months of the effective date of this act, the commission shall establish by rule, consistent with the definition of charity care under RCW 70.39.020, the following:

(1) Uniform procedures, data requirements, and criteria for identifying patients receiving charity care;

(2) A definition of residual bad debt as a component of hospital rate-setting and budget review, including reasonable and uniform standards for collection procedures to be used in efforts to collect the unpaid portions of hospital charges that are the patient's responsibility.

NEW SECTION. Sec. 16. By January 1, 1985, a select committee of the legislature shall develop legislative recommendations for programs that will promote the state-wide development of comprehensive cost-effective managed health care systems and shall recommend programs that will promote use of such managed health care systems. The select committee shall be composed of twelve members of the legislature, six appointed by the speaker of the house of representatives and six appointed by the president of the senate, three from each of

the two largest political caucuses in each house, upon recommendation of the majority and minority caucuses of their respective bodies.

The committee shall elect a chairperson from among its membership.

The committee is authorized to appoint a technical advisory committee to prepare proposals under which cost-effective managed health care systems could be used to control health care costs, to more equitably distribute charity care among hospitals and licensed health care practitioners, and more effectively provide publicly and privately financed patient care.

For the purposes of this study "managed health care system" means any health care organization, including health providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract comprehensive health care services to one or more defined patient populations by enrollment or other prior agreement or arrangement.

NEW SECTION, Sec. 17. By January 1, 1985, the governor shall submit a six-year state health care purchasing plan to the legislature. The plan shall identify the number and type of health care services purchased by the state through the department of social and health services, the department of labor and industries, the state employees' insurance board, the office of superintendent of public instruction, and other agencies of government where state funds are used to purchase health care. The plan shall contain objectives for realizing specific dollar savings in the purchase of these health care services by obtaining discounts from providers, contracting with managed health care systems, altering copayment and deductible requirements, instituting improved utilization controls, using prospective payment arrangements, or by other means.

The governor or the governor's designee shall report the governor's progress in completing this plan to the legislative budget committee and the social and health services and ways and means committees of the house of representatives and the senate by September 30, 1984.

Sec. 18. Section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150 are each amended to read as follows:

To properly carry out its authority the commission shall:

(1) Compile and maintain all relevant financial ((and)), accounting, and patient discharge data in order to have available the statistical information necessary to properly conduct rate review and approval. Such data shall include necessary operating expenses, appropriate expenses incurred for charity care and for rendering services to patients who ((cannot or)) do not pay, all properly incurred interest charges, and reasonable depreciation expenses based on the expected useful life of the property and equipment involved. The commission shall define and prescribe by rule and regulation the types and classes of charges which cannot be changed except as provided by the procedure contained in RCW 70.39.160 and it shall also obtain from each such hospital a current rate schedule as well as any subsequent amendments or modifications of that schedule as it may require. So far as possible, the commission shall compile and maintain the same patient discharge data with respect to all patients as that required under the federal medicare program and the uniform billing procedures applicable to third-party payers.

(2) Permit any ((nonprofit)) hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render necessary, effective, and efficient service in the public interest ((and on a solvent basis)).

(3) ((Permit any proprietary profit-making hospital subject to the provisions of this chapter to charge reasonable rates which will permit the hospital to render effective and efficient service in the public interest and which includes an allowance for a fair return to stockholders based upon actual investment or, if the hospital elects, upon the fair value of the investment on the effective date of this section: PROVIDED, That once the election is made it may not be changed without the approval of the commission.

(4) Take into account, in the determination of reasonable rates under this section, that it is its obligation to assure access to necessary, effective, economically viable, and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital subject to this chapter except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

(4) Take into account, in the determination of reasonable rates under this section for each hospital, the recommendations of appropriate area-wide and state comprehensive health planning agencies to ensure compliance with Washington comprehensive health planning law, chapter 70.38 RCW.

((5) Permit, in considering a request for change in or initiating a review of rate schedules or other charges, any hospital subject to the provisions of this chapter to charge rates which will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in this chapter:))

(5) Permit any hospital, whether proprietary, district, public, or not-for-profit, to retain the excess of its revenues, if any, that exceed the actual cost of providing services, generated as a result of cost-effective practices, if the hospital charges do not exceed rates permitted by the commission.

(6) On or before October 1 of each year, after notice and public hearing, and in full consideration of the intent and purpose of this chapter as expressed in RCW 70.39.010, adopt a target dollar amount of total state-wide hospital revenue for the ensuing calendar year. To set the target amount, the commission shall develop a standard methodology that considers such factors as changes in the economy, affordability of hospital care, cost of hospital-purchased goods, numbers and age of the population, technology, and severity of illness of hospital patients. The commission shall endeavor, in establishing rates, to assure that total hospital revenues do not exceed the target amount for the applicable year.

Sec. 19. Section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160 are each amended to read as follows:

From and after the date determined by the commission pursuant to RCW 70.39.140, no hospital subject to the provisions of this chapter shall change or amend that schedule of rates and charges of the type and class which cannot be changed without prior approval of the commission, except in accordance with the following procedure:

(1) Any request for a change in rate schedules or other charges must be filed in writing in the form and content prescribed by the commission and with such supporting data as the hospital seeking the change deems appropriate. Unless the commission orders otherwise as provided for in subsection (4) of this section, no hospital shall establish such changes except after publication and notice to the commission of at least thirty days from the time the rate is intended to go into effect. All proposed changes shall be plainly indicated on the schedule effective at that time and shall be open to public inspection. Upon receipt of notice, the commission may suspend the effective date of any proposed change. In any such case a formal written statement of the reasons for the suspension will be promptly submitted to the hospital. Unless suspended, any proposed change shall go into effect upon the date specified in the application.

(2) In any case where such action is deemed necessary, the commission shall promptly, but in any event within thirty days, institute proceedings as to the reasonableness of the proposed changes. The suspension may extend for a period of not more than thirty days beyond the date the change would otherwise go into effect: PROVIDED, That should it be necessary, the commission may extend the suspension for an additional thirty days. After the expiration of ninety days from the date the rate is intended to go into effect the new rate will go into effect, if the commission does not approve, disapprove, or modify the request by that time.

(3) Such proposed changes shall be considered at a public hearing, the time and place of which shall be determined by the commission. The hearing shall be conducted by the commission. Evidence for and against the requested change may be introduced at the time of the hearing by any interested party and witnesses may be heard. The hearing may be conducted without compliance with formal rules of evidence.

(4) The commission may, in its discretion, permit any hospital to make a temporary change in rates which shall be effective immediately upon filing and in advance of any review procedure when it deems it in the public interest to do so. Notwithstanding such temporary change in rates, the review procedures set out in this section shall be conducted by the commission as soon thereafter as is practicable.

(5) Every decision and order of the commission in any contested proceeding shall be in writing and shall state the grounds for the commission's conclusions. The effects of such orders shall be prospective in nature.

Sec. 20. Section 21, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.200 are each amended to read as follows:

Every person who shall violate or knowingly aid and abet the violation of this chapter or any valid orders, rules, or regulations thereunder, or who fails to perform any act which it is herein made his duty to perform shall be guilty of a misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of this chapter may be enjoined from continuing such violation. The commission has authority to levy civil penalties not exceeding one thousand dollars for violations of this chapter.

Sec. 21. Section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 7, chapter 235, Laws of 1983 and RCW 70.38.105 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.39.020;

(c) Any capital expenditure by or on behalf of a health care facility which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

((c)) (d) Any capital expenditure by or on behalf of a health care facility which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), ((d)) (c), (e), ((e)) (f), or (g) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review except to the extent required by the federal government as a condition to receipt of federal assistance and does not substantially affect patient charges:

- (i) Communications and parking facilities;
- (ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;
- (iii) Energy conservation systems;
- (iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure;
- (v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;
- (vi) Construction which involves physical plant facilities, including administrative and support facilities, which are not or will not be used for the provision of health services;
- (vii) Acquisition of land; and
- (viii) Refinancing of existing debt;

((d)) (e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among facility and service categories of acute care, skilled nursing, intermediate care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months;

((e)) (f) Acquisition of major medical equipment:

- (i) If the equipment will be owned by or located in a health care facility; or
- (ii) If, after January 1, 1981, the equipment is not to be owned by or located in a health care facility, the department finds consistent with federal regulations the equipment will be used to provide services for hospital inpatients, or the person acquiring such equipment did not notify the department of the intent to acquire such equipment at least thirty days before entering into contractual arrangements for such acquisition;

((f)) (g) Any new institutional health services which are offered in or through a health care facility, and which were not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time such services would be offered; and

((g)) (h) Any expenditure by or on behalf of a health care facility in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made.

(5) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section.

Sec. 22. Section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115 are each amended to read as follows:

(1) Certificates of need shall be issued, denied, suspended, or revoked by the designee of the secretary of the department in accord with the provisions of this chapter and rules of the department which establish review procedures and criteria for the certificate of need program.

(2) Criteria for the review of certificate of need applications, except as provided in subsection (3) of this section for health maintenance organizations, shall include but not be limited to consideration of the following:

- (a) The relationship of the health services being reviewed to the applicable health plans;
- (b) The need that the population served or to be served by such services has for such services;
- (c) The availability of less costly or more effective alternative methods of providing such services;

(d) The financial feasibility and the probable impact of the proposal on the cost of and charges for providing health services in the community to be served, including findings and recommendations of the Washington state hospital commission in the case of applications submitted by hospitals. An application by a hospital shall be denied if the state hospital commission does not recommend approval, unless the secretary provides the commission with a written statement setting forth the reason or reasons, and citing the applicable subsection or subsections of this section, for approving an application that the commission has determined to be not feasible;

(e) In the case of health services to be provided, (i) the availability of alternative uses of project resources for the provision of other health services, (ii) the extent to which such proposed services will be accessible to all residents of the area to be served, and (iii) the need for

and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients. The department shall consider the application in terms of its impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels;

(f) In the case of a construction project, the costs and methods of the proposed construction, including the cost and methods of energy provision, and the probable impact of the construction project reviewed (i) on the cost of providing health services by the person proposing such construction project and (ii) on the cost and charges to the public of providing health services by other persons;

(g) The special needs and circumstances of osteopathic hospitals ((and)), nonallopathic services and children's hospitals;

(h) Improvements or innovations in the financing and delivery of health services which foster cost containment and serve to promote quality assurance and cost-effectiveness;

(i) In the case of health services proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed; ((and))

(j) In the case of existing services or facilities, the quality of care provided by such services or facilities in the past; and

(k) In the case of hospital certificate of need applications, whether the hospital meets or exceeds the regional average level of charity care, as determined by the hospital commission. No certificate of need may be granted to a hospital which has not met or exceeded the regional average level of charity care in the year preceding application and which does not give assurance it will continue to meet or exceed such level in the future.

(3) A certificate of need application of a health maintenance organization or a health care facility which is controlled, directly or indirectly, by a health maintenance organization, shall be approved by the department if the department finds:

(a) Approval of such application is required to meet the needs of the members of the health maintenance organization and of the new members which such organization can reasonably be expected to enroll; and

(b) The health maintenance organization is unable to provide, through services or facilities which can reasonably be expected to be available to the organization, its institutional health services in a reasonable and cost-effective manner which is consistent with the basic method of operation of the organization and which makes such services available on a long-term basis through physicians and other health professionals associated with it.

A health care facility (or any part thereof) or medical equipment with respect to which a certificate of need was issued under this subsection may not be sold or leased and a controlling interest in such facility or equipment or in a lease of such facility or equipment may not be acquired unless the department issues a certificate of need approving the sale, acquisition, or lease.

(4) The decision of the department on a certificate of need application shall be consistent with the state health plan in effect, except in emergency circumstances which pose a threat to the public health. The department in making its final decision may issue a conditional certificate of need if it finds that the project is justified only under specific circumstances. The conditions shall directly relate to the project being reviewed. The conditions may be released if it can be substantiated that the conditions are no longer valid and the release of such conditions would be consistent with the purposes of this chapter.

(5) Criteria adopted for review in accordance with subsection (2) of this section may vary according to the purpose for which the particular review is being conducted or the type of health service reviewed.

(6) The department shall specify information to be required for certificate of need applications. Within fifteen days of receipt of the application, the department shall request additional information considered necessary to the application or start the review process. Applicants may decline to submit requested information through written notice to the department, in which case review starts on the date of receipt of the notice. Applications may be denied or limited because of failure to submit required and necessary information.

(7) Concurrent review is for the purpose of comparative analysis and evaluation of competing or similar projects in order to determine which of the projects may best meet identified needs. Categories of projects subject to concurrent review include at least new health care facilities, new services, and expansion of existing health care facilities. The department shall specify time periods for the submission of applications for certificates of need subject to concurrent review, which shall not exceed ninety days. Review of concurrent applications shall start fifteen days after the conclusion of the time period for submission of applications subject to concurrent review. Concurrent review periods shall be limited to one hundred fifty days, except as provided for in rules adopted by the department authorizing and limiting amendment during the course of the review, or for an unresolved pivotal issue declared by the department.

(8) Review periods for certificate of need applications other than those subject to concurrent review shall be limited to ninety days. Review periods may be extended up to thirty days if needed by a review agency, and for unresolved pivotal issues the department may extend

up to an additional thirty days. A review may be extended in any case if the applicant agrees to the extension.

(9) The department or a designated regional health council shall conduct a public hearing on a certificate of need application if requested unless the review is expedited or subject to emergency review. The department by rule shall specify the period of time within which a public hearing must be requested and requirements related to public notice of the hearing, procedures, recordkeeping and related matters.

(10) Any applicant denied a certificate of need or whose certificate of need has been suspended or revoked shall be afforded an opportunity for administrative review in accordance with chapter 34.04 RCW and a hearing shall be held within one hundred twenty days of a request therefor. An administrative law judge shall review the decision of the secretary's designee and render a proposed decision for consideration by the secretary in accordance with chapter 34.12 RCW or remand the matter to the secretary's designee for further consideration. The secretary's final decision is subject to review by the superior court as provided in chapter 34.04 RCW.

(11) The department may establish procedures and criteria for reconsideration of decisions.

(12) An amended certificate of need shall be required for the following modifications of an approved project:

- (a) A new service;
- (b) An expansion of a service beyond that originally approved;
- (c) An increase in bed capacity;
- (d) A significant reduction in the scope of a project without a commensurate reduction in the cost of the project, or a cost increase (as represented in bids on a construction project or final cost estimates acceptable to the person to whom the certificate of need was issued) if the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure approved. The review of reductions or cost increases shall be restricted to the continued conformance of the project with the review criteria pertaining to financial feasibility and cost containment.

(13) An application for a certificate of need for a capital expenditure which is determined by the department to be required to eliminate or prevent imminent safety hazards or correct violations of applicable licensure and accreditation standards shall be approved.

NEW SECTION. Sec. 23. There is added to chapter 70.39 RCW a new section to read as follows:

Each hospital under this chapter shall print and make available for public inspection as prescribed by the commission by rule a schedule of its rates as approved by the commission.

NEW SECTION. Sec. 24. There is added to chapter 70.39 RCW a new section to read as follows:

Every commercial health insurer registered and doing business in the state under Title 48 RCW, every health care service contractor as defined in RCW 48.44.010, and the department of social and health services shall, upon request by the commission but not more frequently than annually, furnish to the commission such information as is readily available which may assist the commission in developing cost containment proposals with respect to the fees of licensed health care practitioners. The commission may request such information from the entities identified in this section, and from the federal department of health and human services, if and when the commission deems appropriate to accord with any requirements of federal law which may be imposed.

Sec. 25. Section 9, chapter 223, Laws of 1982 and RCW 43.131.253 are each amended to read as follows:

The hospital commission and its powers and duties shall be terminated on June 30, ~~((1984))~~ 1989, as provided in RCW 43.131.254.

Sec. 26. Section 10, chapter 223, Laws of 1982 and RCW 43.131.254 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1985))~~ 1990:

(1) Section 2, chapter 5, Laws of 1973 1st ex. sess., section 1 of this 1984 act and RCW 70.39.010;

(2) Section 3, chapter 5, Laws of 1973 1st ex. sess., section 2 of this 1984 act and RCW 70.39.020;

(3) Section 4, chapter 5, Laws of 1973 1st ex. sess., section 3 of this 1984 act and RCW 70.39.030;

(4) Section 5, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 36, Laws of 1977, section 4 of this 1984 act and RCW 70.39.040;

(5) Section 6, chapter 5, Laws of 1973 1st ex. sess., section 5 of this 1984 act and RCW 70.39.050;

(6) Section 7, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 35, Laws of 1977, section 6 of this 1984 act and RCW 70.39.060;

(7) Section 8, chapter 5, Laws of 1973 1st ex. sess., section 7 of this 1984 act and RCW 70.39.070;

(8) Section 9, chapter 5, Laws of 1973 1st ex. sess., section 8 of this 1984 act and RCW 70.39.080;

(9) Section 10, chapter 5, Laws of 1973 1st ex. sess., section 9 of this 1984 act and RCW 70.39.090;

(10) Section 11, chapter 5, Laws of 1973 1st ex. sess., section 10 of this 1984 act and RCW 70.39.100;

(11) Section 12, chapter 5, Laws of 1973 1st ex. sess., section 11 of this 1984 act and RCW 70.39.110;

(12) Section 13, chapter 5, Laws of 1973 1st ex. sess., section 12 of this 1984 act and RCW 70.39.120;

(13) Section 14, chapter 5, Laws of 1973 1st ex. sess., section 82, chapter 75, Laws of 1977, section 13 of this 1984 act and RCW 70.39.130;

(14) Section 15, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 163, Laws of 1974 ex. sess., section 14 of this 1984 act and RCW 70.39.140;

(15) Section 16, chapter 5, Laws of 1973 1st ex. sess., section 1, chapter 154, Laws of 1977 ex. sess., section 18 of this 1984 act and RCW 70.39.150;

(16) Section 17, chapter 5, Laws of 1973 1st ex. sess., section 19 of this 1984 act and RCW 70.39.160;

(17) Section 18, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.170;

(18) Section 19, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.180;

(19) Section 20, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.190;

(20) Section 21, chapter 5, Laws of 1973 1st ex. sess., section 20 of this 1984 act and RCW 70.39.200;

(21) Section 22, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.900; ~~((and))~~

(22) Section 23, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.910;

(23) Section 15 of this 1984 act and RCW 70.39.---;

(24) Section 23 of this 1984 act and RCW 70.39.---; and

(25) Section 24 of this 1984 act and RCW 70.39.---.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. There is appropriated to the state hospital commission from the general fund, for the biennium ending June 30, 1985, the sum of eight hundred twenty-eight thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act: PROVIDED, That at least twenty-five thousand dollars of the amount available for development of a hospital reimbursement control system, authorized pursuant to section 14 of this act shall be reserved as the state share, in conjunction with funds that may be made available by hospitals, professional associations, health care service contractors, commercial health insurance companies, or other third party payers and major purchasers of hospital services, in order to secure the professional services of national experts in health care economics, hospital financing or similar fields that might be necessary to develop such a system.

NEW SECTION. Sec. 29. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "costs;" strike the remainder of the title and insert "amending section 2, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.010; amending section 3, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.020; amending section 4, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.030; amending section 5, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 36, Laws of 1977 and RCW 70.39.040; amending section 6, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.050; amending section 7, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 35, Laws of 1977 and RCW 70.39.060; amending section 8, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.070; amending section 9, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.080; amending section 10, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.090; amending section 11, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.100; amending section 12, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.110; amending section 13, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.120; amending section 14, chapter 5, Laws of 1973 1st ex. sess. as amended by section 82, chapter 75, Laws of 1977 and RCW 70.39.130; amending section 15, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 163, Laws of 1974 ex. sess. and RCW 70.39.140; amending section 16, chapter 5, Laws of 1973 1st ex. sess. as amended by section 1, chapter 154, Laws of 1977 ex. sess. and RCW 70.39.150; amending section 17, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.160; amending section 21, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.200; amending section 10, chapter 161, Laws of 1979 ex. sess. as last amended by section 7, chapter 235, Laws of 1983 and RCW 70.38.105; amending section 11, chapter 161, Laws of 1979 ex. sess. as last amended by section 8, chapter 235, Laws of 1983 and RCW 70.38.115; amending section 9, chapter 223, Laws of 1982 and RCW 43.131.253; amending section 10, chapter 223, Laws of

1982 and RCW 43.131.254; adding new sections to chapter 70.39 RCW; creating new sections; making an appropriation; providing an effective date; and declaring an emergency."

Signed by: Senators McDermott, Sellar and Talmadge; Representatives Kreidler and McClure.

MOTION

Senator McDermott moved that the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4403 be adopted and that the committee be granted the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Newhouse: "I would like to know when the bell starts to toll--the time starts to run on the thirty-six hours--if the motion is now made at almost three o'clock in the afternoon of the fifty-ninth day, for powers of Free Conference? Is the proposed Free Conference Report on our desks and will there be thirty-six hours?"

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "Mr. President and members of the Senate, the Free Conference Committee Report has been lying on your desks since yesterday--the reports were signed at 1:30 yesterday afternoon and the Conference Report has been lying on your desks since then."

PARLIAMENTARY INQUIRY

Senator Clarke: "A point of parliamentary inquiry. How can a report of a Free Conference Committee be signed by the Free Conference prior to the time that the powers of Free Conference are granted? Is Senator telling us that the Free Conference Report was signed prior to the time that the powers to act in Free Conference were granted?"

REMARKS BY SENATOR MCDERMOTT

Senator McDermott: "No, Mr. President. Senator Clarke, what I'm telling you is that this side of the aisle is very determined to go home and we've been working with all this deliberate speed. We had all six members of the Conference Committee there. The mechanics of running it through the motions back and forth between the House has been a little slow, but the Conference Committee has been working very well, and we've actually had the printing out here so you could spend all night reading it. We wanted to make sure that everybody understood what was in the bill."

REMARKS BY THE PRESIDENT

President Cherberg: "The President would like to call to your attention Item 7 of Rule 22 on page 425 of the Senate Rules, which states, 'No floor vote may be taken on any Free Conference Committee Report within twenty-four hours of its placement on each member's desk, unless the Free Conference Committee made no changes in the bill as it was last acted upon by the senate.' Also, Rule 10 of the Joint Rules, on page 395, 'The conference or free conference committee shall submit the bill as amended together with three signed copies of its report to the house which asked for the conference. A copy of the report shall be placed upon the desk of each member of the legislature at the time the report is received by this house. If this house acts to approve the report and pass the bill as amended, it shall then transmit its action, the bill, and two copies of the report to the other house.'"

REMARKS BY SENATOR CLARKE

Senator Clarke: Mr. President, the rule we were referring to is Rule 11, which immediately follows Rule 10 and would seem to supplement it. I refer to Rule 11 of the Joint Rules and I would submit that if there is an apparent conflict between the Joint Rules and the Rules of the Senate, as to matters between the two houses the Joint Rules would have to prevail."

REPLY BY THE PRESIDENT

President Cherberg: "The President believes that, in this instance, the President would be guided by the Senate Rules and the Joint Rules secondly."

Senator Clarke: "Do I understand, then, that if there is a conflict between the Senate Rules and the Joint Rules, it is the ruling of the President that the Senate Rules prevail over the Joint Rules?"

REPLY BY THE PRESIDENT

President Cherberg: "That's the President's opinion."

The President declared the question before the Senate to be the motion by Senator McDermott to adopt the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4403 and that the powers of Free Conference be granted.

The motion by Senator McDermott carried and the Report of the Conference Committee on Engrossed Substitute Senate Bill No. 4403 was adopted and the powers of Free Conference were granted.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, a parliamentary inquiry--not to prolong the issue. We have just voted the powers of Free Conference on 843, which would be actual notice to the body that we have granted the powers of Free Conference. The fact that somebody has laid a bill on the desk two or three days ago of what the Free Conference Committee intended to do--we have no knowledge of that. I would presume following the ruling that when the powers of Free Conference are granted, then it takes thirty-six hours from that time if they lay the bill right down on your desk--immediately--which they tell us we had it here two or three days ago. But, there is no notice to the body as a whole, Mr. President, that we have granted the powers of Free Conference until we actually vote on it, as we just did. That would be my presumption. I would hope we have a clear definition, Mr. President, rather than laboring along here between rules."

REPLY BY THE PRESIDENT

President Cherberg: "Senator, Joint Rule 11 says, 'The Senate and House, within their own bodies, can suspend the reading of a report in full. The House and Senate shall have thirty-six hours from the time of receipt in the house originating the conference request to consider reports from a Free Conference Committee...' The Senate has been in receipt of this measure since yesterday, Senator."

Senator Rasmussen: "Thank you, Mr. President. My only point would be that we never gave them any authority until just a few seconds ago. I think that would be the binding decision. No Conference Committee can act without the permission of the Senate and we only granted that two minutes ago."

President Cherberg: "You've had the measure since yesterday, Senator. Actually, it says 'received by the house.'"

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4306 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4306, modifying provisions relating to public health, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. There is added to chapter 43.20 RCW a new section to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Consumer representative" means any person who is not an elected official, who has no fiduciary obligation to a health facility or other health agency, and who has no material financial interest in the rendering of health services.

(2) "Local health board" means a health board created pursuant to chapter 70.05, 70.08, or 70.46 RCW.

(3) "Local health officer" means the legally qualified physician appointed as a health officer pursuant to chapter 70.05, 70.08, or 70.46 RCW.

Sec. 2. Section 43.20.030, chapter 8, Laws of 1965 as amended by section 11, chapter 18, Laws of 1970 ex. sess. and RCW 43.20.030 are each amended to read as follows:

The state board of health shall be composed of ~~((six))~~ ten members. These shall be the secretary or ~~((his))~~ the secretary's designee and ~~((five))~~ nine other persons to be appointed by the governor, including four persons experienced in matters of health and sanitation, an elected city official who is a member of a local health board, an elected county official who is a member of a local health board, a local health officer, and ((one)) two persons representing the consumers of health care. Before appointing the city official, the governor shall consider any recommendations submitted by the association of Washington cities. Before appointing the county official, the governor shall consider any recommendations submitted by the Washington state association of counties. Before appointing the local health officer, the governor shall consider any recommendations submitted by the Washington state association of local public health officials. Before appointing one of the two consumer representatives, the governor shall consider any recommendations submitted by the state council on aging. The chairman shall be selected by the governor from among the ((five)) nine appointed members ((appointed by him)). The department of social and health services shall provide necessary technical staff support to the board. The board may employ an executive director and a confidential secretary, each of whom shall be exempt from the provisions of the state civil service law, chapter 41.06 RCW.

NEW SECTION. Sec. 3. (1) There is created the joint select committee on public health. The committee shall consist of the following members:

(a) Two majority members and two minority members of the senate, to be appointed by the president of the senate;

(b) Two majority members and two minority members of the house of representatives, to be appointed by the speaker of the house of representatives;

(c) The chair of the state board of health or the chair's designee;

(d) The chair of the state health coordinating council or the chair's designee;

(e) The director of the department of veterans affairs or the director's designee;

(f) The secretary of social and health services or the secretary's designee;

(g) A local public health official to be appointed by the president of the senate and the speaker of the house of representatives acting jointly;

(h) A physician licensed under chapter 18.71 RCW to be appointed by the president of the senate and the speaker of the house of representatives acting jointly; and

(i) Two persons who have demonstrated an interest in public health. One of these persons shall be appointed by the president of the senate and the other shall be appointed by the speaker of the house of representatives.

(2) Legislative members of the committee shall be reimbursed for travel expenses by their respective houses as provided under RCW 44.04.120. Nonlegislative members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The cost of travel expenses for members appointed under subsection (1) (h) and (i) of this section shall be paid by the senate and the house of representatives, the costs to be divided equally between the two houses.

(3) The committee shall study issues pertaining to public health and report its conclusions and recommendations to the legislature by January 1, 1986, on which date the committee shall cease to exist."

Signed by: Senators Warnke, Zimmerman and Rinehart; Representatives Niemi, Vekich and Hankins.

MOTION

On motion of Senator Warnke, the report of the Conference Committee was adopted on Substitute Senate Bill No. 4306 and the committee was granted the powers of Free Conference.

MOTION

At 3:27 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 4:33 p.m.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 843 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3926, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

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

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Rinehart, the appointment of James A. Doub as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF JAMES A. DOUB

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 36; nays, 00; absent, 13; excused, 00.

Voting yea: Senators Barr, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, Metcalf, Moore, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Wojahn, Woody, Zimmerman - 36.

Absent: Senators Bauer, Benitz, Haley, Kiskaddon, Lee, McManus, Newhouse, Owen, Pullen, Quigg, Sellar, von Reichbauer, Williams - 13.

MOTION

On motion of Senator Hughes, the appointment of Ralph E. Mackey as a member of the Interagency Committee for Outdoor Recreation was confirmed.

APPOINTMENT OF RALPH E. MACKEY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 06; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Benitz, Deccio, Kiskaddon, Lee, Owen, Pullen - 6.

MOTION

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

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 977 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 977, delaying the effective date of administrative revocation of driver's licenses for DWI violations and instituting an interim system of temporary licenses, have had the same under consideration, and we recommend that the bill be amended as follows:

(See amendments in Report of Conference Committee on Substitute House Bill No. 977, read in earlier today)

Signed by: Senators Peterson, Clarke and Talmadge; Representatives Armstrong, Wang and Tilly.

MOTION

On motion of Senator Peterson, the report of the Free Conference Committee on Substitute House Bill No. 977 was adopted.

MOTION

On motion of Senator Zimmerman, Senators Pullen and Kiskaddon were excused.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 977, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 977, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 42; nays, 00; absent, 05; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 42.

Absent: Senators Benitz, Deccio, Granlund, Lee, Woody - 5.

Excused: Senators Kiskaddon, Pullen - 2.

SUBSTITUTE HOUSE BILL NO. 977, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee and has passed ENGROSSED SENATE BILL NO. 4407 as recommended by said committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SENATE BILL NO. 4407, modifying provisions relating to the compensation of school district administrators, have had the same under consideration, and we recommend that the bill do pass with the House amendment on page 2, after line 12.

Signed by: Senators Hurley and McDermott; Representatives Grimm, Dellwo and Vander Stoep.

MOTION

On motion of Senator Hurley, the report of the Conference Committee was adopted on Engrossed Senate Bill No. 4407.

POINT OF INQUIRY

Senator Zimmerman: "Senator Hurley, in the terms of the Conference Committee Report, did the House amendment--did you say it was turned down as far as their amendment?"

Senator Hurley: "The House amendment came over to the Senate and there was some concern about the difficulty of putting it into effect even though it was already a part of the budget. In trying to work it out, I was afraid that we would lose the bill and although I had objected to the amendment in the first place, I'm sure that the SPI is going to have to adopt rules and regulations anyway in order to put this into effect and I think that it brings about equity and that's what I wanted."

Senator Zimmerman: "Do you feel that under the present bill, as it's now written with everything included, that it is something that can be adequately monitored--adequately enforced in terms of---"

Senator Hurley: "Yes, at first I didn't think so. I thought it would cause too much entanglement and back and forth and everything, but since then, I have talked to some of those in the SPI office and I'm sure it won't cause that much trouble."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4407, as amended by the Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4407, as amended by the Conference Committee, and the bill passed the Senate by the following vote: Yeas, 26; nays, 18; absent, 03; excused, 02.

Voting yea: Senators Bauer, Bender, Clarke, Conner, Deccio, Fleming, Gaspard, Granlund, Hughes, Hurley, McDermott, McDonald, McManus, Moore, Owen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Bluechel, Craswell, Fuller, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Lee, McCaslin, Metcalf, Patterson, Peterson, Quigg, Sellar, Zimmerman - 18.

Absent: Senators Benitz, Bottiger, Newhouse - 3.

Excused: Senators Kiskaddon, Pullen - 2.

ENGROSSED SENATE BILL NO. 4407, as amended by the Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE SENATE BILL NO. 3926,
SENATE BILL NO. 4504.

MOTION

At 5:03 p.m., on motion of Senator Shinpoch, the Senate recessed until 8:00 p.m.

EVENING SESSION

The President called the Senate to order at 8:01 p.m.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has passed:

ENGROSSED SENATE BILL NO. 4421, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

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

MOTION

On motion of Senator Zimmerman, Senator von Reichbauer was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Shinpoch, the appointment of Frederick R. Hume as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF FREDERICK R. HUME

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 40; nays, 00; absent, 06; excused, 03.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Sellar, Shipoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 40.

Absent: Senators Barr, Craswell, McDermott, Moore, Rinehart, Woody - 6.
Excused: Senators Kiskaddon, Pullen, von Reichbauer - 3.

MOTION

On motion of Senator Vognilid, Senators Bottiger and McDermott were excused.

MOTION

On motion of Senator Gaspard, the appointment of Douglas E. Olesen as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF DOUGLAS E. OLESEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 01; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Zimmerman - 43.

Absent: Senator Woody - 1.

Excused: Senators Bottiger, Kiskaddon, McDermott, Pullen, von Reichbauer - 5.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 4421.

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

INTRODUCTION AND FIRST READING

SCR 152 by Senators McManus, Deccio, Benitz and Owen (by Lieutenant Governor request)

Establishing the joint select committee on the child protective services system.

Hold.

MOTION

On motion of Senator McManus, the rules were suspended and Senate Concurrent Resolution No. 152 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 152, by Senators McManus, Deccio, Benitz and Owen (by Lieutenant Governor request)

Establishing the joint select committee on the child protective services system.

The resolution was read the second time.

MOTION

On motion of Senator McManus, the rules were suspended, Senate Concurrent Resolution No. 152 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 152.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 152, and the resolution passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 01; excused, 04.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 44.

Absent: Senator Granlund - 1.

Excused: Senators Bottiger, McDermott, Pullen, von Reichbauer - 4.

SENATE CONCURRENT RESOLUTION NO. 152, having received the constitutional majority, was declared passed.

MOTION

At 8:21 p.m., on motion of Senator Fleming, the Senate was declared to be at ease.

The President called the Senate to order at 9:01 p.m.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, and prior notice having been served, Senator Shinpoch moved the Senate reconsider the vote by which Second Substitute House Bill No. 181, as amended by the Senate, passed the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Shinpoch to reconsider the vote by which Second Substitute House Bill No. 181, as amended by the Senate, passed the Senate.

The motion by Senator Shinpoch carried and the Senate resumed consideration of Second Substitute House Bill No. 181, on reconsideration.

MOTION

On motion of Senator Shinpoch, further consideration of Second Substitute House Bill No. 181, on reconsideration, was deferred.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 4407.

MOTION

At 9:11 p.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:28 p.m.

MOTION

At 11:28 p.m., on motion of Senator Bottiger, the Senate adjourned until 9:00 a.m., Thursday, March 8, 1984.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 8, 1984

The Senate was called to order at 9:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Craswell, Fleming, Haley, Hughes, McDermott, McManus, Pullen, Quigg and Rasmussen. On motion of Senator Vognild, Senators Hughes and Rasmussen were excused. On motion of Senator Zimmerman, Senators Haley, Pullen and Quigg were excused.

The Sergeant at Arms Color Guard, consisting of Pages Johanna Bockman and Rich Link, presented the Colors. Reverend Henry Paasonen, pastor of the Westside Alliance Church of Olympia, offered the prayer.

MOTION

On motion of Senator Shinpoch, the reading of the journal of the previous day was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEE

GUBERNATORIAL APPOINTMENTS

March 7, 1984

GA 58 H. DEAN LAXTON, to the position of Member of the Board of Trustees for Big Bend Community College District No. 18, appointed by the Governor on October 1, 1982, for the term ending September 30, 1987. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules.

March 7, 1984

GA 64 DAVID C. SEMERAD, to the position of Member of the Commission for Vocational Education appointed by the Governor on July 15, 1982, for the term ending July 1, 1987, succeeding Donald M. Anderson. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules.

March 7, 1984

GA 160 AVERY K. LOPOSER, to the position of Member of the Board of Trustees, Olympic Community College District No. 3, appointed by the Governor on October 25, 1983, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules.

March 7, 1984

GA 166 WILLIAM J. O'NEIL, to the position of Member of the Board of Trustees, Whatcom County Community College District No. 21, appointed by the Governor on November 3, 1983, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules.

March 7, 1984

GA 193 DONALD L. OLSON, to the position of Member of the Board of Trustees, Spokane Community College District No. 17, appointed by the Governor on November 30, 1983, for the term ending September 30, 1988. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Gubernatorial Appointments Nos. 58, 64, 160, 166 and 193 were advanced to second reading and placed on the second reading calendar.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House adopted the Free Conference Report on SUBSTITUTE HOUSE BILL NO. 977 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1462 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Joe E. Thomas as a member of the Washington High-Technology Coordinating Board was confirmed.

APPOINTMENT OF JOE E. THOMAS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; nays, 00; absent, 06; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Boltiger, Clarke, Conner, Deccio, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Zimmerman - 38.

Absent: Senators Benitz, Craswell, Fleming, McDermott, McManus, Woody - 6.

Excused: Senators Haley, Hughes, Pullen, Quigg, Rasmussen - 5.

There being no objection, the President reverted the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 3194 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 2, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 3194, authorizing department to destroy vehicle license renewal applications upon entering the information contained on them into the computer system, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Substitute Senate Bill No. 3914, read in on March 7, 1984)

Signed by: Senators Peterson and Patterson; Representatives Walk, Sutherland and Wilson.

MOTION

On motion of Senator Peterson, the report of the Free Conference Committee on Substitute Senate Bill No. 3194 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3194, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3194, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 35; nays, 07; absent, 02; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 35.

Voting nay: Senators Benitz, Deccio, Guess, Hayner, McCaslin, McDonald, Metcalf - 7.

Absent: Senators Craswell, Patterson - 2.

Excused: Senators Haley, Hughes, Pullen, Quigg, Rasmussen - 5.

SUBSTITUTE SENATE BILL NO. 3194, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4306 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 6, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4306, modifying provisions relating to public health, have had the same under consideration, and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

(See amendments in Report of Conference Committee on Substitute Senate Bill No. 4306, read in on March 7, 1984)

Signed by: Senators Warnke and Rinehart; Representatives Niemi, Vekich and Hankins.

MOTION

On motion of Senator Warnke, the report of the Free Conference Committee on Substitute Senate Bill No. 4306 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4306, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4306, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 37; nays, 02; absent, 05; excused, 05.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, McManus, Metcalf, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Benitz, Newhouse - 2.

Absent: Senators Craswell, Deccio, Lee, Moore, Vogndild - 5.

Excused: Senators Haley, Hughes, Pullen, Quigg, Rasmussen - 5.

SUBSTITUTE SENATE BILL NO. 4306, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 9:30 a.m., on motion of Senator Shinpoch, the Senate was declared to be at ease.

The President called the Senate to order at 11:12 a.m.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of H. Dean Laxton as a member of the Board of Trustees for Big Bend Community College District No. 18 was confirmed.

APPOINTMENT OF H. DEAN LAXTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; nays, 00; absent, 04; excused, 02.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Williams, Wojahn, Woody, Zimmerman - 43.

Absent: Senators Conner, McDermott, Moore, Warnke - 4.

Excused: Senators Haley, Quigg - 2.

There being no objection, the President reverted the Senate to the first order of business.

REPORT OF STANDING COMMITTEE

March 8, 1984

2SHB 1231

Prime Sponsor, Committee on Ways and Means: Modifying provisions relating to aquatic lands. Reported by Committee on Ways and Means

MAJORITY recommendation: Do pass as amended. Signed by Senators McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Fleming, Hughes, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody.

Hold.

MOTION

On motion of Senator Shinpoch, the rules were suspended and Second Substitute House Bill No. 1231 was advanced to second reading and placed on the second reading calendar.

There being no objection, the President advanced the Senate to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1231, by Committee on Ways and Means (originally sponsored by Representatives Belcher, Wilson, Stratton, Sayan, Miller, Locke, Mitchell, Halsan, McClure, Fiske, Vekich, McMullen, Sommers, Sutherland, Haugen, Niemi, Burns and Powers)

Modifying provisions relating to aquatic lands.

The bill was read the second time.

MOTION

Senator Gaspard moved that the following Committee on Ways and Means amendment be adopted:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that state-owned aquatic lands are a finite natural resource of great value and an irreplaceable public heritage. The legislature recognizes that the state owns these aquatic lands in fee and has delegated to the department of natural resources the responsibility to manage these lands for the benefit of the public. The legislature finds that water-dependent industries and activities have played a major role in the history of the state and will continue to be important in the future. The legislature finds that revenues derived from leases of state-owned aquatic lands should be used to enhance opportunities for public recreation, shoreline access, environmental protection, and other public benefits associated with the aquatic lands of the state. The legislature further finds that aquatic lands are faced with conflicting use demands. The purpose of sections 1 through 20 of this act is to articulate a management philosophy to guide the exercise of the state's ownership interest and the exercise of the department's management authority, and to establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands.

NEW SECTION, Sec. 2. The management of state-owned aquatic lands shall be in conformance with constitutional and statutory requirements. The manager of state-owned aquatic lands shall strive to provide a balance of public benefits for all citizens of the state. The public benefits provided by aquatic lands are varied and include:

- (1) Encouraging direct public use and access;
- (2) Fostering water-dependent uses;
- (3) Ensuring environmental protection;
- (4) Utilizing renewable resources.

Generating revenue in a manner consistent with subsections (1) through (4) of this section is a public benefit.

NEW SECTION, Sec. 3. (1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, water-borne commerce, and the navigational and biological capacity of the waters, and to state-wide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values.

(4) The power to lease state-owned aquatic lands is vested in the department of natural resources, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.90 through 79.96 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

NEW SECTION, Sec. 4. The definitions in this section apply throughout chapters 79.90 through 79.96 RCW.

(1) "Water-dependent use" means a use which cannot logically exist in any location but on the water. Examples include, but are not limited to, water-borne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water-dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks.

(2) "Water-oriented use" means a use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats. For

the purposes of determining rent under this chapter, water-oriented uses shall be classified as water-dependent uses if the activity either is conducted on state-owned aquatic lands leased on October 1, 1984, or was actually conducted on the state-owned aquatic lands for at least three years before October 1, 1984. If, after October 1, 1984, the activity is changed to a use other than a water-dependent use, the activity shall be classified as a nonwater-dependent use. If continuation of the existing use requires leasing additional state-owned aquatic lands and is permitted under the shoreline management act of 1971, chapter 90.58 RCW, the department may allow reasonable expansion of the water-oriented use.

(3) "Nonwater-dependent use" means a use which can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility.

(4) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility.

(5) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility. "Log booming" does not include the temporary holding of logs to be taken directly into a vessel.

(6) "Department" means the department of natural resources.

(7) "Port district" means a port district created under Title 53 RCW.

(8) The "real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the federal home loan bank board or any successor agency, minus the average inflation rate for the most recent ten calendar years.

(9) The "inflation rate" for a given year is the percentage rate of change in the previous calendar year's all commodity producer price index of the bureau of labor statistics of the United States department of commerce. If the index ceases to be published, the department shall designate by rule a comparable substitute index.

(10) "Public utility lines" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines.

(11) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers.

(12) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under section 6 of this act by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources.

NEW SECTION. Sec. 5. The use of state-owned aquatic lands for public utility lines owned by a governmental entity shall be granted without charge by an agreement, permit, or other instrument if the use is consistent with the purposes of sections 1 through 3 of this act and does not obstruct navigation or other public uses. Use for public parks or public recreation purposes shall be granted without charge if the aquatic lands and improvements are available to the general public on a first-come, first-served basis and are not managed to produce a profit for the operator or a concessionaire. The department may lease state-owned tidelands that are in front of state parks only with the approval of the state parks and recreation commission. The department may lease bedlands in front of state parks only after the department has consulted with the state parks and recreation commission.

NEW SECTION. Sec. 6. Upon request of a port district, the department and port district may enter into an agreement authorizing the port district to manage state-owned aquatic lands abutting or used in conjunction with and contiguous to uplands owned, leased, or otherwise managed by a port district, for port purposes as provided in Title 53 RCW. Such agreement shall include, but not be limited to, provisions defining the specific area to be managed, the term, conditions of occupancy, reservations, periodic review, and other conditions to ensure consistency with the state Constitution and the policies of this chapter. If a port district acquires operating management, lease, or ownership of real property which abuts state-owned aquatic lands currently under lease from the state to a person other than the port district, the port district shall manage such aquatic lands if: (1) The port district acquires the leasehold interest in accordance with state law, or (2) the current lessee and the department agree to termination of the current lease to accommodate management by the port. The administration of aquatic lands covered by a management agreement shall be consistent with the aquatic land policies of chapters 79.90 through 79.96 RCW and the implementing regulations adopted by the department. The administrative procedures for management of the lands shall be those of Title 53 RCW.

No rent shall be due the state for the use of state-owned aquatic lands managed under this section for water-dependent or water-oriented uses. If a port district manages state-owned aquatic lands under this section and either leases or otherwise permits any person to use such

lands, the rental fee attributable to such aquatic land only shall be comparable to the rent charged lessees for the same or similar uses by the department: PROVIDED, That a port district need not itemize for the lessee any charges for state-owned aquatic lands improved by the port district for use by carriers by water. If a port leases state-owned aquatic lands to any person for nonwater-dependent use, eighty-five percent of the revenue attributable to the rent of the state-owned aquatic land only shall be paid to the state.

Upon application for a management agreement, and so long as the application is pending and being diligently pursued, no rent shall be due the department for the lease by the port district of state-owned aquatic lands included within the application for water-dependent or water-oriented uses.

The department and representatives of the port industry shall develop a proposed model management agreement which shall be used as the basis for negotiating the management agreements required by this section. The model management agreement shall be reviewed and approved by the board of natural resources.

NEW SECTION, Sec. 7. Except as otherwise provided by this chapter, annual rent rates for the lease of state-owned aquatic lands for water-dependent uses shall be determined as follows:

(1)(a) The assessed land value, exclusive of improvements, as determined by the county assessor, of the upland tax parcel used in conjunction with the leased area or, if there are no such uplands, of the nearest upland tax parcel used for water-dependent purposes divided by the parcel area equals the upland value.

(b) The upland value times the area of leased aquatic lands times thirty percent equals the aquatic land value.

(2) As of July 1, 1989, and each July 1 thereafter, the department shall determine the real capitalization rate to be applied to water-dependent aquatic land leases commencing or being adjusted under subsection (3)(a) of this section in that fiscal year. The real capitalization rate shall be the real rate of return, except that until June 30, 1989, the real capitalization rate shall be five percent and thereafter it shall not change by more than one percentage point in any one year or be more than seven percent or less than three percent.

(3) The annual rent shall be:

(a) Determined initially, and redetermined every four years or as otherwise provided in the lease, by multiplying the aquatic land value times the real capitalization rate; and

(b) Adjusted by the inflation rate each year in which the rent is not determined under subsection (3)(a) of this section.

(4) If the upland parcel used in conjunction with the leased area is not assessed or has an assessed value inconsistent with the purposes of the lease, the nearest comparable upland parcel used for similar purposes shall be substituted and the lease payment determined in the same manner as provided in this section.

(5) For the purposes of this section, "upland tax parcel" is a tax parcel, some portion of which has upland characteristics. Filled tidelands or shorelands with upland characteristics which about state-owned aquatic land shall be considered as uplands in determining aquatic land values.

(6) The annual rent for filled state-owned aquatic lands that have the characteristics of uplands shall be determined in accordance with section 11 of this act in those cases in which the state owns the fill and has a right to charge for the fill.

NEW SECTION, Sec. 8. (1) Until June 30, 1989, the log storage rents per acre shall be the average rents the log storage leases in effect on July 1, 1984, would have had under the formula for water-dependent leases as set out in section 7 of this act, except that the aquatic land values shall be thirty percent of the assessed value of the abutting upland parcels exclusive of improvements, if they are assessed. If the abutting upland parcel is not assessed, the nearest assessed upland parcel shall be used.

(2) On July 1, 1989, and every four years thereafter, the base log storage rents established under subsection (1) of this section shall be adjusted in proportion to the change in average water-dependent lease rates per acre since the date the log storage rates were last established under this section.

(3) The annual rent shall be adjusted by the inflation rate each year in which the rent is not determined under subsection (1) or (2) of this section.

(4) If the lease provides for seasonal use so that portions of the leased area are available for public use without charge part of the year, the annual rent may be discounted to reflect such public use in accordance with rules adopted by the board of natural resources.

NEW SECTION, Sec. 9. For leases in effect on October 1, 1984, the rent shall remain at the annual rate in effect on September 30, 1984, until the next lease anniversary date, at which time rent established under section 7 or 8 of this act shall become effective. If the first rent amount established is an increase of more than one hundred dollars and is more than thirty-three percent above the rent in effect on September 30, 1984, the annual rent shall not increase in any year by more than thirty-three percent of the difference between the previous rent and the rent established under section 7 or 8 of this act. If the first rent amount established under section 7 or 8 of this act is more than thirty-three percent below the rent in effect on September

30, 1984, the annual rent shall not decrease in any year by more than thirty-three percent of the difference between the previous rent and the rent established under section 7 or 8 of this act. Thereafter, notwithstanding any other provision of this title, the annual rental established under section 7 or 8 of this act shall not increase more than fifty percent in any year.

This section applies only to leases of state-owned aquatic lands subject to section 7 or 8 of this act.

NEW SECTION. Sec. 10. If state-owned aquatic lands are used for aquaculture production or harvesting, rents and fees shall be established through competitive bidding or negotiation.

NEW SECTION. Sec. 11. Leases for nonwater-dependent uses of state-owned aquatic lands shall be charged the fair market rental value of the leased lands, determined in accordance with appraisal techniques specified by rule. However, rents for nonwater-dependent uses shall always be more than the amount that would be charged as rent for a water-dependent use of the same parcel. Rents and fees for the mining or other recovery of mineral or geothermal resources shall be established through competitive bidding, negotiations, or as otherwise provided by statute.

NEW SECTION. Sec. 12. If water-dependent and nonwater-dependent uses occupy separate portions of the same leased parcel of state-owned aquatic land, the rental rate for each use shall be that established for such use by this chapter, prorated in accordance with the proportion of the whole parcel that each use occupies. If water-dependent and nonwater-dependent uses occupy the same portion of a leased parcel of state-owned aquatic land, the rental rate for such parcel shall be subject to negotiation with the department taking into account the proportion of the improvements each use occupies.

NEW SECTION. Sec. 13. If a parcel leased for water-dependent uses is used for an extended period of time, as defined by rule of the department, for a nonwater-dependent use, the rental for the nonwater-dependent use shall be negotiated with the department.

NEW SECTION. Sec. 14. Except as agreed between the department and the lessee prior to construction of the improvements, rent shall not be charged under any lease of state-owned aquatic lands for improvements, including fills, authorized by the department or installed by the lessee or its predecessor before June 1, 1971, so long as the lands remain under a lease or succession of leases without a period of three years in which no lease is in effect or a bona fide application for a lease is pending.

If improvements were installed under a good faith belief that a state aquatic lands lease was not necessary, rent shall not be charged for the improvements if, within ninety days after specific written notification by the department that a lease is required, the owner either applies for a lease or files suit to determine if a lease is required.

NEW SECTION. Sec. 15. The manager shall, by rule, provide for an administrative review of any aquatic land rent proposed to be charged. The rules shall require that the lessee or applicant for release file a request for review within thirty days after the manager has notified the lessee or applicant of the rent due. For leases issued by the department, the final authority for the review rests with the board of natural resources. For leases managed under section 6 of this act, the final authority for the review rests with the appropriate port commission. If the request for review is made within thirty days after the manager's final determination as to the rental, the lessee may pay rent at the preceding year's rate pending completion of the review, and shall pay any additional rent or be entitled to a refund, with interest thirty days after announcement of the decision. The interest rate shall be the average rate of return for the prior calendar year on conventional real property mortgages as reported by the federal home loan bank board. Nothing in this section abrogates the right of an aggrieved party to pursue legal remedies including those under chapter 34.04 RCW. For purposes of this section, "manager" is the department except where state-owned aquatic lands are managed by a port district, in which case "manager" is the port district.

NEW SECTION. Sec. 16. For any lease for a term of more than one year, the department may require that the rent be secured by insurance, bond, or other security satisfactory to the department in an amount not exceeding two years' rent. The department may require additional security for other lease provisions. The department shall not require cash deposits exceeding one-twelfth of the annual rental.

NEW SECTION. Sec. 17. If the annual rent charged for the use of a parcel of state-owned aquatic lands exceeds four thousand dollars, the lessee may pay on a prorated quarterly basis. If the annual rent exceeds twelve thousand dollars, the lessee may pay on a prorated monthly basis.

NEW SECTION. Sec. 18. The lessee shall pay interest at the rate of one percent per month on rent or other sums owing to the department commencing thirty days after the date each rent or other sum is due and payable, unless there is review pending under section 15 of this act.

NEW SECTION. Sec. 19. The department shall adopt such rules as are necessary to carry out the purposes of sections 1 through 18 of this act, specifically including criteria for determining under section 7(4) of this act when an abutting upland parcel has been inappropriately assessed and for determining the nearest comparable upland parcel used for water-dependent uses.

NEW SECTION. Sec. 20. Nothing in this chapter or RCW 79.93.040 or 79.93.060 shall modify or affect any existing legal rights involving the boundaries of, title to, or vested property rights in aquatic lands or waterways. Nothing in this chapter shall modify, alter, or otherwise affect the applicability of chapter 90.58 RCW.

Sec. 21. Section 83, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.93.040 are each amended to read as follows:

~~((Whenever, in any waterways created under the laws of this state,))~~ If the United States government ((shall have)) has established pierhead lines within ((said)) a waterway created under the laws of this state at any distance from the boundaries ((thereof)) established by the state, structures ((shall be allowed to)) may be constructed in that strip of waterway between the waterway boundary and the nearest pierhead line ((but)) only ((upon)) with the consent of the department of natural resources and upon such plans, terms, and conditions and for such term as ((approved and fixed)) determined by the department. However, no permit shall extend for a period longer than thirty years.

~~((The department shall require of the holder of every permit under this section a penalty bond with sufficient surety, to be approved by the department, in an amount not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars. The bond shall secure the payment of the rental reserved in the permit, during the term of such permit or during such part thereof as said department in its discretion shall require to be covered by such bond, in case only a part of the term of such permit shall be covered thereby, the department shall require another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, to cover the remainder of the term of the permit, or such part thereof as the department in its discretion shall require to be covered thereby. The department shall have power at any time to summon sureties upon any bond and to examine into the sufficiency of the bond, and if the department shall find the same to be insufficient, it shall require the holder of the permit to file a new and sufficient bond within thirty days after receiving notice to do so, under penalty of cancellation of the permit.))~~

The department ((shall have power upon sixty days' notice to)) may cancel any permit upon sixty days' notice for a substantial breach by the ((holder thereof)) permittee of any of the permit conditions((thereof, or for lack of a bond therewith as required by this section)).

~~((In case(s) where such))~~ If a waterway((s shall be)) is within the territorial limits of a port district ((organized under the laws of this state)), the duties assigned by this section to the department ((shall)) may be exercised by the port commission of such port district((, and in every case the rentals received shall be disposed of as follows: Seventy-five percent shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated, for the use of said port district and twenty-five percent into the state treasury; PROVIDED: That in cases where the port district itself shall have constructed or shall have owned structures or improvements situated upon such strip of waterway since June 22, 1913, the entire rentals for such improved strip of waterway shall be paid directly to the county treasurer for the use of such port district)) as provided in section 6 of this 1984 act.

Nothing in this section shall confer upon, create, or recognize in any abutting owner any right or privilege in or to any strip of waterway abutting any street and between prolongations of the lines of such street, but the control of and the right to use such strip is hereby reserved to the state of Washington, except ~~((that in cases situate in a port district such control and use shall vest in such port district))~~ as authorized by section 6 of this 1984 act.

Sec. 22. Section 85, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.93.060 are each amended to read as follows:

~~((Whenever any))~~ If a waterway established under the ((authority of the)) laws of this state, or any portion of ((such)) the waterway, ((shall)) has not ((have)) been excavated, or ((shall not be in use)) is not used for ((the purposes of)) navigation, or ((shall no longer be)) is not required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands ((of the state of Washington whenever he shall be)) upon request((ed so to do)) by ordinance or resolution of the city council of the city in which such waterway is ((situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the state of Washington, whenever he shall be requested so to do)) located or by resolution of the port commission of ((such)) the port district((, and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated; PROVIDED, HOWEVER, That)) in which the waterway is located. If the waterway or portion thereof ((so)) which is vacated ((be)) is navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of ((said)) the vacation order of the commissioner of public lands ((certified to by him)) shall be submitted to the United States Army Corps of Engineers for their approval, and if they approve, the ((same such)) waterway or portion thereof ((shall thereupon be deemed to be and shall be thereupon)) is vacated; PROVIDED, That if a port district owns property abutting the waterway and the provisions of this section are otherwise satisfied, the waterway, or the portion thereof that abuts the port district property, shall be vacated.

Upon such vacation (~~(occurring, in either of the manners aforesaid,)~~ of a waterway, the commissioner of public lands shall notify the city (~~(within, or in front of,)~~ in which) (~~(-such)~~) the waterway is located, and the city (~~(shall have)~~) has the right, if otherwise permitted by RCW 79.94.150, to extend across the portions so vacated any existing streets, or to select (~~(therefrom)~~) such portions (~~(thereof)~~) of the waterway as the city may desire for street purposes, in no case to exceed one hundred fifty feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway (~~(so vacated)~~).

~~((Should such)) If the city fails to make ((such)) a selection within such time, or ((within such time make such selection)) selects only a portion of the waterway, the title of the remaining portions of ((such)) the vacated waterway ((so vacated)) shall vest in the state, unless the ((same be situate)) waterway is located within the territorial limits of a port district ((created under the laws of the state)), in which event, if otherwise permitted by RCW 79.94.150, ((such)) the title shall vest in ((said)) the port district. ((If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be)) The title is subject to any railroad or street railway crossings existing at the time of such vacation.~~

NEW SECTION. Sec. 23. There is added to chapter 79.93 RCW a new section to read as follows:

Copies of waterway permits or leases in existence on the effective date of this act shall be delivered to the department of natural resources except in those cases in which the port district enters into an agreement authorizing management of state-owned aquatic land as provided in section 6 of this act.

Sec. 24. Section 9, chapter 167, Laws of 1961 as last amended by section 4, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.24.580 are each amended to read as follows:

After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.92.110(2), all moneys received by the state from the sale ((of tidelands and shorelands,)) or lease of state-owned aquatic lands and from the sale of valuable material from ((tidelands, shorelands, beds of navigable waters and harbor areas and from the lease of shorelands and beds of navigable waters,)) state-owned aquatic lands shall be distributed as follows: (1) Thirty percent shall be deposited in the aquatic lands enhancement account of the general fund which is hereby created. After appropriation, these funds shall be used solely for aquatic lands enhancement projects: for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to such lands; and for volunteer cooperative fish and game projects; and (2) the remainder shall be deposited in the capitol purchase and development account of the general fund, the creation of which is hereby authorized or, in the event that revenue bonds are issued as authorized by RCW 79.24.630 through 79.24.647, into the state building bond redemption fund pursuant to RCW 79.24.638.

Sec. 25. Section 79, chapter 21, Laws of 1982 1st ex. sess. as last amended by section 1, chapter 153, Laws of 1983 and RCW 79.92.110 are each amended to read as follows:

~~((The rents paid under leases of harbor areas and tidelands belonging to the state of Washington, where not otherwise directed to a particular account, shall be disposed of as follows:~~

~~(1) Except as otherwise provided in this section, where the leased harbor area or tideland is situated within the territorial limits of a port district, twenty-five percent of the rentals received from such leases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and said rental shall go into a special fund to be expended only for harbor or waterfront improvement purposes. The remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury. PROVIDED, That in cases where the port district itself shall have before April 28, 1967, constructed or owned structures or improvements situate upon the leased harbor area, or tidelands, the entire rentals from such improved harbor area or tideland shall go to the port district. PROVIDED FURTHER, That whenever the port district shall after April 28, 1967, construct improvements on such leased harbor area or tidelands, the rental attributable to such improvements shall go to the port district.~~

~~(2) In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor area or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury. PROVIDED, That where any leased harbor area or tideland is situated within the limits of any incorporated city and is not embraced within the area of any port district, the legislative body of the county shall allocate the funds received from the lease thereof to the municipal authorities of such city, to be expended by said authorities for harbor or waterfront purposes. PROVIDED FURTHER, That)) (1) Where any leased harbor area or tideland is situated within the limits of a town, whether or not the harbor area or tideland lies~~

within a port district, the rents from such leases shall be paid by the state treasurer to the municipal authorities of the town to be expended for water-related improvements.

~~((3)) (2) The state treasurer is hereby authorized and directed to make ((such)) payments to the respective ((county treasurers and municipal authorities for the use of such port districts, counties, or towns, as the case may be.)) towns on the first days of July and January of each year, of all moneys ((in his hands on such dates)) payable under the terms of this section ((to such port district, counties, or towns respectively)).~~

NEW SECTION. Sec. 26. The department of natural resources may enter into agreements with the department of fisheries for the development of an intensive management plan for geoducks including the development and operation of a geoduck hatchery.

The department of natural resources shall evaluate the progress of the intensive geoduck management program and provide a written report to the legislature by December 1, 1990, for delivery to the appropriate standing committees. The evaluation shall determine the benefits and costs of continued operation of the program, and shall discuss alternatives including continuance, modification, and termination of the intensive geoduck management program.

NEW SECTION. Sec. 27. The department of natural resources shall evaluate the progress of the seaweed aquaculture program and provide a written report to the legislature by December 1, 1987, for delivery to the appropriate standing committees. The evaluation shall determine the benefits and costs of continued operation of the program, and shall discuss alternatives including continuance, modification, and termination of the seaweed aquaculture program. The expenditure of state funds for seaweed aquaculture shall, after June 30, 1989, be limited to those funds received pursuant to RCW 79.64.040 which are derived from commercial seaweed leases of state aquatic lands, unless otherwise expressly provided by law.

NEW SECTION. Sec. 28. Sections 1 through 20 of this act are each added to chapter 79.90 RCW.

NEW SECTION. Sec. 29. RCW 79.96.900 is decodified.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 93, Laws of 1917 and RCW 53.32.010;

(2) Section 2, chapter 93, Laws of 1917 and RCW 53.32.020;

(3) Section 3, chapter 93, Laws of 1917, section 3, chapter 72, Laws of 1979 and RCW 53.32.050;

(4) Section 5, chapter 93, Laws of 1917 and RCW 53.32.060;

(5) Section 4, chapter 93, Laws of 1917 and RCW 53.32.070;

(6) Section 6, chapter 93, Laws of 1917 and RCW 53.32.900;

(7) Section 72, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.040;

(8) Section 73, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.92.050;

(9) Section 103, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.180;

(10) Section 104, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.190; and

(11) Section 105, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.94.200.

NEW SECTION. Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 32. This act shall take effect on October 1, 1984."

MOTION

On motion of Senator Owen, the following amendment to the Committee on Ways and Means amendment was adopted:

On page 25, line 20, after "(1)" strike "Thirty" and insert "Forty"

POINT OF INQUIRY

Senator Barr: "Senator Shinpoch, could you explain--I know there's a logical answer and respectfully ask if, and I know how you feel about dedicated funds--could you explain the difference between a pool and a dedicated fund? I ask that in all respect. This seems like it's getting pretty close to a dedicated fund when you say 'allocated to a pool for a particular purpose.' I think, to me, that's a fair question."

Senator Shinpoch: "Senator Barr, you are absolutely right. It is a dedicated fund. The difference is that it is an appropriated dedicated fund under the--I have in the past and continue to support any appropriated dedicated fund where the Legislature keeps within their hands the policy that they will make every time that they appropriated that fund, and you're right, that's the semantics of whether it is a pool of money or whether it's a dedicated fund--that's the same thing. It is a dedicated fund that is appropriated by the Legislature and that, to me, is the key and the key is that we make the policy of what is going to happen each and every year instead of the policy being made and stays that way forever."

Senator Barr: "Thank you very much and just a little bit further now. In reassigning these funds, this is at 40% now, those monies were going to where previously? Where is this a shift from the past?"

Senator Shinpoch: "I don't think anyone can answer that specifically, because there were pools of money which were set up for two or three different purposes and it could have gone in any fashion, but you've got the IAC, you've got the community colleges and so forth."

Further debate ensued.

POINT OF INQUIRY

Senator Hurley: "Senator Owen, I think I know what your answer is going to be, but just to have it in the record, I'd like to ask you--the situation that existed at Diamond Lake, where the people were going to be charged for the use of their recreational dock and, presumably, this was settled last year, I wondered if there is anything in the bill that would adversely affect that?"

Senator Owen: "No. That situation where people can utilize the recreational dock at no charge from the Department of Natural Resources is not changed in this bill."

Further debate ensued.

MOTION

On motion of Senator Shinpoch, the rules were suspended, Second Substitute House Bill No. 1231, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Zimmerman: "Senator Woody, can you give us a little more idea of what we're looking at financially in the years to come? I mean, this particular measure is supposedly dealing with a very small amount in terms of retrospect to the budget--in terms of dollars that we've been talking about here and the figure of a million eight, a figure of five hundred thousand and so on. Would you want to project for us what you see as the increase? I see 33% a year possible increases and so on. What are we talking about in terms of dollars? We don't have a fiscal note is what I'm saying."

Senator Woody: "Senator Zimmerman, let me try. Obviously, the revenue that comes in from aquatic land leases will gradually increase over the years. The intent of this bill is to establish a reasonable statewide policy and process so that the leases will not astronomically increase. We are looking at gradual increases. If you're talking about the 1.8 million, that is the amount of money that is anticipated to come into the state fund through the aquatic land leases after the cost of management has been taken off the top in FY 1986. From that 1.8 million, we have dedicated 40% which would be \$720,000 to flow back into the aquatic lands enhancement account and to be used for aquatic lands enhancement purposes, and the remaining 60% of that 1.8 would go to the capital project and development fund, where the largest portion of the money from these aquatic leases already resides."

Senator Zimmerman: "I see that as immediate. I'm trying to see what your projection is for a ten-year period. You haven't tried to do that as far as the total--"

Senator Woody: "I don't have the information, but I can get it from staff for you in about a half an hour."

Senator Zimmerman: "In terms of ports, because they will have no charge except that they were to lease their properties--that's the way that is being handled--that was the trade-off on it?"

Senator Woody: "That's right. The ports very strongly made the point that they did not want to pay leases to the state for water-dependent or water-oriented uses on the one hand then receive the same amount of money essentially, which is what they're doing right now, from the state for management of the harbors and harbor improvements, so they were quite pleased to have that trade-off. They will pay us the lease money, but then on the other hand from aquatic land leases, they will not get that portion that we've generally paid."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 1231, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 1231, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 02; absent, 02; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granelund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 44.

Voting nay: Senators Pullen, Quigg - 2.

Absent: Senators Conner, Wojahn - 2.

Excused: Senator Haley - 1.

SECOND SUBSTITUTE HOUSE BILL NO. 1231, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Second Substitute House Bill No. 1231 was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Lee: "Mr. President, ladies and gentlemen, we have less than--slightly more than twelve hours before this session must adjourn, and I'm speaking as one of the women members of this Legislature who has worked very hard to see that there are a number of qualified women as gubernatorial appointees, and in that vein I want to simply point out to this body that we have something going on here that I think is inappropriate and that is that we have over a third of the appointees that have not come out at all--women members--highly qualified individuals. On the calendar that we have before us--nine--and there are only two there. I think that we have something going on here and I protest--that we should have some equal treatment as far as gubernatorial appointees, and I do not see that happening."

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1613 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1613, creating the Washington award for vocational excellence program, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Substitute House Bill No. 1613, read in on March 7, 1984)

Signed by: Senators Gaspard, Goltz and Kiskaddon; Representatives Burns, Powers and Silver.

MOTION

On motion of Senator Gaspard, the report of the Free Conference Committee on Substitute House Bill No. 1613 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1613, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1613, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 44; nays, 00; absent, 04; excused, 01.

Voting yeas: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Loe, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpooh, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Zimmerman - 44.

Absent: Senators Conner, Owen, Wojahn, Woody - 4.

Excused: Senator Haley - 1.

SUBSTITUTE HOUSE BILL NO. 1613, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1246 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTE HOUSE BILL NO. 1246, providing programs for educational excellence, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Substitute House Bill No. 1246, read in on March 7, 1984)

Signed by: Senators Gaspard and Lee; Representatives Galloway and Appelwick.

MOTION

Senator Gaspard moved that the Report of the Free Conference Committee on Substitute House Bill No. 1246 be adopted.

Debate ensued.

POINT OF INQUIRY

Senator Patterson: "Senator I can't recall the provisions of the Washington Scholars Program. How many students might be eligible on an annual basis for the waiver, as provided in this act?"

Senator Gaspard: "Up to three students per legislative district, which is basically the program CPE has currently been operating in a recognition program only. This would use the same program, but offers a tuition fee scholarship waiver."

Further debate ensued.

The President declared the question before the Senate to be adoption of the Report of the Free Conference Committee on Substitute House Bill No. 1246.

The motion by Senator Gaspard carried and the Report of the Free Conference Committee was adopted.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1246, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1246, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 33; nays, 11; absent, 04; excused, 01.

Voting yea: Senators Bender, Bluechel, Bottiger, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Talmadge, Thompson, Vogniid, von Reichbauer, Warnke, Williams, Woody, Zimmerman - 33.

Voting nay: Senators Barr, Bauer, Benitz, Clarke, Craswell, Guess, Hansen, McCaslin, Newhouse, Pullen, Rasmussen - 11.

Absent: Senators Metcalf, Quigg, Shinpoch, Wojahn - 4.

Excused: Senator Haley - 1.

SUBSTITUTE HOUSE BILL NO. 1246, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House refused to accept the Report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 and once again asks for a conference thereon.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Williams, the Senate refused to grant another conference on Engrossed Substitute Senate Bill No. 4490 and once again requested the House to consider the Report of the Free Conference Committee.

MESSAGES FROM THE HOUSE

March 7, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE NO. 3926,

SENATE BILL NO. 4504, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4421, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4407, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

SENATE BILL NO. 4798, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 689, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The House adopted:

HOUSE CONCURRENT RESOLUTION NO. 41.

HOUSE CONCURRENT RESOLUTION NO. 46, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1386, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 7, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 552, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 3194.

SUBSTITUTE SENATE BILL NO. 4306.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 552,

SECOND SUBSTITUTE HOUSE BILL NO. 689,

ENGROSSED HOUSE BILL NO. 1386.

MOTION

At 12:20 p.m., on motion of Senator Bottiger, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Bottiger, the Senate advanced to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Bottiger, the appointment of Virginia W. Warden as a member of the Interagency Committee for Outdoor Education was confirmed.

APPOINTMENT OF VIRGINIA W. WARDEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 30; nays, 00; absent, 18; excused, 01.

Voting yea: Senators Barr, Bauer, Benitz, Bottiger, Clarke, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hughes, Hurley, Kiskaddon, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Peterson, Rasmussen, Shinpoch, Talmadge, Vognild, von Reichbauer, Warnke, Woody, Zimmerman - 30.

Absent: Senators Bender, Bluechel, Conner, Craswell, Deccio, Hayner, Hemstad, Lee, McManus, Moore, Owen, Pullen, Quigg, Rinehart, Sellar, Thompson, Williams, Wojahn - 18.

Excused: Senator Haley - 1.

There being no objection, the President returned the Senate to the fourth order of business.

REPORT OF CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 392, modifying the hearing procedures for the formation of local improvement districts, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.43.140, chapter 7, Laws of 1965 and RCW 35.43.140 are each amended to read as follows:

Any local improvement to be paid for in whole or in part by the levy and collection of assessments upon the property within the proposed improvement district may be initiated by a resolution of the city or town council or other legislative authority of the city or town, declaring its intention to order the improvement, setting forth the nature and territorial extent of the improvement and notifying all persons who may desire to object thereto to appear and present their objections at a time to be fixed therein.

In the case of trunk sewers and trunk water mains the resolution must describe the routes along which the trunk sewer, subsewer and branches of trunk water main and laterals are to be constructed.

In case of dikes or other structures to protect the city or town or any part thereof from overflow or to open, deepen, straighten, or enlarge watercourses, waterways and other channels the resolution must set forth the place of commencement and ending thereof and the route to be used.

In the case of auxiliary water systems, or extensions thereof or additions thereto for protection of the city or town or any part thereof from fire, the resolution must set forth the routes along which the auxiliary water system or extensions thereof or additions thereto are to be constructed and specifications of the structures or works necessary thereto or forming a part thereof.

The resolution shall be published in at least two consecutive issues of the official newspaper of the city or town, or if there is no official newspaper, in any legal newspaper of general circulation therein; the first publication to be at least fifteen days before the day fixed for the hearing.

The hearing herein required may be held before the city or town council, or other legislative authority, or before a committee thereof. ~~((if the hearing is before a committee, the committee shall following the hearing report its recommendation on the resolution to the city council or other legislative authority for final action:))~~ The legislative authority of a city having a population of fifteen thousand or more may designate an officer to conduct the hearings. The committee or hearing officer shall report recommendations on the resolution to the legislative authority for final action.

Sec. 2. Section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040 are each amended to read as follows:

When a sufficient petition, as determined by the rules set forth in RCW 35A.01.040, is filed with the legislative body of each of such contiguous municipal corporations, signed by electors of each such corporation in number equal to not less than ten percent of the votes cast at the last general municipal election therein, seeking consolidation of such contiguous municipal corporations as a noncharter code city under one of the plans of government authorized by this title, naming such plan and setting forth a name for the proposed consolidated city, the legislative body of the municipal corporation in which the largest number of inhabitants reside (hereinafter called principal legislative body) shall cause to be submitted to the electors of each of such corporations, at the next general municipal election, if one is to be held within one hundred and eighty days, or at a special election to be called for that purpose not less than ~~((ninety))~~ sixty nor more than ~~((one))~~ two hundred and ~~((eighty))~~ twenty days after the filing of the petition, the question whether such corporation shall become consolidated as a non-charter code city under the plan of government proposed in the petition.

NEW SECTION. Sec. 3. There is added to chapter 35.21 RCW a new section to read as follows:

Any city or town may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the eminent domain powers of cities or towns.

NEW SECTION. Sec. 4. There is added to chapter 36.32 RCW a new section to read as follows:

Any county may acquire title to or any interest in real and personal property for the purpose of historic preservation and may restore, improve, maintain, manage, and lease the

property for public or private use and may enter into contracts, borrow money, and issue bonds and other obligations for such purposes. This authorization shall not expand the eminent domain powers of counties.

NEW SECTION. Sec. 5. There is added to chapter 42.24 RCW a new section to read as follows:

(1) Any municipal corporation or political subdivision may provide for the issuance of charge cards to officers and employees for the sole purpose of covering expenses incident to authorized travel.

(2) Upon billing or no later than ten days of the billing date, the officer or employee using a charge card issued under this section shall submit a fully itemized travel expense voucher. Any charges against the charge card not properly identified on the travel expense voucher or not allowed following the audit required under RCW 42.24.080 shall be paid by the official or employee by check, United States currency, or salary deduction.

(3) If, for any reason, disallowed charges are not repaid before the charge card billing is due and payable, the municipal corporation or political subdivision shall have a prior lien against and a right to withhold any and all funds payable or to become payable to the official or employee up to an amount of the disallowed charges and interest at the same rate as charged by the company which issued the charge card. Any official or employee who has been issued a charge card by a municipal corporation or political subdivision shall not use the card if any disallowed charges are outstanding and shall surrender the card upon demand of the auditing officer. The municipal corporation or political subdivision shall have unlimited authority to revoke use of any charge card issued under this section, and, upon such revocation order being delivered to the charge card company, shall not be liable for any costs.

NEW SECTION. Sec. 6. There is added to chapter 36.32 RCW a new section to read as follows:

The legislative authority of any county may by resolution propose the establishment of one or more ad hoc community councils within the unincorporated area of the county. In adopting such resolution, the county legislative authority shall consider the extent to which the residents of the area encompassed by the proposed ad hoc community council share common concerns regarding land use decisions as a result of geographical location, terrain, pattern of development, and other features which make the area distinctive as a community. No ad hoc community council may be formed that has less than one hundred registered voters residing within its boundaries. Ad hoc community councils shall only have advisory capacities.

NEW SECTION. Sec. 7. There is added to chapter 36.32 RCW a new section to read as follows:

Upon the adoption of a resolution under section 6 of this act, the legislative authority of a county shall hold a hearing on the establishment of the ad hoc community council. The legislative authority of the county shall consider the establishment of the ad hoc community council at the hearing held under this section. All persons appearing at the meeting shall have an opportunity to be heard and to voice protests. The hearing may be continued from time to time, but the total number of days from the first day of the hearings to the final day shall not exceed sixty days.

If, after hearing public testimony on the issue, the legislative authority of the county determines that the welfare of the residents of the area encompassed by the proposed ad hoc community council will be served by the establishment of the council, it shall declare such to be its finding. Upon this determination, the county legislative authority may adopt an ordinance creating the ad hoc community council, setting its boundaries, establishing its duration, establishing any limitations on the subjects about which the council may make recommendations, and providing for the selection of the council members who may be directly appointed by the county legislative authority.

NEW SECTION. Sec. 8. Territory may be withdrawn from a public hospital district as provided by this section. The commissioners of a public hospital district may hold a hearing on the proposed removal of territory from the district whenever a petition requesting the withdrawal of such territory has been signed by at least one hundred registered voters residing in the territory proposed to be withdrawn. The petition shall describe by metes and bounds the territory proposed to be withdrawn and shall be filed with the auditor of the county within which the public hospital district is located. The auditor shall examine the signatures, determine their sufficiency, and certify the sufficiency to the district.

If the auditor certifies the sufficiency of the signatures, the public hospital district commissioners shall hold a public hearing on the proposed withdrawal of territory from the district. Upon the conclusion of the public hearing, the commissioners may provide for the withdrawal of this territory by adopting a resolution by unanimous action finding that this withdrawal is in the public interest and declaring such territory to be withdrawn. Withdrawal of the territory shall be effective at the time and date as provided in the resolution. The property so withdrawn from a public hospital district shall remain liable for any general indebtedness of the district in existence at the time of the withdrawal.

The commissioners shall immediately notify the county legislative authority and auditor of the county within which the district is located of such action. The auditor shall immediately take cognizance of the altered boundaries of the public hospital district for election purposes.

Costs of altering precinct boundaries and voter registration shall be included in the cost of the election allocated under RCW 29.13.045.

The method of withdrawing territory from a public hospital district provided for in this section shall be in addition to any other method of withdrawing territory.

This section shall expire three months after the effective date of this act.

Sec. 9. Section 84.09.030, chapter 15, Laws of 1961 as amended by section 4, chapter 26, Laws of 1981 and RCW 84.09.030 are each amended to read as follows:

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year: PROVIDED, That for the year 1981 only the boundaries of library districts shall be the established official boundaries existing on the first day of October: PROVIDED FURTHER, That for the year 1984 only, boundaries of public hospital districts shall be the established official boundaries existing on the first day of April. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 35.43.140, chapter 7, Laws of 1965 and RCW 35.43.140; amending section 35A.05.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.05.040; amending section 84.09.030, chapter 15, Laws of 1961 as amended by section 4, chapter 26, Laws of 1981 and RCW 84.09.030; adding a new section to chapter 35.21 RCW; adding new sections to chapter 36.32 RCW; adding a new section to chapter 42.24 RCW; creating a new section; and declaring an emergency."

Signed by: Senators Thompson and Granlund; Representatives Grimm, Ebersole and Hankins.

MOTION

Senator Thompson moved that the Report of the Conference Committee on Engrossed House Bill No. 392 be granted and that the powers of Free Conference be granted.

POINT OF ORDER

Senator Pullen: "A point of order, Mr. President. I believe that by that motion, Senator Thompson is subverting the Senate Rules which provide that a measure to be voted on after it has already been defeated requires a reconsideration of the motion, and subsequently requires two-thirds vote because no notice of reconsideration was given and acted upon the day that we defeated this motion previously. This very same motion, which was defeated previously, because we are dealing with the very identical language that was before us before--was put to the Senate about two days ago and was defeated at that time. Under our Senate Rules, and the President has indicated that the Senate Rules would take priority over Joint Rules, under our Senate Rules, the only way a measure that has been defeated can be considered again is for it to be reconsidered, and no notice of reconsideration was given and no motion has been made to reconsider. Therefore, I contend if we are to vote on this motion again, it, in effect, is a motion to reconsider and would take a two-thirds vote because no notice was previously given--and because it has been defeated."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the rules provide and I'm looking for the exact language--that the Free Conference Committee Report can be resubmitted as long as nothing has been changed in the original Free Conference Report and that's

precisely what we have before us. I'm sorry--Secretary Snyder was showing me the rule--"

Senator Pullen: "I have it now. I think it's Rule 22 that Senator Bottiger was referring to. However, I would like to refer to Rule 37. Rule 37 of the Senate Rules that deals with reconsideration, and I would contend that the only way under Rule 37 we can be voting on this, at this time, is for the motion to have been a reconsideration motion and that would take a suspension of the rules and a two-thirds vote because no notice was previously given.

"Yes, I think it was Rule 22 that Senator Bottiger was referring to. Rule 22, subsection 7--and Senator Bottiger is quite correct in taking notice of what that rule says and he is quite correct to the extent that it goes, however, my contention is that if we do not take this as a motion to reconsider and a suspension of the rules, then we are also in contradiction of Rule 37."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Was the motion to grant the powers of Free Conference? Is there anything before us?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes. The motion before the Senate is to request the powers of Free Conference."

Senator Rasmussen: "Mr. President, a further inquiry then--requesting the powers of Free Conference--the time delay would then start running as of 2:45--requiring the thirty-six hours?"

President Cherberg: "The report has been on the desk for several days, Senator."

Senator Rasmussen: "Mr. President, if we grant the powers of Free Conference, they may decide to change the report, knowing there is some objection. I would think that, then, the only correct way would be to say as of the time you grant the powers of Free Conference--that's the time that requires the thirty-six hours. You don't know what this Conference Committee is going to do once they've been granted the power."

President Cherberg: "At the present time, Senator Rasmussen, the members of the Senate do not know whether the Conference Committee, if granted the powers of Free Conference, will make a change."

Senator Rasmussen: "That's right. We don't know and that's why the thirty-six hour delay should run from the time that we grant these powers of Free Conference. We have no knowledge of what they'll come up with. They may add, delete or even just study it until we go by the sine die."

President Cherberg: "Then you can raise the point of order at that time, Senator."

Senator Rasmussen: "On the thirty-six hours?"

President Cherberg: "Yes."

Senator Rasmussen: "Thank you, Mr. President."

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 392 was deferred.

MOTION

On motion of Senator Bluechel, Senator Haley was excused.

REPORT OF CONFERENCE COMMITTEE

March 8, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, adopting the supplemental capital budget, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A supplemental capital budget is hereby adopted and, subject to the provisions set forth in this 1984 act and in chapter 57, Laws of 1983 1st ex. sess., the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for capital projects during the period ending June 30, 1985, out of the several funds specified in this act.

NEW SECTION, Sec. 2. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct necessary land and boundary surveys at McNeil Island.

	Reappropriation	Appropriation
CEP & RI Acct		175,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		175,000

NEW SECTION, Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for domestic water system and roof repairs at the Northern State Multi-service Center.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		1,065,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,065,000

NEW SECTION, Sec. 4. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for OB-II fire damage repairs, replacements and operating expense reimbursement: PROVIDED, That \$1,871,000 of the amount appropriated be utilized for building repair and \$726,482 be utilized for office equipment replacement and DSHS operating expense reimbursement: PROVIDED FURTHER, That \$884,832 of the amount appropriated be used for repairs and fire safety retrofits to Office Building 2, as necessary to correct hazardous building characteristics identified by the City of Olympia and the OB-2 Fire Task Force.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		3,482,314
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,482,314

NEW SECTION, Sec. 5. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reimbursement of capital appropriations used for OB-II emergency clean-up and first and third floor repairs.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		1,687,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,687,000

NEW SECTION, Sec. 6. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a structural inspection of the Temple of Justice.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		15,000

Sec. 7. Section 202, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

(1) Construct and equip facilities for the care, training, and rehabilitation of persons with sensory, physical or mental handicaps (Referendum 37-Phase III).

(2) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps involving twenty projects and totaling \$2,645,000. The moneys allocated in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1983, and approved by March 31, 1984 (Referendum 37-Phase IV).

(3) Approve, construct, and equip facilities for the care, training, and rehabilitation of persons with sensory, physical, or mental handicaps including as many of the following nine projects as are finally recommended by the Department of Social and Health Services and totaling no more than \$587,931.

(a) For Cowlitz County to purchase equipment to expand a vocational rehabilitation program for chronically mentally ill adults to increase their ability to function in a living, learning, and working environment: \$13,347.

(b) For Cowlitz County to purchase equipment to expand the number of maintenance and janitorial jobs and income producing contracts available to developmentally disabled adults: \$7,813.

(c) For Grays Harbor County to construct an addition and purchase equipment to expand vocational training and employment opportunities for developmentally disabled adults: \$308,607.

(d) For Spokane County to make specified improvements at the community center previously funded by Referendum 37 to permit increased use by blind and deaf clients: \$1,585.

(e) For Spokane County to construct a building to permit training, recreation, and treatment of ten psychiatrically ill children, housed in a residential facility previously funded by Referendum 37: \$140,129.

(f) For Walla Walla County to renovate a training center to improve programming for and productivity of developmentally disabled adults: \$20,026.

(g) For Whatcom County to construct a storage building and make certain improvements to an existing workshop already funded by Referendum 37 to enhance services to developmentally disabled adults: \$39,124.

(h) For Yakima County to purchase a module to serve as a diagnostic and day treatment facility for seriously mentally ill children and their families: \$27,531.

(i) For Yakima County to purchase microfilming equipment to train and employ developmentally disabled adults: \$29,769.

The moneys authorized in this section shall revert for reallocation if the final application for the project has not been submitted by December 31, 1984, and approved by March 31, 1985 (Referendum 37 Phase V).

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	12,057,000	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
12,943,000		25,000,000

Sec. 8. Section 208, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Renovation, repair, and construction related to small projects.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		((2,637,660))
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((2,637,660))
		2,801,200

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEPARTMENTAL CAPITAL SERVICES (HEADQUARTERS)

Fire safety improvements—State-wide.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,500,000

NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR JUVENILE REHABILITATION

For kitchen renovation and correct security safety hazards—Mission Creek Youth Camp.

	Reappropriation	Appropriation
GF, DSHS Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total

Through 6/30/83	7/1/85 and Thereafter	Costs
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60,000

Sec. 11. Section 216, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Renovate and equip the main building, Phase III—Yakima Valley School.

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project	83,700	<u>6,031,500</u>
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
((7,882,300))	Thereafter	((14,242,100))
<u>7,721,700</u>	((6,276,100))	<u>17,132,200</u>
	<u>3,295,300</u>	

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR DEVELOPMENTAL DISABILITIES

Plan and design a therapy pool to serve the population of Interlake School, Medical Lake.

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project		30,000
Costs	Estimated	Estimated
through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
	720,000	750,000

Sec. 13. Section 221, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

~~((Repair cottages))~~ For critical interim repairs, design of cottage replacement and preparation of facility plan—Child Study and Treatment Center—Western State Hospital campus.

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project		245,000
Costs	Estimated	Estimated
Through	Costs	Total
6/30/83	7/1/85 and	Costs
	Thereafter	
	245,000	245,000

Sec. 14. Section 226, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Eastern State Hospital.

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project		((502,300))
Costs	Estimated	<u>3,293,900</u>
Through	Costs	Estimated
6/30/83	7/1/85 and	Total
	Thereafter	Costs
	((10,791,600))	
	<u>8,000,000</u>	11,293,900

Sec. 15. Section 227, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—FOR MENTAL HEALTH

Renovate wards—Western State Hospital.

GF, DSHS Constr Acct	Reappropriation	Appropriation
Project		((377,100))
Costs	Estimated	<u>4,004,700</u>
Through	Costs	Estimated
6/30/83	7/1/85 and	Total
	Thereafter	Costs
	((16,096,800))	
	<u>12,469,200</u>	16,473,900

NEW SECTION. Sec. 16. FOR THE DEPARTMENT OF CORRECTIONS

Design and construct co-located housing units providing at least three hundred beds—State Penitentiary, Walla Walla.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		11,600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		11,600,000

Sec. 17. Section 229, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Renovate heating and ventilation system and replace electrical cable and generator—

McNeil Island.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	395,000	
<u>GF, CEP & RI Acct</u>		<u>2,415,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
105,000		((500,000))
		<u>2,915,000</u>

Sec. 18. Section 231, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Repair facilities and utilities—McNeil Island.

	Reappropriation	Appropriation
<u>GF, CEP & RI Acct</u>	<u>335,000</u>	
GF, DSHS Constr Acct	((1,000,000))	
	<u>665,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
1,667,406		2,667,406

Sec. 19. Section 230, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Construct 500-bed medium security corrections center on the grounds of the Monroe Reformatory.

	Reappropriation	Appropriation
GF, DSHS Constr Acct	((12,970,000))	
	<u>13,667,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
((20,092,000))		33,862,300
<u>20,195,300</u>		

Sec. 20. Section 243, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Replace old, small-capacity passenger ferry boat with larger-capacity boat—McNeil Island: PROVIDED, That the department of corrections and department of general administration shall evaluate the financial and scheduling feasibility of acquiring a locally-built vessel.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		((335,000))
		<u>485,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		((335,000))
		<u>485,000</u>

Sec. 21. Section 235, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Provide facilities for 600 additional inmates—Washington Corrections Center, Shelton.

	Reappropriation	Appropriation
GF, State Bldg Constr Acct		((10,510,000))
		<u>21,773,758</u>
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		((10,510,000))
		<u>21,773,758</u>

NEW SECTION, Sec. 22. FOR THE DEPARTMENT OF VETERANS AFFAIRS

To provide payment for the assessment against the Washington Veterans Home at Retsil by Utility Local Improvement District No. 1 for expanded sewage treatment facilities, including interest.

	Reappropriation	Appropriation
GF, CEP & RI Acct		358,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		358,000

NEW SECTION, Sec. 23. FOR THE DEPARTMENT OF VETERANS' AFFAIRS

Design funds for a one hundred bed skilled nursing facility in Walla Walla.

	Reappropriation	Appropriation
GF, CEP & RI acct		203,500
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
	2,296,500	2,500,000

NEW SECTION, Sec. 24. FOR THE DEPARTMENT OF NATURAL RESOURCES

To acquire fragile and endangered natural lands for conservancy.

	Reappropriation	Appropriation
GF, ORA—State		1,000,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		1,000,000

NEW SECTION, Sec. 25. FOR THE STATE PARKS AND RECREATION COMMISSION

To replace county park facilities destroyed by the Mount St. Helens eruption and relocate them in Seaquest State Park.

	Reappropriation	Appropriation
GF, ORA—State		285,000
General Fund, Federal		530,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		815,000

NEW SECTION, Sec. 26. FOR THE STATE PARKS AND RECREATION COMMISSION

Appraise and acquire land for a state park—Little Spokane.

	Reappropriation	Appropriation
GF, ORA—State		550,000
GF, ORA—Federal		550,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
		1,100,000

Sec. 27. Section 511, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

To construct a one-half acre adult salmon holding pond, including a fishway system from the Lewis River, and spawning and rearing pens.

	Reappropriation	Appropriation
GF, Fish Cap Proj Acct	((370,000))	
	<u>64,000</u>	

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
69,500		((439,500)) <u>133,500</u>

Sec. 28. Section 517, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

To replace a portion of the Hurd Creek ponds main water supply line.

GF. Fish Cap Proj Acct	Reappropriation ((177,300)) <u>300</u>	Appropriation
Project Costs Through 6/30/83 1,200	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs ((178,500)) <u>1,500</u>

NEW SECTION. Sec. 29. FOR THE DEPARTMENT OF FISHERIES

To renovate adult holding ponds—Nooksak and Samish hatcheries.

GF. Fish Cap Proj Acct	Reappropriation	Appropriation
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	483,000 Estimated Total Costs 483,000

Sec. 30. Section 635, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

Construct public access facilities—I-82, Yakima County.

GF. ORA—State	Reappropriation	Appropriation
		((206,500)) 185,500
GF. ORA—Federal	Reappropriation	Appropriation
		((206,500)) 185,500
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs ((413,000)) <u>371,000</u>

NEW SECTION. Sec. 31. FOR THE DEPARTMENT OF GAME

\$75,000 is appropriated from the game fund for a fencing program to control wildlife damage. The department shall provide one-half of the cost of fencing materials, the landowner shall provide one-half of the cost of fencing materials and all construction and maintenance costs. Lands fenced shall be determined by the state game commission.

NEW SECTION. Sec. 32. FOR THE UNIVERSITY OF WASHINGTON

Remodel existing space to house operations of the Washington Technology Center.

GF. St H Ed Constr Acct	Reappropriation	Appropriation
		570,000
Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs 570,000

NEW SECTION. Sec. 33. FOR THE UNIVERSITY OF WASHINGTON

The state finance committee is authorized and requested to lend to the University Building Account such amounts at such times as may be necessary to support appropriations heretofore made from that account: PROVIDED, That said amounts loaned shall not exceed \$1,900,000, and such loans shall be repaid as directed by the Forty-Ninth Legislature in 1985.

NEW SECTION. Sec. 34. FOR WASHINGTON STATE UNIVERSITY

Food processing pilot plant and human nutrition lab—Planning through working drawings: PROVIDED, That part of the planning effort by the university shall include the identification of industries which will benefit from the programs that will be affected by the project, and to what extent matching funds may be generated to support such programs from the benefited industries. The university shall report the results to the ways and means committees of the house

and senate by December 1, 1984: PROVIDED FURTHER, That \$184,000 of the amount appropriated by section 822, Laws of 1983 1st ex. sess. to design a new facility for the department of chemistry, the energy institute and the biological chemistry institute shall revert to the Washington State University Building Account.

	Reappropriation	Appropriation
GF, WSU Bldg Acct		772,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	12,496,000	13,268,000

Sec. 35. Section 829, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

((Complete the)) Design, renovation, and equipping of the manual arts building and Sutton Hall and mothballing of Sutton Hall.

	Reappropriation	Appropriation
GF, H Ed Constr Acct	((4,781,000))	
	<u>2,528,000</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
450,000		((5,231,000))
		<u>2,978,000</u>

NEW SECTION. Sec. 36. FOR EASTERN WASHINGTON UNIVERSITY

(1) Payment of Farm Credit Bank Building, Spokane, remodeling contract: PROVIDED, That no renovation contracts be signed after January 1, 1984.

	Reappropriation	Appropriation
GF, EWU Cap Proj Acct		176,700
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		176,700

(2) Acquisition of Farm Credit Bank Building, Spokane, to house existing Spokane area programs: PROVIDED, That no new remodeling or improvements related to program improvements above those required for programs as of the end of spring quarter 1983 shall be undertaken unless notice is provided to the ways and means committees of the house of representatives and senate and the office of financial management approves the project.

	Reappropriation	Appropriation
GF, H Ed Constr Acct		2,253,000
GF, EWU Cap Proj Act		822,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		3,075,000

Sec. 37. Section 833, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

Handicap access.

	Reappropriation	Appropriation
GF, EWU Cap Proj Act	((50,000))	<u>50,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		50,000

NEW SECTION. Sec. 38. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design and installation of heating system—Clark College.

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		4,715,500
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
120,000		4,835,500

Sec. 39. Section 873, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGES

Code requirement repairs at Bellevue and Centralia Community College.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		57,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		57,000

Sec. 40. Section 874, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGES

Heat system repairs at Clark College.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		396,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		396,000

NEW SECTION. Sec. 41. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for emergency repair projects to six campuses: Lower Columbia, Seattle Central, Shoreline (2), Spokane Falls, and Yakima Valley.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		1,246,800
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,246,800

NEW SECTION. Sec. 42. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To provide for design and construction of a facility on Clark College campus for the purpose of accommodating instructional programs of The Evergreen State College and other four-year public institutions in the Vancouver area.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		1,500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,500,000

NEW SECTION. Sec. 43. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

For the purchase of relocatables on the Edmonds Community College campus.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		162,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		162,000

NEW SECTION. Sec. 44. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

To design core facility for Whatcom Community College, to include working drawings.

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		220,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
	3,934,700	4,157,700

Sec. 45. Section 17, chapter 143, Laws of 1981 as amended by section 110, chapter 14, Laws of 1981 2nd ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

(1) Prepare sites for commercial leases and land development projects.

	Reappropriation	Appropriation
GF. Res Mgmt Cost Acct	2,541,000	
Project	Estimated	Estimated

Costs Through 6/30/81 965,000	Costs 7/1/83 and Thereafter 1,578,000	Total Costs 5,084,000
(2) Provide equipment repair and vehicle storage facility, Clearwater Correction Center Annex.		
GF, CEP & RI Acct	Reappropriation 268,000	Appropriation
Project Costs Through 6/30/81 268,300	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 536,300
(3) Construct roads and bridges to state land, Cavanaugh Block Access.		
GF, For Dev Acct	Reappropriation 450,000	Appropriation
Project Costs Through 6/30/81 25,000	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 475,000
(4) Develop irrigation for state land, Black Rock Project.		
GF, Res Mgmt Cost Acct	Reappropriation 206,000	Appropriation
Project Costs Through 6/30/81 84,000	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 290,000
(5) Improve road for timber sales activities, Elbe Hills Betterment.		
GF, For Dev Acct	Reappropriation 300,000	Appropriation
GF, Res Mgmt Cost Acct	135,000	
Project Costs Through 6/30/81 105,000	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 540,000
(6) Acquire recreational property on Mt. Si.		
GF, ORA—State	Reappropriation 200,000	Appropriation
GF, ORA—Federal	200,000	
Project Costs Through 6/30/81 1,400,000	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 1,800,000
(7) Replace existing water system at department of natural resources Lacey compound.		
General Fund—State	Reappropriation	Appropriation 16,000
GF, Res Mgmt Cost Acct		34,000
Project Costs Through 6/30/81 50,000	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs 50,000
(8) Purchase land for resource management, Natural Resources Land Bank.		
GF, For Dev Acct	Reappropriation	Appropriation 2,000,000
Project Costs Through 6/30/81 1,000,000	Estimated Costs 7/1/83 and Thereafter 4,000,000	Estimated Total Costs 7,000,000
(9) Construct and improve roads and bridges, management ponds.		
GF, For Dev Acct	Reappropriation	Appropriation 240,000
GF, Res Mgmt Cost Acct	1,273,000	929,000

Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
193,000	4,000,000	6,958,000
(10) Develop irrigation projects on state-owned land.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct	2,742,000	4,899,400
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
2,968,000	12,000,000	22,609,400
(11) Acquire rights-of-way access for land management.		
	Reappropriation	Appropriation
GF, For Dev Acct		169,000
GF, Res Mgmt Cost Acct		676,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
	1,600,000	3,311,000
(12) Construct boat launch ramp and breakwater, Marine Research Center.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		19,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		19,000
(13) Purchase culverts and other materials for honor camp road maintenance.		
	Reappropriation	Appropriation
GF, CEP & RI Acct		150,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
20,000	200,000	370,000
(14) Increase seedling quality and production, Forest Nursery.		
	Reappropriation	Appropriation
GF, Res Mgmt Cost Acct		110,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		310,000
(15) Improve forest fire protection facilities.		
	Reappropriation	Appropriation
General Fund—State		49,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
15,000	40,000	104,000
(16) Provide access to potential commercial lease property, highway 18 interchange.		
	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through 6/30/81	Estimated Costs 7/1/83 and Thereafter	Estimated Total Costs
		250,000
(17) Construct access to road to state land, Rock Creek Road rehabilitation.		
	Reappropriation	Appropriation
GF, For Dev Acct		250,000
Project Costs Through	Estimated Costs 7/1/83 and	Estimated Total Costs

6/30/81	Thereafter	
(18) Construct and improve campsites, roads, trails, and other recreation projects.		
	Reappropriation	Appropriation
GF. ORV	507,000	429,000
GF. Snowmobile Acct		67,000
GF. ORA—State	99,000	310,000
GF. ORA—Federal	300,000	310,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
2,470,000	1,379,000	5,871,000
(19) Construct bridge and access road to state lands, McDonald Mainline.		
	Reappropriation	Appropriation
GF. For Dev Acct		69,700
GF. Res Mgmt Cost Acct		135,300
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		205,000
(20) Remodel five field buildings.		
	Reappropriation	Appropriation
General Fund—State		27,000
GF. For Dev Acct		23,000
GF. Res Mgmt Cost Acct		46,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		96,000
(21) Acquire the Milwaukee Railroad right-of-way and existing bridges from Easton in Kittitas County to Tekoa in Whitman County (—PROVIDED, That any funds not expended for this acquisition shall be retained by the department of natural resources for the purpose of acquiring dredge spoil sites on the Cowlitz, Gowweman and Toutle rivers).		
	Reappropriation	Appropriation
GF. ORA—State		((3,500,000))
		<u>2,500,000</u>
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/83 and	Costs
6/30/81	Thereafter	
		((3,500,000))
		<u>2,500,000</u>
Sec. 46. Section 901, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:		
FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT OR SUCCESSOR AGENCY—PUBLIC FACILITIES CONSTRUCTION LOAN REVOLVING FUND		
For public works financing through the community economic revitalization board.		
Ten percent of the appropriation in this section shall be used to fund projects certified by the planning and community affairs agency or successor agency in the (community block) <u>state urban development action</u> grant program and approved by the community economic revitalization board.		
If Substitute House Bill No. 245 is not enacted before July 1, 1983, the appropriation in this section shall lapse.		
	Reappropriation	Appropriation
GF. St Bldg Constr Acct		20,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		20,000,000
<u>NEW SECTION.</u> Sec. 47. Section 126, chapter 57, Laws of 1983 1st ex. sess. (uncodified) is repealed.		
<u>NEW SECTION.</u> Sec. 48. Sections 2 through 6, 9, 10, 12, 16, 22 through 26, 29, 31 through 34, 36, 38, 41 through 44 of this act are each added to chapter 57, Laws of 1983 1st ex. sess.		

NEW SECTION. Sec. 49. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, on line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending section 202, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 208, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 216, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 221, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 226, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 227, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 229, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 231, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 230, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 243, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 235, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 511, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 517, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 635, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 829, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 833, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 873, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 874, chapter 57, Laws of 1983 1st ex. sess. (uncodified); amending section 17, chapter 143, Laws of 1981 as amended by section 110, chapter 14, Laws of 1981 2nd ex. sess. (uncodified); amending section 901, chapter 57, Laws of 1983 1st ex. sess. (uncodified); adding new sections to chapter 57, Laws of 1983 1st ex. sess.; creating a new section; repealing section 126, chapter 57, Laws of 1983 1st ex. sess. (uncodified); making appropriations; and declaring an emergency."

Signed by: Senators McDermott, Deccio and Thompson; Representatives Braddock, Grimm and Tilly.

MOTION

On motion of Senator Thompson, the report of the Conference Committee was adopted on Engrossed Substitute House Bill No. 1157 and the committee was granted the powers of Free Conference.

MOTIONS

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed Substitute House Bill No. 1156.

On motion of Senator Bottiger, the rules were suspended and Engrossed Substitute House Bill No. 1156 was returned to second reading.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156, by Committee on Ways and Means (originally sponsored by Representatives Grimm and Cantu) (by Governor Spellman request)

Adopting the supplemental budget.

The bill was read the second time.

MOTION

Senator McDermott moved that the following amendment be adopted:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A supplemental budget as set forth in this 1984 act is hereby adopted and, subject to the provisions set forth in this 1984 act, the several amounts specified in this 1984 act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for salaries, wages, and other expenses of the designated agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 1983, and ending June 30, 1985, except as otherwise provided, out of the several funds of the state hereinafter named, and making other appropriations.

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PART I

GENERAL GOVERNMENT

Sec. 101. Section 2, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation \$ ~~((22,425,000))~~
22,387,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$400,000 or the portion thereof that is determined necessary by the house of representatives shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the purposes of the production of an environmental study on the state-leased low-level radioactive waste site at Hanford, Washington.

Sec. 102. Section 3, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund Appropriation \$ ~~((20,111,000))~~
20,044,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$185,000 or the portion thereof that is determined necessary by the senate shall be allocated for, but not limited to, providing furnishings and equipment for new hearing room and office renovations.

(2) \$25,000 is provided solely for the joint committee on science and technology for the environmental study described in section 2(2) of this act.

Sec. 103. Section 4, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE BUDGET COMMITTEE

General Fund Appropriation \$ ~~((1,387,000))~~
1,458,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$20,000 is provided solely for a peer review of the state auditor's office.

(2) ~~((The legislative budget committee shall conduct a performance audit of the common school preschool handicapped program with respect to staffing and severity ratios and shall submit a report to the legislature before January 1, 1984))~~ \$73,000 is provided solely to conduct or have conducted a performance audit of the state's tourism promotion program. The performance audit should include, but not be limited to, identification of:

(a) The number of jobs actually created by and retained due to the state's promotion activities;

(b) The number of additional travelers who vacationed in the state due to the state's promotional activities;

(c) Who benefits from the expenditure of state tourism dollars; and

(d) The actual additional tax revenues collected that are directly attributable to the state's promotional activities. The completed audit shall be submitted to the legislature before January 1, 1985.

(3) The legislative budget committee shall conduct a performance audit of the common school drug and alcohol education programs and submit a report to the legislature before December 1, 1984.

Sec. 104. Section 5, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund Appropriation	\$	((1,531,000))
		1,523,000

Sec. 105. Section 6, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund Appropriation	\$	((346,000))
		344,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Any services related to the retirement systems established under RCW 28B.10.400 shall be billed to the requesting agency or higher education institution.

(2) Proposals shall be presented to the committees on ways and means of the senate and house of representatives not later than January 10, 1985, for (a) appropriate actuarial level funding methods which may be used for the retirement systems established under chapters 2.10 and 2.12 RCW and the supplemental payments under the retirement systems established under RCW 28B.10.400 et seq., and (b) any modifications or basic reforms in the aforementioned judicial retirement systems.

(3) \$35,000 of the appropriation in this section shall be used solely for the process of filling the vacancy of the state actuary.

Sec. 106. Section 7, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund Appropriation	\$	((5,120,000))
		5,094,000

Sec. 107. Section 8, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund Appropriation	\$	((7,126,000))
		7,075,000

General Fund—Judiciary Education Account Appropriation	\$	1,378,000
Total Appropriation	\$	((8,504,000))
		8,453,000

The appropriations in this section are subject to the following conditions and limitations: \$1,853,000 of the general fund appropriation and \$1,378,000 of the judiciary education account appropriation are provided solely for the indigent appeals program.

Sec. 108. Section 9, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund Appropriation	\$	((2,036,000))
		2,030,000

The appropriation in this section is subject to the following conditions and limitations: All nonstate agency users of the Westlaw system shall be charged a service fee sufficient to cover the costs of their usage.

Sec. 109. Section 10, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund Appropriation	\$	((9,030,000))
		8,999,000

Sec. 110. Section 11, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund Appropriation	\$	((21,555,000))
		21,800,000

General Fund—Judiciary Education Account Appropriation	\$	1,310,000
Total Appropriation	\$	((22,865,000))
		23,110,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~\$((8,524,000))~~ 8,654,000 of the general fund appropriation may be spent for the superior court judges. Of this amount, \$330,000 is provided solely for criminal cost bills; ~~\$((300,000))~~ 430,000 is provided solely for mandatory arbitration costs; and \$135,000 is provided

solely for judges pro tempore for the superior courts. The administrator for the courts shall authorize and approve all such expenditures.

(2) \$610,000 of the judiciary education account appropriation is provided solely for judicial and support staff education programs.

(3) \$195,000 of the judiciary education account appropriation is provided solely for staff support for the judiciary education program.

(4) \$225,000 of the judiciary education account appropriation is provided solely for fall judicial conferences.

(5) \$280,000 of the judiciary education account appropriation is provided solely for education and training for the supreme court, the court of appeals, the law library, and the administrator for the courts' office.

(6) \$75,000 of the general fund is provided solely for the limited practice board. The board shall report to the committees on judiciary of the senate and house of representatives no later than January 15, 1985, regarding its activities during the biennium. The report shall include, but not be limited to: (a) Information regarding revenues received to date, including their sources and amounts; (b) expenditures to date, including their purposes and amounts; (c) the number of applications for certification; (d) the number of applicants certified; (e) the educational courses and programs accredited by the board; (f) the number and scope of complaints received, investigations initiated, grievance hearings held, and disciplinary actions taken; (g) the standardized forms approved by the board; (h) the regulations adopted by the board; and (i) anticipated board activities in the ensuing biennium.

(7) \$120,000 of the general fund appropriation is provided solely for allocation to the superior court for Thurston County to relieve the impact of litigation involving the state of Washington.

Sec. 111. Section 12, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE JUDICIAL QUALIFICATIONS COMMISSION

General Fund Appropriation	\$	((426,000))
		424,000

Sec. 112. Section 13, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation	\$	((3,441,000))
		3,425,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$209,000 shall be used solely for extradition expenses to carry out the provisions of RCW 10.34.030, providing for the return of fugitives by the governor, including prior claims, and for extradition-related legal services as determined by the attorney general.

(2) \$154,000 shall be used solely for mansion maintenance.

(3) \$~~((3,078,000))~~ 3,062,000 shall be used solely for executive operations.

Sec. 113. Section 14, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund Appropriation	\$	((249,000))
		248,000

Sec. 114. Section 15, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund Appropriation	\$	((4,942,000))
		6,685,000

General Fund—Archives and Records Management Account		
Appropriation	\$	1,310,000
Total Appropriation	\$	((6,252,000))
		7,995,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$~~((920,000))~~ 789,000 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures: PROVIDED, That the secretary of state review, audit and approve as accurate the costs incurred by the counties.

(2) \$1,912,000 is provided solely to reimburse counties for the state's share of election costs attributable under RCW 29.13.045 to the 1983 special primary and vacancy election for the office of United States Senator: PROVIDED, That the secretary of state review, audit, and approve as accurate the costs incurred by the counties.

(3) \$1,558,000 is provided solely for the verification of initiative and referendum petitions and the maintenance of related voter registration records, legal advertising of state measures, and the publication and distribution of the voters and candidates pamphlet.

Sec. 115. Section 20, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund Appropriation—State	\$	((512,000))
		514,000
General Fund Appropriation—Federal	\$	398,000
Motor Vehicle Fund Appropriation	\$	290,000
Municipal Revolving Fund Appropriation	\$	13,293,000
Auditing Services Revolving Fund Appropriation	\$	7,083,000
Total Appropriation	\$	((21,576,000))
		21,578,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If legislation is not enacted before July 1, 1983, permitting payment from the municipal revolving fund of the expenses of maintaining and operating the state auditor's office in connection with local government audits, the general fund appropriation in this section shall be increased by \$196,000 and the municipal revolving fund appropriation shall be reduced by \$196,000.

(2) \$3,000 of the general fund—state appropriation is provided solely for the payment of assessments by weed districts on state lands in accordance with RCW 17.04.180.

Sec. 116. Section 21, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund Appropriation	\$	((4,200,000))
		4,282,000
Legal Services Revolving Fund Appropriation	\$	25,683,000
Total Appropriation	\$	((29,971,000))
		29,965,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No moneys appropriated in this section may be expended for the support of the crime watch program.

(2) No moneys appropriated in this section may be expended for the support of the law enforcement assistance program.

(3) A maximum of \$313,000 is provided solely for the criminal litigation unit.

(4) \$24,000 of the general fund appropriation is provided solely for a consumer protection hotline within the consumer protection division.

Sec. 117. Section 22, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund Appropriation—State	\$	((11,616,000))
		12,353,000
General Fund Appropriation—Federal	\$	50,000
Medical Aid Fund Appropriation—State	\$	100,000
Data Processing Revolving Fund Appropriation	\$	1,368,000
Total Appropriation	\$	((13,134,000))
		13,871,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$2,500,000, of which \$1,132,500 is from the state general fund and \$1,367,500 from the data processing revolving fund, is provided for expenses related to the agency financial reporting system (AFRS). The office of financial management shall allocate moneys to various state agencies on the basis of identified need. Whenever allocations are made to agencies financed in whole or in part by other than general fund moneys, the director of financial management shall direct the repayment of such allocated amount to the data processing revolving fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

((3)) (2) \$20,000 is provided solely for a feasibility study of an offender-based corrections information system to serve the combined information needs of the department of corrections, board of prison terms and parole, sentencing guidelines commission, corrections standard board, and the administrator for the courts, to be delivered to the legislature by December 1, 1984.

(3) \$775,000 of the general fund—state appropriation is provided solely for the development and implementation of the Washington state patrol criminal history information system: PROVIDED, That no funds may be expended until a joint oversight committee is created to review the design and implementation of the system. The joint oversight committee shall include but is not limited to, the director of financial management and the chairmen, or their designees, of the house and senate ways and means committees.

(4) \$5,000 of the general fund—state appropriation is provided solely for payment of claims against the state of \$500 or less, pursuant to RCW 4.92.040.

(5) The office of financial management shall present to the legislature by December 1, 1984, a plan to have the state self-fund any or all portions of the insurance programs offered by the state. For purposes of this study, the reserves required by the self-funded programs shall

be assumed to be held by the state treasurer in the originating funds until an obligation occurs. The state investment board shall act as the investor for the funds, and all of the earnings from these investments shall accrue directly to the originating funds.

(6) \$96,000 is provided for the purposes of studying coordination, the potential for merger between Eastern Washington and Washington State Universities in the manner of Substitute House Bill No. 1363 as amended by senate committee in the 1984 legislative session, and enhancement of enrollment for Washington State University. A Higher Education Coordination Study Committee is hereby created to conduct the study, consisting of:

(1) Two members from each caucus in the house of representatives, to be appointed by the speaker;

(2) Two members from each caucus in the senate, to be appointed by the president of the senate;

(3) Two representatives of the governor, to be appointed by the governor;

(4) One regent of Washington State University, to be appointed by its board of regents;

(5) One trustee from Eastern Washington University, to be appointed by its board of trustees;

(6) Two students, one from each of the universities, to be appointed by the president of the senate and the speaker from a list of three submitted by the governing body of the recognized student association;

(7) Two faculty members, one from each of the universities, to be appointed by the president of the senate and speaker from a list of three submitted by the faculty senate or its equivalent.

Members of the higher education review committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. The office of financial management shall contract for an analysis by the council for postsecondary education as provided in Substitute House Bill No. 1363 as amended by senate committee.

Sec. 118. Section 24, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund Appropriation	\$	60,000
Department of Personnel Service Fund Appropriation	\$	((8,625,000))
		8,753,000
State Employees' Insurance Fund Appropriation	\$	1,542,000
Total Appropriation	\$	((10,167,000))
		10,355,000

The appropriations in this section are subject to the following conditions and limitations: ~~((House Bill No. 134 is enacted before July 1, 1983, the department of personnel service fund appropriation shall be reduced by \$275,000.))~~

(1) \$45,000 from the department of personnel service fund is provided solely for a comparative study, jointly funded with the department of retirement systems and the higher education personnel board, of part-time employee policy and benefits. This study shall be directed to other states and representative private colleges and universities and private sector service-related enterprises as to their practices and policies for shared work, phased retirement, health care benefits, retirement allowances, and other related issues. A report shall be made to the legislature not later than December 21, 1984, containing findings and recommendations.

(2) \$60,000 of the general fund appropriation is provided solely for the department of personnel to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The department shall coordinate the study with the higher education personnel board and its study on comparable worth implementation. During the course of the study, the department shall report to the joint select committee on comparable worth on the study's progress. The department shall report back to the legislature no later than January 1, 1985, with potential implementation alternatives.

Sec. 119. Section 27, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund Appropriation	\$	((43,164,000))
		43,054,000
General Fund—State Timber Tax Reserve Account Appropriation	\$	2,851,000
Motor Vehicle Fund Appropriation	\$	115,000
Total Appropriation	\$	((46,130,000))
		46,020,000

The appropriations in this section are subject to the following conditions and limitations: If the state timber tax reserve account is abolished and a timber excise tax account is established, the appropriation from the state timber tax reserve account shall be made from the timber excise tax account to the extent that moneys in the state timber tax reserve account are insufficient for the appropriation.

Sec. 120. Section 28, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund Appropriation	\$	((999,000))
		997,000

Sec. 121. Section 29, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund Appropriation—State	\$	((6,030,000))
		5,992,000
General Fund Appropriation—Private/Local	\$	58,000
General Fund—Motor Transport Account Appropriation	\$	6,858,000
General Administration Facilities and Services Revolving Fund Appropriation	\$	16,180,000
Total Appropriation	\$	((29,134,000))
		29,088,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The community college districts shall transfer to the motor transport account \$51,390 from the general local fund and \$157,389 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) The appropriation from the motor transport account may be used for the replacement of existing vehicles but shall not be used to expand the fleet.

Sec. 122. Section 30, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund Appropriation	\$	((7,902,000))
		7,925,000

The appropriation in this section is subject to the following conditions and limitations: \$50,000 is provided solely for the insurance commissioner to conduct a survey of, but not limited to, mandated health benefits and offerings by insurance carriers, health care service contractors, and health maintenance organizations that includes the cost and premiums charged, and the expense and claims experience incurred, by line of coverage for such offerings or benefits. A report containing such data shall be delivered to the legislature by December 1, 1985.

Sec. 123. Section 31, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund Appropriation	\$	((976,000))
		971,000

Sec. 124. Section 32, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—OPERATIONS

Department of Retirement Systems Expense Fund Appropriation	\$	((10,450,000))
		10,533,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The department of retirement systems is authorized to transfer from the applicable retirement system fund to the department of retirement systems expense fund amounts which represent each system's proportionate share of administrative expenses.

(2) \$75,000 is provided for the department of retirement systems to join with the department of personnel in conducting a study of part-time employee policy and benefits.

Sec. 125. Section 34, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation	\$	((294,000))
		292,000
Certified Public Accountant Examination Account Appropriation	\$	351,000
Total Appropriation	\$	((645,000))
		643,000

((The appropriations in this section are subject to the following conditions and limitations: If Substitute House Bill No. 646 is not enacted by July 1, 1983, the general fund appropriation shall be increased by \$317,000.))

Sec. 126. Section 37, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Fund Appropriation	\$	((2,836,000))
		3,480,000

The appropriation in this section is subject to the following conditions and limitations: If there are more than seven hundred two racing days during the fiscal biennium ending June

30. 1985, the governor is authorized to allocate such additional moneys from the horse racing commission fund as may be required.

Sec. 127. Section 38, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD—THE ADMINISTRATION PROGRAM, AND THE LICENSING AND ENFORCEMENT PROGRAM

Liquor Revolving Fund Appropriation	\$	(+14,491,000)
		14,426,000

The appropriation in this section is subject to the following conditions and limitations: The board may expend up to \$185,000 for beginning the development and implementation of a computerized data processing regulatory system.

Sec. 128. Section 39, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD—MERCHANDISING PROGRAM

Liquor Revolving Fund Appropriation	\$	(70,397,000)
		70,462,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The liquor control board shall maintain a minimum productivity of 43,821 bottles sold adjusted to retail per FTE staff year. However, \$250,000 of this appropriation is provided solely to the board for fiscal year 1985 to employ store clerks in addition to those permitted under the minimum productivity standard as may be necessary to effect a smooth transition to the new minimum productivity standard. As used in this section, "bottles sold adjusted to retail" has the same meaning and shall be calculated in the same manner as in the board's budget request for the fiscal biennium ending June 30, 1985. The board shall not permit a productivity less than that specified in this section for any reason, including but not limited to the sale of lottery tickets or decreases in the demand for liquor.

(2) The liquor control board is authorized to relocate stores during the fiscal biennium ending June 30, 1985, if necessary to conduct business in the most efficient and economical manner possible.

(3) The liquor control board is prohibited from opening any new retail sales outlets or to convert agencies to retail sales outlets during the fiscal biennium ending June 30, 1985.

(4) The liquor control board shall distribute and offer for sale lottery tickets for the Washington state lottery during the fiscal biennium ending June 30, 1985.

Sec. 129. Section 40, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PHARMACY BOARD

General Fund Appropriation	\$	(+072,000)
		1,033,000
Health Professions Account Appropriation	\$	200,000
<u>Total Appropriation</u>	<u>\$</u>	<u>1,233,000</u>

The appropriations in this section are subject to the following conditions and limitations: The health professions account appropriation is provided solely for the purpose of conducting drug-related investigations involving those licensed health care practitioners who are not licensed pharmacists. Nothing herein shall affect the authority of the department of licensing to adjust revenues from licensure fees proportionally by profession pursuant to RCW 43.24.086 to effectuate the purposes of this section.

Sec. 130. Section 41, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Fund Appropriation—State	\$	(+17,351,000)
		17,832,000
Public Service Revolving Fund Appropriation—Federal	\$	452,000
Grade Crossing Protective Fund Appropriation	\$	516,000
<u>Total Appropriation</u>	<u>\$</u>	<u>(+0,319,000)</u>
		18,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$320,000 of the grade crossing protective fund appropriation shall be expended for obligations incurred in previous biennia.

(2) Not more than \$110,000 shall be expended for an additional assistant attorney general for increased workload in utility rate requests.

(3) \$150,000 from the public service revolving fund appropriation is provided solely for the joint select committee on telecommunications regulation for the purposes of reviewing the consequences of changes in the telecommunications industry, including the AT&T divestiture.

(4) \$700,000 is provided solely for costs of the attorney general associated with representation of the public before the commission, including but not limited to the costs of special attorneys general, expert witnesses, technical assistants, and consultants.

(5) \$481,000 of the public service revolving fund appropriation is provided solely for the following purposes:

(a) To implement chapter 3, Laws of 1984;

(b) To conduct a study of local exchange costs, pricing, and investment;

(c) To conduct a study of rates of drop-off and bypass of telephone service;

(d) For six additional FTE staff units: Two utility service examiners and four research analysts; and

(e) For the citizens' advisory committee on utilities and telecommunications.

Sec. 131. Section 43, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY SERVICES

General Fund Appropriation—State	\$	(766,000)
		<u>882,000</u>
General Fund Appropriation—Federal	\$	3,862,000
Total Appropriation	\$	((4,628,000))
		<u>4,744,000</u>

Sec. 132. Section 44, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund Appropriation—State	\$	((6,931,000))
		<u>6,892,000</u>
General Fund Appropriation—Federal	\$	1,723,000
Total Appropriation	\$	((8,654,000))
		<u>8,615,000</u>

Sec. 133. Section 45, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund Appropriation	\$	((1,422,000))
		<u>1,560,000</u>

The appropriation in this section is subject to the following conditions and limitations: If House Bill No. 1219 or similar legislation is not enacted prior to July 1, 1984, \$141,000 of the appropriation in this section shall lapse.

Sec. 134. Section 49, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

General Fund Appropriation	\$	((760,000))
		<u>766,000</u>

(The appropriation in this section is subject to the following conditions and limitations: If Second Substitute Senate Bill No. 3230 is not enacted before July 1, 1983, the appropriation in this section shall lapse.)

NEW SECTION. Sec. 135. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE DEFERRED COMPENSATION COMMITTEE

Deferred Compensation Revolving Fund	\$	650,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) In order to implement the appropriation in this section, the deferred compensation committee is authorized to enter into an agreement with the state treasurer, with the consent of the state finance committee, under the authority of RCW 43.84.100. Repayment of any interfund loan agreed to shall be repaid, with appropriate interest, by June 30, 1989.

(2) The appropriation in this section shall revert to the deferred compensation revolving fund if Substitute Senate Bill No. 3926 is enacted into law.

PART II
HUMAN SERVICES

Sec. 201. Section 51, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

(a) \$2,153,000 is appropriated from the general fund for the continuation and expansion of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane, and Yakima counties. \$38,000 of the appropriation in this subsection (1)(a) is provided solely for the current Pierce county and Snohomish county treatment alternatives to street crime programs to implement the expansion program.

(b) ~~S((51,000,000))~~ \$1,573,000 is appropriated from the general fund, subject to the following conditions and limitations:

(i) \$236,000 is provided solely for community diversion programs.

(ii) \$200,000 is provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(iii) ~~S((25,458,000))~~ 25,344,000 is provided for probation and parole, other than for drug and alcohol specialized officers in counties currently or proposed to be served by the treatment alternatives to street crime programs.

(iv) ~~S((4,054,000))~~ 4,036,000 is provided for intensive parole.

(v) ~~S((16,952,000))~~ 16,876,000 is provided to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(vi) ~~S((4,026,000))~~ 4,008,000 is provided to operate the Geiger community work release facility for convicted felons.

(vii) ~~S((877,000))~~ 873,000 is provided for support of the state director's office of community services.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((206,860,000))
		<u>209,552,000</u>
General Fund Appropriation—Federal	\$	700,000
Total Appropriation	\$	((207,560,000))
		<u>210,252,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$712,000 of the general fund—state appropriation is provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050 for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(b) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(c) ~~((The department shall))~~ \$1,370,000 of the general fund—state appropriation is provided solely for the department to contract with appropriate counties for the use of up to ((200)) 100 additional beds in county jails for state inmates. ((Contracted jail space shall be used for inmates who have not fully entered the state prison system and for inmates who are nearing their release date who are not appropriate for parole, work release, or early release.))

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation—State	\$	((13,278,000))
		<u>13,850,000</u>
General Fund—Institutional Impact Account Appropriation	\$	865,000
Total Appropriation	\$	((14,143,000))
		<u>14,715,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$1,480,000 is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities and for the one-time cost impact associated with the double bunking at the Washington Corrections Center due to the significant increase in the inmate population and the consequent impact on the community.

(b) \$631,000 of the general fund—state appropriation is provided solely for the development of an offender-based information system.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	((5,463,000))
		<u>5,439,000</u>

The appropriation in this subsection is subject to the following conditions and limitations: \$13,500 may be used to develop a proprietary accounting system.

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes and no transfer shall be made among said subsections.

Sec. 202. Section 52, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

~~((2))~~ The department of social and health services shall not initiate any services which will require expenditure of state general fund moneys except as expressly authorized in this act, unless the services were provided on July 1, 1983. The department of social and health services may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of the amounts anticipated in this act. Any federal moneys not anticipated in this act and state general fund moneys made available as a result of unanticipated federal moneys shall not be spent to provide new services or programs without prior consultation with the ways and means committees of the senate and house of representatives.

Sec. 203. Section 53, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—JUVENILE REHABILITATION PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((25,444,000))
		<u>25,410,000</u>
General Fund Appropriation—Federal	\$	54,000
Total Appropriation	\$	((25,498,000))
		<u>25,464,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$12,329,000 of the general fund—state appropriation is provided solely for consolidated juvenile services. The department shall use these moneys to reduce commitments to the department and promote alternatives to institutional bed usage. The department shall submit a report to the legislature by December 1, 1984, on the success of these services in preventing institutionalization and reducing recidivism.

(b) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((40,000,000))
		<u>39,871,000</u>
General Fund Appropriation—Federal	\$	788,000
Total Appropriation	\$	((40,796,000))
		<u>40,659,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

The appropriations in this subsection shall be initially allotted as follows:

(a) \$11,763,000, of which \$11,507,000 is from the general fund—state appropriation, and 390.0 FTE staff years for the Echo Glen Children's Center to operate at least eleven cottages.

(b) \$9,836,000, of which \$9,638,000 is from the general fund—state appropriation, and 320.0 FTE staff years for the Maple Lane School to operate at full bed capacity.

(c) \$10,356,000, of which \$10,212,000 is from the general fund—state appropriation, and 310.4 FTE staff years for the Green Hill School to operate at full bed capacity.

(d) \$5,436,000, of which \$5,318,000 is from the general fund—state appropriation, and 159.0 FTE staff years for the Naselle Youth Camp to operate at full bed capacity.

(e) \$3,405,000, of which \$3,333,000 is from the general fund—state appropriation, and 82.0 FTE staff years for the Mission Creek Youth Camp to operate at full bed capacity.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	((2,207,000))
		<u>2,195,000</u>

(4) The appropriations in subsections (1), (2), and (3) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 204. Section 54, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((85,120,000))
		<u>83,121,000</u>
General Fund Appropriation—Federal	\$	((4,095,000))
		<u>26,596,000</u>
General Fund Appropriation—Local	\$	264,000
Total Appropriation	\$	((99,487,000))
		<u>109,981,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department is directed to develop at least 55 new community residential involuntary treatment act (ITA) beds and submit a report to the legislature by January 1, ~~((1984))~~ 1985, describing its progress in complying with this requirement.

(b) \$436,000 of the general fund—state appropriation is provided solely for pilot school-based early intervention projects in at least three school districts. The department shall issue a request for proposals no later than September 1, 1983, and shall contract with school districts no later than January 1, 1984. School districts shall be required to provide in-kind matching equal in value to at least 43% of the funding provided in this subsection. At least 85% of children served in each participating district shall be in grades kindergarten through three. Parental consent shall be required before any child is involved in screening or accepted into a project. Each project staff shall include a children's mental health professional and a paraprofessional coordinator. The department shall plan and administer the projects in consultation with the superintendent of public instruction, local school districts, licensed community mental health providers, and other community representatives. Of the amount provided in this subsection, up to \$70,000 may be expended for administration, training, and consultation by the department.

(c) \$465,000 is provided solely for a community psychiatric training program at the University of Washington to provide the following:

(i) Placement of psychiatry residents and other postgraduate trainees in both state mental institutions and community mental health programs;

(ii) Technical assistance to the department of social and health services; and

(iii) Continuing educational opportunities for mental health professionals state-wide.

(d) \$500,000 of the general fund—state appropriation is provided solely for operating ten children's long-term residential beds in Pierce County.

(e) \$3,300,000 of the general fund—federal appropriation is provided for continuation grants to previously directly federally funded operations grants to mental health agencies.

(f) \$2,600,000 of the general fund—federal appropriation is provided for community support project grants.

(g) \$2,900,000 of the general fund—federal appropriation is provided for transitional grants to mental health agencies to serve general assistance—unemployable clients.

(h) \$600,000 of the general fund—federal appropriation is provided for enhancement of services for minority clients of mental health agencies who meet priority group definitions.

(i) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((+7,845,000))
		<u>107,530,000</u>
General Fund Appropriation—Federal	\$	3,493,000
Total Appropriation	\$	((+11,338,000))
		<u>111,023,000</u>

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	((2,854,000))
		<u>2,845,000</u>
General Fund Appropriation—Federal	\$	584,000
General Fund Appropriation—Local	\$	14,000
Total Appropriation	\$	((3,452,000))
		<u>3,443,000</u>

(4) SPECIAL PROJECTS

General Fund Appropriation—Federal	\$	38,000
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(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 205, Section 55, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund Appropriation—State	\$	((51,390,000))
		<u>51,386,000</u>
General Fund Appropriation—Federal	\$	((41,765,000))
		<u>49,265,000</u>
Total Appropriation	\$	((93,155,000))
		<u>100,651,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$100,000 of the general fund—state appropriation is provided solely for a contract marketing project to ensure greater access for small agencies providing long-term employment to individuals with severe developmental disabilities. The department shall determine the criteria for small agencies that will benefit from this marketing project and enlist the support of business, industry, and government in developing work opportunities. The department shall monitor the contract and submit a report to the legislature by December 1, 1984. The report shall include changes in the workers' wages and commercial revenue of the agencies involved during the period of the project.

(b) The appropriations in this subsection shall be initially allotted as follows:

(i) \$14,664,000 of the general fund—state appropriation for group homes to serve an average monthly caseload of 936 clients.

(ii) \$24,759,000, of which \$2,772,000 is from the general fund—state appropriation, for county services to serve an average monthly caseload of 3,837 clients.

(iii) \$8,390,000, of which \$6,922,000 is from the general fund—state appropriation, for field services to serve an average monthly caseload of 9,575 clients.

(iv) \$2,652,000, of which \$536,000 is from the general fund—state appropriation, for home aid to serve an average monthly caseload of 1,066 clients.

(v) \$33,036,000, of which \$16,842,000 is from the general fund—state appropriation, for title XIX residential services to serve an average monthly caseload of 965 clients.

(vi) \$956,000 of the general fund—state appropriation for alternative living to serve an average monthly caseload of 322 clients.

(vii) \$8,423,000 of the general fund—state appropriation for tenant support to serve an average monthly caseload of 541 clients.

(c) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(d) \$175,000 of the general fund—state appropriation is provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(e) \$2,226,000 of the general fund—state appropriation made available as a result of implementation of the community alternatives program—Title XIX medicaid waiver shall be placed in a reserve account. No expenditure may be made from this reserve account unless specifically authorized by law. The department shall report not later than December 1, 1984, to the ways and means committees of the senate and house of representatives on its implementation of the community alternatives program—Title XIX medicaid waiver. The report shall include the number of clients covered and served, the types of services provided, and the costs and savings associated with the waiver. The department shall not expend any state funds made available through the waiver to create new programs, except the developmental disabilities adult dental program.

(f) A maximum of \$1,274,000 of the general fund—state appropriation made available as a result of implementation of the community alternatives program—Title XIX medicaid waiver may be spent to increase employee compensation in community residential facilities serving developmentally disabled persons.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	((166,012,000))
		99,735,000
General Fund Appropriation—Federal	\$	62,045,000
Total Appropriation	\$	((162,057,000))
		161,780,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection shall be initially allotted as follows:

(a) \$40,686,000 and 1,584.2 FTE staff years for the Fircrest School to operate at a biennial average daily population of 496.

(b) \$18,178,000 and 745.4 FTE staff years for the Interlake School to operate at a biennial average daily population of 250.

(c) \$43,959,000 and 1,670.4 FTE staff years for the Rainier School to operate at a biennial average daily population of 512.5.

(d) \$29,668,000 and 1,219.0 FTE staff years for the Lakeland Village School to operate at a biennial average daily population of 350.

(e) \$12,266,000 and 475.2 FTE staff years for the Yakima Valley School to operate at a biennial average daily population of 150.

(f) \$4,773,000 and 191.6 FTE staff years for the Frances Haddon Morgan Children's Center to operate at a biennial average daily population of 54.

(g) \$4,562,000 and 151.8 FTE staff years for the School for the Blind to operate at a biennial average daily population of 63.

(h) \$7,965,000 and 235.8 FTE staff years for the School for the Deaf to operate at a biennial average daily population of 205.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	((3,742,000))
		3,732,000
General Fund Appropriation—Federal	\$	864,000
Total Appropriation	\$	((4,606,000))
		4,596,000

(4) SPECIAL PROJECTS

General Fund Appropriation—State	\$	((911,000))
		908,000
General Fund Appropriation—Federal	\$	1,152,000
Total Appropriation	\$	((2,063,000))
		2,060,000

(5) The appropriations in subsections (1), (2), (3), and (4) of this section are made solely for those purposes only and no transfer shall be made among said subsections.

Sec. 206. Section 56, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

General Fund Appropriation—State	\$	((217,004,000))
		217,073,000
General Fund Appropriation—Federal	\$	211,341,000
Total Appropriation	\$	((428,425,000))
		428,414,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall provide a coherent system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources.

(2) \$323,831,000, of which \$162,984,000 is from the general fund—state appropriation, is provided for nursing home services.

~~((a) Of the amounts provided in this subsection (2), \$6,000,000, of which \$4,000,000 is from the general fund—state appropriation, is provided solely for implementation of cost reimbursement rate reform pursuant to Substitute Senate Bill No. 3780 or Senate Bill No. 3920 and chapter 74.46 RCW. If Substitute Senate Bill No. 3780 and Senate Bill No. 3920 fail to become law by July 1, 1983, such portion of the appropriation shall lapse and a separate amount of \$6,000,000, of which \$3,000,000 is from the general fund—state appropriation, shall be provided solely for independent certified audits of nursing homes under RCW 74.46.120.~~

(b)) Vendor rate adjustments for inflation under chapter 74.46 RCW shall be 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) \$8,000,000, of which \$4,000,000 is from the general fund—state appropriation, ~~((shall be placed in a reserve account. The department shall report not later than January 1, 1984, to the ways and means committees of the senate and house of representatives on efforts to divert clients from unnecessary nursing home placements through the use of the community options program entry system federal waiver. The report shall include data on the number of clients so diverted, the types of care and/or services provided to such clients as alternatives to nursing home placement, and the costs and savings associated with such diversions. No expenditure may be made from the reserve account established in this subsection unless specifically authorized by law)) is released from reserve status. These moneys are provided solely for the chore services program.~~

(4) \$85,869,000, of which \$44,159,000 is from the general fund—state appropriation, is provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) \$452,000 of the general fund—state appropriation is provided solely for increased rates and respite care payments for adult family homes to promote participation in the program.

(b) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(c) \$14,112,000 of the general fund—state appropriation is provided for implementation of the senior citizens services act. At least 7.0% of this amount shall be used for programs which utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the state chore service program and shall not be transferred or used for any other purpose.

(d) \$41,095,000, of which \$18,277,000 is from the general fund—state appropriation, is provided for chore services. The department shall report to the legislature by December 1, ~~((1983))~~ 1984, regarding the client impact of revisions to the chore services program resulting from the 1983 amendments to RCW 74.08.541.

(e) \$30,210,000, of which \$11,318,000 is from the general fund—state appropriation, is provided for the services outlined in subsections (4) (e) (i) through (v) of this section and shall be initially allotted as follows:

(i) \$18,301,000 from federal funds is provided for the federal older Americans act.

(ii) \$1,193,000, of which \$602,000 is from the general fund—state appropriation, is provided for adult day health services.

(iii) \$51,000 is provided for nursing home discharge payments.

(iv) \$8,454,000 is provided for congregate care services.

(v) \$2,211,000 is provided for adult family home services.

(5) ~~\$(10,725,000))~~ 10,714,000, of which ~~\$(5,941,000))~~ 5,930,000 is from the general fund—state appropriation, is provided for the administration of long-term care services and shall be initially allotted as follows:

(a) ~~\$(2,618,000))~~ 2,613,000, of which ~~\$(1,755,000))~~ 1,750,000 is from the general fund—state appropriation, is provided for the bureau of aging and adult services.

(b) ~~\$(8,107,000))~~ 8,101,000, of which ~~\$(4,186,000))~~ 4,180,000 is from the general fund—state appropriation, is provided for the bureau of nursing home affairs.

Sec. 207, Section 57, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

General Fund Appropriation—State	\$	((359,127,000)) 374,252,000
General Fund Appropriation—Federal	\$	((314,301,000)) 329,502,000
Total Appropriation	\$	((673,508,000)) 703,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility determinations are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

~~((3))~~ (2) Public assistance grants shall not be prorated or otherwise reduced solely because of the presence in the household of an individual not legally responsible for the support of the assistance unit, and the department shall not assume any contribution from such individual for the support of the assistance unit.

~~((4))~~ (3) ~~\$(25,536,868)~~ 55,782,000, of which ~~\$(12,768,406)~~ 27,893,000 is from the general fund—state appropriation, is provided solely for aid to families with dependent children for two-parent families beginning on July 1, 1983, and continuing through June 30, ~~((1984))~~ 1985. Additional funds appropriated in this section may be expended for the program during such period. The department shall amend its state plan under title IVA of the federal social security act in order to secure federal matching funds for the program during such period.

~~((5))~~ (4) \$2,982,000 of the general fund—state appropriation is provided solely for general assistance to pregnant women under the 1983 amendments to RCW 74.04.005.

~~((6))~~ (5) Grant payment standards will be increased 2.5% on July 1, 1983, and 3.0% on July 1, 1984, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

~~((7))~~ (6) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy, and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$65,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$21	27	32	39	44	50	59	64	

~~((8))~~ (7) The appropriations in this section shall be initially allotted as follows:

(a) \$18,133,000 from federal funds for refugee assistance.

(b) \$509,490,000, of which \$236,082,000 is from the general fund—state appropriation, for aid to families with dependent children—regular.

(c) \$25,536,000, of which \$12,768,000 is from the general fund—state appropriation, for aid to families with dependent children—employable.

(d) \$32,361,000 of the general fund—state appropriation for supplemental security income payments.

(e) \$66,332,000, of which \$65,127,000 is from the general fund—state appropriation, for general assistance to unemployable persons.

(f) \$2,982,000 of the general fund—state appropriation for general assistance to pregnant women.

(g) \$10,954,000, of which \$5,477,000 is from the general fund—state appropriation, for the consolidated emergency assistance program.

(h) \$3,061,000 of the general fund—state appropriation for burial assistance.

(i) \$1,871,000, of which \$990,000 is from the general fund—state appropriation, for employment and training support.

(j) \$2,788,000, of which \$279,000 is from the general fund—state appropriation, for work incentive payments.

Sec. 208. Section 59, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MEDICAL ASSISTANCE PROGRAM

General Fund Appropriation—State \$	((358,388,000)) 368,391,000
General Fund Appropriation—Federal \$	((231,464,000)) 241,426,000
Total Appropriation \$	((589,852,000)) 609,817,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$(13,355,800))~~ 33,321,000, of which ~~\$(6,677,900))~~ 16,681,000 is from the general fund—state appropriation, is provided solely for medical assistance and limited casualty program

coverage for persons in two-parent families who are categorically related to the aid to families with dependent children program, between July 1, 1983, and June 30, ~~((1984))~~ 1985. Additional funds appropriated under this section may be expended for the coverage during such period. The department shall amend its state plan under title XIX of the federal social security act in order to secure federal matching funds for the coverage during such period.

(2) Vendor rate adjustments for fee-for-service providers shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(3) The legislature finds and declares that rising hospital costs are a vital concern. Therefore, it is essential that an effective cost control program be pursued. The department shall pay for inpatient hospital services under the federal medicaid program through the use of rates that are reasonable and adequate to meet the costs that must be incurred by efficiently and economically operated providers to provide services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

(4) \$7,000,000 of the general fund—state appropriation ~~((shall be placed in a reserve account. The department is directed to report to the legislature not later than January 1, 1984, on its methods for establishing inpatient hospital payment rates, the changes it anticipates in such rates during the fiscal year ending June 30, 1985, the reasons therefor, and any anticipated additional expenditures for inpatient hospital treatment during such fiscal year. No expenditure shall be made from the reserve account established in this subsection until specifically authorized by law))~~ is released from reserve status. These funds are provided solely for fiscal year 1985 hospital payments.

(5) The department is directed to seek increased participation of 3,000 additional recipients over those currently enrolled in health maintenance organizations and individual practice associations. By December 31, 1984, the department shall report to the legislature on progress in these efforts.

(6) The department shall establish by rule a system to ensure that the appropriations in this section are not expended to cover persons who are already covered by private or other public programs.

(7) The department shall provide payment for chiropractic services under RCW 74.09.035 and 74.09.520.

(8) The department shall reimburse health care providers licensed under chapters 18.53, 18.71, 18.22, and 18.57 RCW for comparable services at equal rates.

Sec. 209. Section 60, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM	
General Fund Appropriation—State	\$ ((38,988,000)) 39,188,000
General Fund Appropriation—Federal	\$ 53,161,000
General Fund Appropriation—Local	\$ 5,016,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$ 20,000,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reap- propriation	\$ 21,826,000
Total Appropriation	\$ ((148,991,000)) 139,191,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If federal moneys are received for state health planning purposes for the fiscal year ending June 30, 1985, an equal amount of the general fund—state appropriation shall lapse.

(2) \$1,261,000 is provided solely for poison control centers.

(3) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

(4) \$250,000 of the general fund—state appropriation is provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

Sec. 210. Section 61, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—VOCATIONAL REHABILITATION PROGRAM	
General Fund Appropriation—State	\$ ((14,051,000)) 14,028,000
General Fund Appropriation—Federal	\$ 25,602,000

Total Appropriation \$ ~~((39,653,000))~~
39,630,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,000,000 of the general fund—state appropriation is provided solely for rehabilitation services to income assistance clients who are not severely disabled. Such services shall be provided through the use of available, unmatched state funds. The division of vocational rehabilitation shall facilitate rapid referral and eligibility determination and provide services to appropriate income assistance clients who do not meet federal regulations for priority services.

(2) Vendor rate adjustments shall average 2.5% on July 1, 1983, and 3.0% on July 1, 1984.

Sec. 211. Section 62, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund Appropriation—State \$ ~~((55,494,000))~~
55,118,000
General Fund Appropriation—Federal \$ 41,060,000
General Fund—Institutional Impact Account Appropriation \$ 75,000
Total Appropriation \$ ~~((96,629,000))~~
96,253,000

The appropriations in this section are subject to the following conditions and limitations: \$4,667,000, of which \$1,780,000 is from the general fund—state appropriation, is provided solely for the information resource management plan. This plan shall include among its top priorities continuing development of a method for the identification of common client information and the tracking of clients through all human service programs provided by the department of social and health services. Under this plan, the department of social and health services shall:

(1) Maintain the capability to provide the legislature with reports that analyze client, services delivery, and service cost data across all systems containing common client identifier information and provide unduplicated recipient counts and service histories;

(2) Incorporate the medicaid management information system into the common client identifier format;

(3) Develop rapid, flexible, and efficient data extraction and report generation; and

(4) Give priority to the following projects: (a) Community service management and operations system; (b) developmental disabilities management information system; (c) support enforcement management system; (d) automated birth certification system; and (e) mental health accounting system.

Sec. 212. Section 63, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

General Fund Appropriation—State \$ ~~((135,516,000))~~
134,317,000
General Fund Appropriation—Federal \$ ~~((140,640,000))~~
143,550,000
General Fund Appropriation—Local \$ 100,000
Total Appropriation \$ ~~((276,256,000))~~
277,967,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the general fund—state appropriation is provided solely for the victims of sexual assault program.

(2) \$608,000 of the general fund—state appropriation is provided solely for additional child protective service workers. These moneys shall be used to provide an additional 12.5 full time equivalent positions for a total of at least 237.2 for the fiscal year ending June 30, 1984, and an additional 16.2 full time equivalent positions for a total of at least 240.9 for the fiscal year ending June 30, 1985. ~~(Not later than December 1, 1983, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives describing its compliance with the requirements of this subsection, indicating the average caseload of child protective service workers by region and state-wide, and indicating what level of funds would be required to achieve an average caseload of 36 cases per worker.)~~

(3) \$100,000 of the general fund—state appropriation is provided solely for grants to pay operating expenses of community-based private nonprofit social agencies that provide services to indigent families and senior citizens whose needs are not adequately met by government programs.

(4) \$427,000 of the general fund—state appropriation is provided solely for an increase in current staffing for family reconciliation services.

(5) \$2,181,000, of which \$1,283,000 is from the general fund—state appropriation, is provided solely for contracted training.

(6) \$235,000 of the general fund—state appropriation is provided solely for the council on child abuse prevention under chapter 43.121 RCW.

Sec. 213. Section 64, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

General Fund Appropriation—State	\$	(11,867,000)
		11,801,000
General Fund Appropriation—Federal	\$	23,094,000
Total Appropriation	\$	(34,961,000)
		34,895,000

Sec. 214. Section 65, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REAPPROPRIATIONS

General Fund Appropriation—State	\$	31,857,000
General Fund Appropriation—Federal	\$	(16,875,000)
		21,875,000
General Fund Appropriation—Local	\$	66,000
Total Appropriation	\$	(48,798,000)
		53,798,000

The appropriations in this section are subject to the following conditions and limitations: These general fund reappropriations shall be for services and supplies not in excess of the unexpended balances of the 1981-1983 appropriations for such purposes.

Sec. 215. Section 66, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

General Fund Appropriation—State	\$	(15,840,000)
		15,902,000
General Fund Appropriation—Federal	\$	2,237,000
General Fund Appropriation—Local	\$	3,336,000
Total Appropriation	\$	(21,413,000)
		21,475,000

The appropriations in this section are subject to the following conditions and limitations: ~~(\$200,000)~~ Not more than \$400,000 of the general fund—state appropriation is provided solely for assistance to veterans of the Viet Nam conflict, including counseling on delayed stress syndrome, employment training and placement, discharge review, advocacy and representation, education, and other services appropriate to assist such veterans in overcoming employment barriers and readjusting to civilian life.

Sec. 216. Section 67, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE PLANNING AND COMMUNITY AFFAIRS AGENCY

General Fund Appropriation—State	\$	(2,735,000)
		6,506,000
General Fund Appropriation—Federal	\$	(53,568,000)
		107,217,000
Total Appropriation	\$	(56,303,000)
		113,723,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(The appropriations in this section are for fiscal year 1984. Contingent on the provisions of chapter (ESHB 796), Laws of 1983 and chapter 43-88 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.~~

(2) Not more than ~~\$(419,000)~~ 856,000 of the general fund—state appropriation is provided for distribution to incorporated cities and towns for fire protection of state facilities.

(3) \$65,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ~~(ESB 3035)~~ 231, Laws of 1983.

(4) ~~\$(292,000)~~ 584,000 of the general fund—state appropriation, or so much thereof as may be necessary, shall be used for Mount St. Helens volcano zone enforcement patrol.

(5) ~~\$(125,000)~~ 250,000 of the general fund—state appropriation shall be provided solely for distribution to border areas within seven air miles of the Canadian border.

(6) \$176,000 of the general fund—state appropriation is provided solely for the purposes of an urban development action grant program.

(7) \$117,000 of the general fund—state appropriation is provided solely for the purposes of establishment of a community development finance program.

(7) \$92,000 of the general fund—state appropriation is provided solely for the administration of the weatherization program.

(8) \$30,000 of the general fund—state appropriation is provided for a study of the feasibility of retaining branch-line and other rail services by a county or counties desiring to conduct an election pursuant to chapter 36.60 RCW prior to December 31, 1984.

(9) \$500,000 of the general fund—state appropriation is provided solely to develop a matching program between the state, local, and regional economic development organizations. The department is responsible for the development and administration of the program consistent with chapter ... Laws of 1984 (Substitute Senate Bill No. 3238). \$350,000 of these funds must be matched with private business dollars expressly contributed for the purposes of the project for which application for matching funds is made. \$150,000 of these funds must be matched with public sector dollars in those geographical areas which are not served by a nonprofit local economic development organization.

(10) The sum of \$138,000 of the general fund—state appropriation, or so much thereof as may be necessary, is provided for the purposes of developing and maintaining an on-going evaluation system and to provide technical assistance to local government under chapter 231, Laws of 1983. If Engrossed Substitute Senate Bill No. 4404 is enacted into law, the amount provided in this subsection shall lapse.

(11) The 1984 amendments to this section are contingent on the enactment of Substitute Senate Bill No. 3238.

Sec. 217. Section 68, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund Appropriation—State	\$	((2,968,000))
		2,957,000
General Fund Appropriation—Federal	\$	941,000
Total Appropriation	\$	((3,909,000))
		3,898,000

The appropriations in this section are subject to the following conditions and limitations: Funds appropriated in this section may be expended to carry out the purposes of chapter ... Laws of 1984 (Substitute Senate Bill No. 4623).

Sec. 218. Section 70, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund—Criminal Justice Training Account Appropriation	\$	((6,054,000))
		6,654,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$161,000 is provided solely for the crime watch program.

(2) \$170,000 is provided solely for support of the programs of the Washington association of sheriffs and police chiefs in assisting the commission to carry out RCW 43.101.180.

(3) \$300,000 is provided solely for transmission to the Washington state patrol, to be distributed by the state patrol to local law enforcement agencies for the purchase of controlled substances in connection with undercover investigations by the local law enforcement agencies.

(4) \$300,000 is provided solely for drug enforcement training.

Sec. 219. Section 71, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund Appropriation—State	\$	((5,770,000))
		5,749,000
General Fund—Crime Victims Compensation Account Appropria- tion	\$	7,345,000
Accident Fund Appropriation—State	\$	50,539,000
Accident Fund Appropriation—Federal	\$	51,000
Electrical License Fund Appropriation	\$	5,347,000
Medical Aid Fund Appropriation	\$	48,354,000
Plumbing Certificate Fund Appropriation	\$	255,000
Pressure Systems Safety Fund Appropriation	\$	758,000
Total Appropriation	\$	((118,419,000))
		118,398,000

The appropriations in this section are subject to the following conditions and limitations:

(1) General fund expenditures for the building and construction program together with associated indirect cost and salary increase costs shall not exceed general fund revenue from the building and construction program.

(2) Not more than \$50,000 of the accident fund appropriation and \$50,000 of the medical aid fund appropriation shall be expended for a study of the feasibility of consolidating the department's Olympia-area offices in one building, including the options of leasing, acquiring, or constructing such building. No state general fund moneys may be expended for this study.

~~(The department shall report to the legislature on the findings of the study by January 15, 1984.)~~

Sec. 220. Section 72, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

General Fund Appropriation	\$	((2,975,000))
		<u>2,966,000</u>

Sec. 221. Section 73, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HOSPITAL COMMISSION

General Fund Appropriation—State	\$	((357,000))
		<u>356,000</u>
General Fund—Hospital Commission Account Appropriation	\$	1,086,000
Total Appropriation	\$	((1,443,000))
		<u>1,442,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission is directed to perform aggressive rate review of individual hospital services to ensure control of rising hospital costs and efficient and economic delivery of hospital health care services.

(2) Not later than December 1, ~~((1983))~~ 1984, the commission shall report to the legislature on current and anticipated hospital cost inflation. The report shall include an analysis of the components of hospital operating costs and changes in those costs, together with reasons for each major change. Special attention shall be given to cost components which increase at a rate greater than inflation in the general economy of the state.

Sec. 222. Section 74, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund Appropriation—State	\$	((2,654,000))
		<u>2,650,000</u>
General Fund Appropriation—Federal	\$	133,049,000
General Fund Appropriation—Local	\$	17,159,000
Administrative Contingency Fund		
Appropriation—Federal	\$	6,638,000
Unemployment Compensation Administration Fund Appropriation	\$	92,543,000
Total Appropriation	\$	((252,043,000))
		<u>252,039,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$786,000 is provided solely for the ex-offender work orientation program to serve a minimum of 1,094 ex-offenders in the community, and provide work orientation to a minimum of 500 offenders pending release. Services to offenders in addition to those provided under the appropriations in this section may be provided upon reimbursement by the department of corrections at the rate of \$605 per participant.

(2) \$313,000 is provided solely for the career awareness program to provide services to 371 ex-offenders. Services may be provided to additional ex-offenders upon reimbursement by the department of corrections at the rate of \$844 per participant.

(3) The employment security department, through the youth employment exchange or other programs, shall provide for the recruitment of corps members and the receipt of federal funds for the conservation corps established under Engrossed Second Substitute Senate Bill No. 3624.

(4) \$600,000 from the general fund—state appropriation shall be used solely for contracting with other agencies for carrying out the purposes of chapter ~~((= (2SSB-3624)))~~ 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

Sec. 223. Section 75, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((COMMISSION))~~ DEPARTMENT OF SERVICES FOR THE BLIND

General Fund Appropriation—State	\$	((1,682,000))
		<u>1,676,000</u>

General Fund Appropriation—Federal	\$	3,415,000
Total Appropriation	\$	(5,897,000)
		5,091,000

The appropriations in this section are subject to the following conditions and limitations: The ~~((commission))~~ department of services for the blind shall report in writing by December 1, 1984, to the committees on ways and means of the senate and the house of representatives on the economy and effectiveness of the orientation and training center. The report shall include, but not be limited to, analysis of the characteristics of the clients and the target population, curriculum content and practices, client tracking after leaving the center, number of persons served, costs per client, and program costs.

Sec. 224. Section 76, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

General Fund Appropriation—State	\$	(512,000)
		770,000
General Fund—Local Jail Improvement and Construction Account		
Appropriation	\$	113,124,000
Total Appropriation	\$	(113,636,000)
		113,894,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the general fund—state appropriation is provided solely for a one-time grant to the King County department of public safety for a text management system to be used by the Green River task force homicide investigation. The text management system shall be made available for use by law enforcement agencies of the state through interagency agreements.

Sec. 225. Section 77, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund Appropriation	\$	(551,000)
		548,000

PART III
NATURAL RESOURCES

Sec. 301. Section 78, chapter 76, Laws of 1983 1st ex. sess. (uncodified) 57 is amended to read as follows:

FOR THE STATE ENERGY OFFICE

General Fund Appropriation—State	\$	(1,104,000)
		1,103,000
General Fund Appropriation—Federal	\$	13,032,000
General Fund Appropriation—Private/Local	\$	60,000
<u>General Fund—Geothermal Account Appropriation</u>	<u>\$</u>	<u>76,000</u>
Total Appropriation	\$	(14,196,000)
		14,271,000

Sec. 302. Section 80, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation—State	\$	(20,937,000)
		20,655,000
General Fund Appropriation—Federal	\$	9,910,000
General Fund—Special Grass Seed Burning Research Account		
Appropriation	\$	68,000
General Fund—Reclamation Revolving Account Appropriation	\$	999,000
General Fund—Litter Control Account Appropriation	\$	4,310,000
Stream Gaging Basic Data Fund Appropriation	\$	200,000
General Fund—State and Local Improvements Revolving		
Account—Waste Disposal Facilities: Appropriated pursuant to		
chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	14,511,000
General Fund—State and Local Improvements Revolving		
Account—Waste Disposal Facilities: Reappropriation (Referen-		
dum 26)	\$	60,923,000
General Fund—State and Local Improvements Revolving		
Account—Water Supply Facilities: Appropriated pursuant to		
chapter 128, Laws of 1972 ex. sess. (Referendum 27)	\$	1,051,000
General Fund—State and Local Improvements Revolving		
Account—Water Supply Facilities: Reappropriation (Referen-		
dum 27)	\$	8,788,000
General Fund—Emergency Water Project Revolving Account		
Appropriation: Appropriated pursuant to chapter 1, Laws of 1977		
ex. sess.	\$	1,926,000

General Fund—Emergency Water Project Revolving Account: Reappropriation	\$	9,343,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)	\$	((16,711,000)) <u>2,211,000</u>
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation (Referendum 38)	\$	15,805,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	67,589,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Reappropriation (Referendum 39)	\$	265,858,000
Game Fund Appropriation	\$	76,000
Total Reappropriation	\$	360,717,000
Total New Appropriation	\$	((130,200,000)) 123,506,000
Total Appropriation	\$	((499,005,000)) <u>484,223,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) On or before October 1, 1983, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1983-85 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each referendum bond issue. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1983-85 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. In the event that the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of the office of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed herein.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project, as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project, as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) No grant or loan or combination thereof shall be made for preconstruction activities for projects which cannot be constructed without an increase in the remaining voter authorized bond capacity.

(6) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.

(7) \$68,000 of the general fund—special grass seed burning research account appropriation shall be expended for funding of a grass burning research project by the University of Washington.

(8) \$1,500,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ~~((2SSB 3624))~~ 40, Laws of 1983 1st ex. sess.: PROVIDED, That for

that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund: PROVIDED FURTHER, That costs for statutorily mandated residential survey and recycling programs undertaken by the department in connection with the conservation corps program are to be excluded from this calculation.

(9) \$85,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~((= (SSB 3156)))~~) 243, Laws of 1983.

(10) (~~((If House Bill No. 595 is enacted before July 1, 1983, the general fund—state and local improvements revolving account—water supply facilities appropriation shall be reduced by \$14,500,000.~~)

(~~((H))~~) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

(~~((H2))~~) (11) \$152,000, of which \$76,000 is from the game fund appropriation and \$76,000 is from the general fund—federal appropriation, shall be expended for the maintenance and security of Padilla Bay estuarine sanctuary.

(~~((13) if either Substitute House Bill No. 712 or Second Substitute Senate Bill No. 3722 is enacted before July 1, 1983, the general fund—state appropriation shall be reduced by \$540,000.)~~)

(12) \$200,000 of the general fund—state appropriation is provided solely for flood management planning.

(13) \$50,000 of the general fund—state appropriation is provided solely for an environmental permit tracking system.

Sec. 303. Section 81, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund Appropriation	\$	((712,000))
		710,000

Sec. 304. Section 83, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund Appropriation—State	\$	((27,927,000))
		28,826,000

General Fund Appropriation—Private/Local	\$	566,000
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General Fund—Trust Land Purchase Account Appropriation	\$	7,694,000
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General Fund—Winter Recreation Parking Account Appropriation	\$	156,000
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General Fund—Snowmobile Account Appropriation	\$	681,000
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General Fund—Outdoor Recreation Account Appropriation	\$	152,000
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Motor Vehicle Fund Appropriation	\$	800,000
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Total Appropriation	\$	((37,976,000))
		38,875,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission shall operate the state park system on a modified schedule that will allow for management closures that will facilitate maximum park maintenance efforts.

(2) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~((= (SSB 3624)))~~) 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(3) \$962,000 of the general fund—state appropriation is provided solely for reimbursement to the tort claim revolving fund.

(4) \$79,000 of the general fund—state appropriation is provided solely for the second year funding of the boating safety program.

Sec. 305. Section 86, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT

General Fund Appropriation	\$	((3,006,000))
		7,707,000

The appropriation in this section is subject to the following conditions and limitations: (~~((The appropriations are for expenditure by the department of commerce and economic development in fiscal year 1984. Contingent on the provisions of chapter — (ESHB 796), Laws of 1983 and chapter 43:00 RCW, any unexpended funds at the end of this period shall be transferred to the department of economic and community development.))~~)

(1) Not more than \$2,287,000 may be expended for the tourism program in fiscal year 1985. \$750,000 of this amount is provided solely for the establishment of a private-sector state matching program. State funds may only be released on a dollar-for-dollar matching basis with private industry. The department is responsible for the development and administration of the program.

(2) Not more than \$573,000 may be expended for the administration program in fiscal year 1985.

(3) \$538,000 is provided solely for the foreign trade program in fiscal year 1985.

(4) \$1,031,000 is provided solely for the industrial development program in fiscal year 1985, except that \$100,000 of this amount is provided solely for carrying out the provisions of subsection (9) of this section.

(5) \$150,000 is provided solely for the small business program in fiscal year 1985.

(6) All personal service contracts for fiscal year 1985 that, in the aggregate, are over \$10,000 shall be approved by the director of financial management and submitted to the chairmen of the house and senate ways and means committees prior to the approval.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$270,000 to be used within the foreign trade program for uses authorized under RCW 43.31.832.

(8) \$40,000 is provided solely for a grant for the development of a project which seeks to stimulate public support for and understanding of this state's increasing international trade activity.

(9) The department may contract with a private, nonprofit economic development organization for cooperative services to assist in the implementation of the state's industrial marketing program. These services may include but are not limited to:

(a) Development of advertising and marketing publications;

(b) Establishment of the direct mail campaign to targeted industrial firms;

(c) Provision of executive briefings to decision makers in such targeted firms; and

(d) Participation in industrial conventions, exhibits, and trade shows.

(10) \$40,000 is provided solely for the department to contract with the department of ecology for provision of professional assistance to firms confronting federal, state, and local requirements related to the acquisition of necessary permits and environmental approvals.

(11) The 1984 amendments to this section are contingent on the enactment of Senate Bill No. 3238.

Sec. 306. Section 87, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISHERIES

General Fund Appropriation—State	\$	((36,614,000)) 38,635,000
General Fund Appropriation—Federal	\$	6,580,000
General Fund Appropriation—Private/Local	\$	2,083,000
Total Appropriation	\$	((47,277,000)) 47,298,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$285,000 of the general fund appropriation, of which \$191,000 shall be from federal funds, or so much thereof as may be necessary, shall be expended for enhancement of the marine fish program.

(2) \$109,000 of the general fund—state appropriation shall be expended for the enhancement of the shellfish program.

(3) \$495,000 of the general fund—state appropriation shall be expended for additional salmon production.

(4) \$600,000 of the general fund—state appropriation shall be used solely for carrying out the purposes of chapter (~~((25SB-3624))~~) 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs; PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$140,000 of the general fund—state appropriation is provided solely for razor clam research.

(6) \$75,000 of the general fund—state appropriation is provided solely for a pilot enforcement project on Hood Canal. No more than two enforcement officers and all necessary support costs including equipment shall be dedicated to law enforcement on Hood Canal.

Sec. 307. Section 89, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation—State	\$	((26,380,000)) 27,065,000
General Fund Appropriation—Federal	\$	451,000

General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$	((2,096,000)) 2,311,000
General Fund—Forest Development Account Appropriation	\$	10,373,000
General Fund—Landowner Contingency Forest Fire Suppression Account Appropriation	\$	1,539,000
General Fund—Survey and Maps Account Appropriation	\$	671,000
General Fund—Resource Management Cost Account Appropriation	\$	((61,067,000)) 60,692,000
General Fund—Geothermal Account Appropriation	\$	76,000
Total Appropriation	\$	((102,577,000)) 103,178,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~((54,727,000 of the general fund—state appropriation shall be expended for the general administration program. Of this amount:))~~ \$1,100,000 ~~((shall be used))~~ of the general fund—state appropriation is provided solely to carry out the purposes of chapter ~~((= (255B 3624)))~~ 40, Laws of 1983 ~~((:))~~ 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation, and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(2) \$50,000 ~~((shall be used))~~ of the general fund—state appropriation is provided solely to conduct a study of the continuous transfer of material and products across state lands ~~((= and \$145,000))~~.

(3) \$438,000 of the general fund—state appropriation shall be used solely for the department of natural resources to ~~((vacate the first floor of the))~~ move from the house office and public lands buildings.

~~((2) Not more than \$11,239,000 of the general fund—state appropriation shall be expended for the forest fire control program:~~

~~((3) Not more than \$6,787,000 of the general fund—state appropriation shall be expended for the assistance and regulation program:~~

~~((4) Not more than \$3,627,000 of the general fund—state appropriation shall be expended for the services program. Of this amount:))~~ (4) Not more than \$843,000 of the general fund—state appropriation shall be used to fund ten additional honor camp teams. ~~((Funds used within this program for surveying shall be limited to the establishment of boundaries of state property:))~~

Sec. 308. Section 90, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund Appropriation—State	\$	((10,166,000)) 11,271,000
General Fund Appropriation—Federal	\$	626,000
General Fund—Feed and Fertilizer Account Appropriation	\$	17,000
Fertilizer, Agricultural, Mineral and Lime Fund Appropriation	\$	((364,000)) 360,000
Commercial Feed Fund Appropriation—State	\$	((365,000)) 361,000
Commercial Feed Fund Appropriation—Federal	\$	13,000
Seed Fund Appropriation	\$	((1,029,000)) 1,011,000
Nursery Inspection Fund Appropriation	\$	((345,000)) 449,000
Total Appropriation	\$	((12,925,000)) 14,108,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$156,000 from the general fund—state appropriation shall be used to enhance the pesticide field investigations.

(2) \$60,000 from the general fund—state appropriation shall be used to enhance consumer services within the agricultural development program.

(3) \$300,000 from the general fund—state appropriation shall be used to establish a marketing program for the Washington wine industry and the department of agriculture shall present a proposal to the forty-ninth legislature which establishes a wine commodity commission.

(4) \$600,000 from the general fund—state appropriation shall be used solely for carrying out the purposes of chapter ~~((= (255B 3624)))~~ 40, Laws of 1983 1st ex. sess.: PROVIDED, That for that enrollment period which begins after March 1, 1984, the average cost per enrollee shall not be greater than \$8,300, inclusive of wages and administration, equipment, transportation,

and residence costs: PROVIDED FURTHER, That, if this amount is exceeded, the remaining funds of the amount specified in this subsection shall revert to the general fund.

(5) \$104,000 is provided solely for a food bank coordinator and related costs.

(6) \$475,000 of the general fund—state appropriation is provided solely for the gypsy moth and apple maggot detection and control program. Aerial gypsy moth eradication shall be limited to biological control agents.

Sec. 309. Section 92, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON CENTENNIAL COMMISSION

General Fund Appropriation	\$	((226,000))
		225,000

NEW SECTION. Sec. 310. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE EXPO '86 COMMISSION

General Fund—State Appropriation	\$	320,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$130,000 is provided solely for operational purposes.

(2) \$190,000 of the appropriation is provided solely for the initial planning and design for exhibition space and facilities for Washington state participation in the exposition, provided that not more than \$10,000 of this amount shall be spent on studies and specifications relating to the use of a ferry-type vessel as a part of the exhibition space.

PART IV
TRANSPORTATION

Sec. 401. Section 93, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund Appropriation—State	\$	((11,467,000))
		11,783,000

The appropriation in this section is subject to the following conditions and limitations:

(1) ~~\$((1,466,000))~~ 1,610,000 is provided solely for the narcotics section, as authorized by RCW 43.43.610 and 43.43.620 and shall be limited to providing information to law enforcement agencies in the state on narcotic and drug law violations and providing investigative assistance on matters of state-wide concern.

(2) ~~\$((666,000))~~ 712,000 is provided solely for the organized crime intelligence unit, as authorized by RCW 43.43.854 and shall be limited to intelligence gathering activities which assist law enforcement agencies and prosecutors in cases of state-wide significance.

Sec. 402. Section 94, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund Appropriation	\$	((12,077,000))
		12,798,000

General Fund—Architects' License Account Appropriation	\$	373,000
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General Fund—Optometry Account Appropriation	\$	119,000
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General Fund—Professional Engineers' Account Appropriation	\$	602,000
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General Fund—Real Estate Commission Account Appropriation	\$	4,591,000
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General Fund—Board of Psychological Examiners Account Appropriation	\$	66,000
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Game Fund Appropriation	\$	187,000
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Highway Safety Fund Appropriation	\$	((36,562,000))
		38,415,000

Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	237,000
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Motor Vehicle Fund Appropriation	\$	((34,693,000))
		35,233,000

Total Appropriation	\$	((89,527,000))
		92,621,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$450,000 of the general fund appropriation is provided solely for the design and development of a Uniform Commercial Code automated lien filing and search system. If other legislation authorizing expenditures for a Uniform Commercial Code automated lien filing and search system is enacted before July 1, 1983, the general fund—state appropriation in this section shall be reduced by the amount actually expended under the other legislation.

(2) \$66,446 is provided solely for the department of licensing to employ competent persons on a temporary basis to assist the dental hygiene examination committee in conducting examinations for dental hygiene licensure. The dental hygiene examination committee shall be reimbursed pursuant to RCW 43.03.050.

(3) If House Bill No. 1698 or similar legislation delaying the implementation of chapter 72, Laws of 1983, is enacted prior to July 1, 1984, the motor vehicle fund state appropriation shall be reduced by \$510,000.

(4) \$1,833,000 of the highway safety fund appropriation is provided solely for the purposes of chapter 165, Laws of 1983, and is subject to the following conditions and limitations:

(a) \$478,000 of the amount in this subsection (4) is provided solely for attorney general services. No other moneys may be spent for this purpose.

(b) The department of licensing shall maintain complete and separate accounting and reporting systems for expenditures under this subsection (4).

(c) If Substitute House Bill No. 977, or other legislation delaying the effective date of section 47, chapter 165, Laws of 1983, is enacted before July 1, 1984, the amounts provided in this subsection (4) shall lapse. The appropriation contained in this subsection (4) shall be reduced to \$180,000 if legislation is enacted which delays the effective date of section 47, chapter 165, Laws of 1983 and establishes a program that requires the following:

(i) Confiscation of a driver's license at the time of arrest for a violation of RCW 46.61.402 or 46.61.405; and

(ii) Issuance of a temporary license by the arresting officer.

NEW SECTION, Sec. 403. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PUBLIC TRANSPORTATION AND PLANNING—PROGRAM T

Motor Vehicle Fund Appropriation—Federal	\$	200,000
General Fund Appropriation	\$	100,000
Total Appropriation	\$	300,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided for a cooperative study between the department of transportation and the Washington public ports association to develop a long-range strategic planning document for each mode of transportation and its impact on future economic growth in the state. The study shall recognize the interrelationship between the modes and the integrated nature of the transportation network, in that any changes, new developments, or problems which occur in one mode impact all other modes. The study shall include, but not be limited to: An assessment of the reasons for the current and projected changes in transportation patterns, modal shifts and locational influences; the impact on the highway network due to deregulation of rail and motor carriers, continued abandonment of rail lines, and the increasing demands for port development and navigable waterway system expansion; the effect of new marketing techniques and efficiencies on terminal consolidation; and the need for adequate accessibility to port areas. The appropriations are contingent upon agreement by the Washington public ports association to contribute additional financial support for this project in an amount not less than fifteen percent of the total funds appropriated in this section. The department of transportation and Washington public ports association shall solicit financial and technical support from other sources in the governmental and private sectors.

**PART V
EDUCATION**

Sec. 501, Section 96, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION (INCLUDING THE STATE BOARD FOR EDUCATION)

General Fund Appropriation—State	\$	((13,361,000)) 15,989,000
General Fund Appropriation—Federal	\$	6,540,000
General Fund—Traffic Safety Education Account Appropriation	\$	460,000
Total Appropriation	\$	((20,361,000)) 22,989,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Not more than \$460,000 may be expended for the state office administration of the traffic safety education program, including inservice training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) Not more than \$244,882 of the general fund—state appropriation shall be expended for a program to provide additional inservice training for math, science, and computer technology instructors.

(3) \$30,000 dollars of the general fund—state appropriation is provided for additional meetings and travel by the state board of education.

(4) \$819,000 is provided solely for the implementation of House Bill No. 1246 during the 1984-85 school year. The funds shall be allocated as follows:

(a) A maximum of \$179,000 for Model Curriculum Development.

(b) A maximum of \$150,000 for a Life Skills Test Model.

(c) A maximum of \$300,000 for a Student Retention Pilot Project.

(d) A maximum of \$150,000 for 8th grade test development.

(e) A maximum of \$40,000 for an 11th grade test sample.

(5) \$1,796,000 is provided solely for the implementation of House Bill No. 1660 during the 1984-85 school year. The funds shall be allocated as follows:

(a) A maximum of \$50,000 for a Campus Education Research Center.

(b) A maximum of \$350,000 for School Improvement Research Projects.

(c) A maximum of \$50,000 for an SPI clearinghouse.

(d) A maximum of \$200,000 for School Self Study.

(e) A maximum of \$50,000 for Building Based Management Pilot Programs.

(f) A maximum of \$75,000 for an Administrator Training Academy Plan.

(g) A maximum of \$12,000 for Teacher Excellence Awards.

(h) A maximum of \$50,000 for Supervision of Student Teacher Pilot Programs.

(i) A maximum of \$200,000 for a Graduate Teacher Preparation Plan.

(j) A maximum of \$80,000 for Teacher Competency Test Development.

(k) A maximum of \$75,000 for an Educator Salary Study.

(l) A maximum of \$40,000 for In-Service Credit Equivalency Development.

(m) A maximum of \$564,000 for Staff Development Plans.

(6) \$20,000 is provided solely for an exemplary study to be conducted by at least the Rosalia, Tekoa, Oakesdale, Garfield and St. John school districts to examine means by which these and other small school districts may utilize cooperative and multi-district efforts to provide programs for educational excellence in small districts.

Sec. 502. Section 97, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—BASIC EDUCATION FORMULA FOR FISCAL YEARS 1984 AND 1985

General Fund Appropriation \$ ~~((2,912,752,000))~~
2,917,618,000

The appropriation in this section is subject to the following conditions and limitations:

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent of public instruction shall require school districts to ensure that no salary and compensation increases for the 1984-85 school year from any fund source whatsoever are in excess of those amounts for state recognized increments, insurance benefit increases, and/or for those identified salary increases as specified in this act: PROVIDED, That any state recognized increment increase, insurance benefit increase, and/or salary increase found to be greater than that specified in this act shall be in violation of the conditions to the receipt of funds appropriated in this act for school districts; therefore, the superintendent of public instruction shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance: PROVIDED FURTHER, That the superintendent of public instruction shall additionally require school districts to ensure that no recognized group of employees as identified in RCW 28A.58.095 shall increase their relative total salary or insurance benefit position at the expense of any other recognized group of employees using the district's authorized total salary and benefit increase allocation for the 1984-85 school year. Any such group of employees which has clear and convincing evidence that its district is in violation of this proviso may present such clear and convincing evidence in a challenge to the superintendent of public instruction, who shall determine the validity of the group's challenge. If sustained, the district shall be deemed in violation of the conditions to the receipt of funds appropriated in this act for school districts and the superintendent of public instruction shall withhold an amount in addition to any funds withheld pursuant to the preceding provision equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance.

(2) Formula allocation of certificated staff units shall be determined as follows:

(a) One certificated staff unit for each average annual twenty full time equivalent kindergarten, elementary, and secondary students, excluding secondary vocational full time equivalent students enrolled in a vocational program approved by the superintendent of public instruction.

(b) One certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skill centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollment above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a K-8 program or 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a K-6 or 1-6 program, an additional one-half of a certificated staff unit.

(d) For districts operating high schools with enrollments of not more than three hundred average annual full time equivalent students, certificated staff units shall be determined as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

(3) (a) For nonemployee related costs with each certificated staff unit determined under subsection (2) (a), (c), and (d) of this section, there shall be provided a maximum of \$5,287 per staff unit in the 1983-84 school year and a maximum of $\$(5,562)$ 5,462 per staff unit in the 1984-85 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (2)(b) of this section, there shall be provided a maximum of \$10,074 per staff unit in the 1983-84 school year and a maximum of $\$(10,596)$ 10,408 per staff unit in the 1984-85 school year.

(4) Formula allocation of classified staff units shall be determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (2) (a), (c), and (d) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) The superintendent shall distribute a maximum of $\$(15,286,666)$ 17,088,000 outside the basic education formula as follows:

(a) A maximum of $\$(626,666)$ 636,000 may be distributed to school districts for fire protection at a rate of \$1.056 in fiscal year 1984 and \$1.119 in fiscal year 1985 for each student attending a school located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW.

(b) A maximum of \$1,650,000 may be expended for operation of vocational programs at each of the skill centers during the summer months, beginning in 1983.

(c) A maximum of \$272,000 may be distributed for school district emergencies.

(d) A maximum of $\$(4,366,666)$ 3,613,000 may be expended for districts which experience an enrollment decline of at least four percent or more than three hundred full time equivalent students, whichever is less, from the enrollment of the prior year. For a qualifying district, the superintendent of public instruction shall increase the enrollment as otherwise computed by twenty-five percent of the full time equivalent enrollment loss from the previous school year.

(e) A maximum of \$3,720,000 in fiscal year 1984 and $\$(4,658,666)$ 7,197,000 in fiscal year 1985 may be expended for substitute teachers. Funds shall be distributed to school districts at a rate not to exceed \$150 per year per full time equivalent classroom teacher in the basic education and handicapped programs for 1983-84 and \$250 per year for 1984-85.

(6) For the 1982-83 school year, if a school district is in violation of RCW 28A.58.095 the superintendent shall withhold the lesser of five percent or an amount equal to the level of violation, applied to the district's basic education allocation.

Sec. 503. Section 101, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

BASIC EDUCATION ALLOCATION—CALCULATION OF CERTIFICATED STAFF COMPENSATION

(1) The certificated compensation allocation for school year 1983-84 shall be the sum of the following subsections:

(a) Maintenance of compensation shall be calculated using each district's 1982-83 base salary established in LEAP Document 5 times the number of certificated staff units generated in section 97 (2) (a) through (d) of this act in each district times each district's particular 1982-83 average staff mix factor improved by 7.43%:

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

(2) The certificated compensation allocation for school year 1984-85 shall be the sum of the following subsections:

(a) Maintenance of compensation calculated by using each district's 1982-83 base salary established in LEAP Document 5 times the number of staff units generated in section 97 (2) (a) through (d) of this act times each district's particular 1983-84 average staff mix factor improved by 7.66%:

(b) Health benefits shall be calculated at the rate of \$137 per month per certificated full time equivalent staff units generated in section 97 (2) (a) through (d) of this act.

Sec. 504. Section 102, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

BASIC EDUCATION ALLOCATION—CALCULATION OF CLASSIFIED STAFF COMPENSATION

(1) The 1983-84 basic education classified compensation allocation for each district shall be the sum of the following subsections:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.55%:

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

(2) The 1984-85 basic education classified compensation allocation for each district shall be the sum of the following:

(a) Maintenance of classified compensation shall be calculated using the staff units generated in section 97 (4) (a) through (c) of this act, times each district's 1982-83 average classified salary, established in LEAP Document 5, improved by 16.78%:

(b) Health benefits shall be calculated at the rate of \$137 per month per classified full time equivalent staff units generated in section 97 (4) (a) through (c) of this act.

Sec. 505. Section 103, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SALARY AND COMPENSATION INCREASES

General Fund Appropriation \$ ~~((71,983,000))~~
77,328,000

The appropriation in this section is subject to the following conditions and limitations:

(1) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW.

(2) Salary and insurance benefit increase funds provided by this section shall be distributed by the superintendent of public instruction as specified in this section on an allocation basis only and may be expended by school districts for any state-funded activity.

(3) A maximum of \$~~((26,118,000))~~ 26,311,000 shall be distributed for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$22 per month per full time equivalent staff unit in the 1983-84 school year and such amount shall be maintained in the 1984-85 school year.

(4) A maximum of \$4,286,000 shall be distributed in the 1984-85 school year for insurance benefit increases for full time equivalent state-supported staff as defined in section 98(1) of this act at a rate of \$8 per month per full time equivalent staff unit.

(5) (a) A maximum of \$~~((9,793,000))~~ 10,185,000 is provided, effective ~~((November 1, 1984))~~ January 1, 1985, for incremental fringe benefits in section 98(2) of this act and ~~((5.0%))~~ 7.0% of the 1982-83 LEAP Document 5 state-wide average salary for state-supported basic education classified staff as defined in section 98(1) of this act. With respect to the remaining state-supported classified staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a ~~((5.0%))~~ 7.0% salary increase using the pertinent program state-wide average salary for such staff.

(b) The salary increase authorized by subsection ~~((4)(a))~~ (5)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

(c) During the 1983-84 school year, the superintendent of public instruction, as part of the regular classified data reporting process, shall collect data regarding the length of service of each basic education classified employee in their particular job classification. The superintendent of public instruction shall submit a report to the legislature prior to March 1, 1984, regarding the proposed allocation methodology as required by subsection ~~((4)(d))~~ (5)(d) of this section. Such a report shall consider present practices by the state personnel board in granting increments.

(d) The superintendent of public instruction shall, during the 1984-85 school year, allocate \$400,000 of the funds allocated by subsection ~~((4)(a))~~ (5)(a) of this section to each district in accordance with its particular 1983-84 complement of staff.

(e) Pursuant to RCW 84.52.0531(3), any school district having an average classified salary as shown on LEAP Document 5 of less than \$16,513 for the 1982-83 school year may grant salary increases to classified staff in the 1983-84 school year to achieve a maximum average classified salary of \$16,513. For purposes of allocating basic education funds in the 1984-85 school year, the superintendent shall modify LEAP Document 5 to reflect any increases given in accordance with this provision.

(f) A district shall not be in violation of RCW 28A.58.095 as a result of reporting revised staff mix data for the 1983-84 school year in accordance with the revised S-275 staff mix reporting instructions promulgated by the superintendent of public instruction. For 1984-85, the superintendent of public instruction shall modify LEAP Document 5 to assure that the average certificated salary for a district shall neither increase nor decrease for apportionment purposes as a result of this subsection (5)(f).

~~((5))~~ (6) (a) A maximum of \$((36,162,000)) 36,540,000 is provided effective ((November 1, 1984)) January 1, 1985, for incremental fringe benefits in section 98(2) of this act and ((5.0%)) 7.0% of the 1982-83 LEAP Document 5 average state-wide derived base salary times the district's ((1993-84)) 1983-84 staff mix factor (as defined in section 99(3) of this act) for state-supported basic education staff as defined in section 98(1) of this act. With respect to the remaining state-supported certificated staff of a district as defined in section 98(1) of this act, the superintendent shall distribute a ((5.0%)) 7.0% salary increase times the pertinent state-wide average derived base salary improved by the 1983-84 staff mix of each district for such staff.

(b) The salary increase authorized by subsection ~~((5)(a))~~ (6)(a) of this section shall be the maximum level of state-supported salary increase unless the legislature makes an upward adjustment in a subsequent legislative session.

~~((6))~~ (7) For purposes of RCW 28A.58.095, the following conditions and limitations apply:

(a) The sum of salary and insurance benefit increases granted by each school district for nonstate-supported staff shall not exceed those specified for state-supported staff of a district.

~~((e))~~ (b) Increments granted by school districts to certificated staff in the year in which the increments are given by a district shall constitute salary increase only to the extent that the aggregate of increments granted by a district in accordance with its salary schedule exceeds the aggregate of increments pursuant to LEAP Document 1.

(c) Salary increases provided by this section shall be applied to the respective district base salaries for certificated staff and the respective district average salaries for classified staff, each as specified in LEAP Document 5 as revised in accordance with this act.

(d) During the 1984-85 school year, districts may grant increases in insurance benefits to achieve a rate of \$179.00 per month per full time equivalent staff unit.

(e) For the 1984-85 school year, for the purpose of insurance benefit increases for classified employees, a full time equivalent employee is an employee contracted to work 1,440 hours per year or more. The superintendent shall perform a study of the number of eligible employees to be classified as full time equivalent employees for insurance benefits, and shall prepare a recommended funding method to present to the 1985 session of the legislature. It is intended that the superintendent of public instruction shall distribute funds during July and August, 1985 to support such increases for classified entitlement in state-funded programs as defined in section 98(1) of this act.

Sec. 506. Section 104, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
 General Fund Appropriation \$ ~~((168,874,000))~~
 171,057,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of ~~\$((73,364,000))~~ 75,110,400 may be expended in the 1983-84 fiscal year.

(2) A maximum of \$712,000 may be expended for regional transportation coordinators.

(3) A maximum of \$53,000 may be expended for driver training.

(4) (a) A maximum of \$1,746,400 shall be allocated as specified in subsection (4)(b) of this section in the 1983-84 fiscal year to only those school districts that, assuming the 1983-84 formula operating allocation was funded at one hundred percent, would receive less than sixty-five percent of their respective 1982-83 transportation operating expenditures. This one-time appropriation shall be for transition purposes to give these districts time to eliminate operating inefficiencies.

(b) An eligible district shall receive money sufficient to either restore its preliminary allocation specified by bulletin 24-83 or the difference between its 1982-83 operating expenditures at sixty-five percent and the 1983-84 formula operating allocation calculated at one hundred percent, whichever is less.

Sec. 507. Section 105, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR VOCATIONAL-TECHNICAL INSTITUTES AND ADULT EDUCATION AT VOCATIONAL-TECHNICAL INSTITUTES
 General Fund Appropriation \$ ~~((53,586,000))~~
 53,440,000

The appropriation in this section is subject to the following conditions and limitations:

(1) (a) The 1983-84 school year appropriation is based on an enrollment of 10,638 full time equivalent students at a state support level per student of \$2,461, not including salary and insurance benefit increases.

(b) The 1984-85 school year appropriation is based on an enrollment of 11,255 full time equivalent students at a state support level per student of ~~\$(2,491)~~ 2,480, not including salary and insurance benefit increases.

(2) Not more than \$619,000 of this appropriation may be expended for adult education.

Sec. 508. Section 107, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED COSTS

General Fund Appropriation—State	\$	(271,000,000)
		<u>279,215,000</u>
General Fund Appropriation—Federal	\$	27,641,000
Total Appropriation	\$	(298,729,000)
		<u>306,856,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of ~~\$(125,586,000)~~ 129,914,000 of the general fund—state appropriation may be expended in fiscal year 1983-84.

(2) The superintendent of public instruction shall allocate funds in accordance with LEAP Document 6 for school year(s) 1983-84 and LEAP Document 6 revised as of March 5, 1984, for 1984-85.

(3) The superintendent shall establish a new system for district reporting of preschool handicapped enrollment which results in uniform reporting consistent with attendance laws and rules.

(4) For allocation of funds for the 1984-85 school year, the superintendent of public instruction shall exclude specific learning disabilities as one of the categories for classification as multiple handicapped.

(5) In the 1984-85 fiscal year the superintendent may transfer funds from this section to section 511 of this 1984 act to the extent that specific learning disabled category E enrollment is less than 6,532 students. Any such transfer shall be at a rate of \$300 per student.

Sec. 509. Section 109, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL SERVICE DISTRICTS

General Fund Appropriation—State	\$	(4,807,000)
		<u>6,641,000</u>
State Funding Sources	\$	(3,664,000)
		<u>1,830,000</u>
Total Appropriation	\$	<u>8,471,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) Educational service districts shall be apportioned funds based upon the following schedule:

	General Fund—State	State Funding Sources
E.S.D. No. 101	\$(609,000)	\$(610,000)
	<u>914,000</u>	<u>305,000</u>
E.S.D. No. 105	\$(564,000)	\$(292,000)
	<u>730,000</u>	<u>146,000</u>
E.S.D. No. 112	\$(491,000)	\$(492,000)
	<u>737,000</u>	<u>246,000</u>
E.S.D. No. 113	\$(524,000)	\$(525,000)
	<u>787,000</u>	<u>262,000</u>
E.S.D. No. 114	\$(451,000)	\$(226,000)
	<u>564,000</u>	<u>113,000</u>
E.S.D. No. 121	\$(429,000)	\$(436,000)
	<u>644,000</u>	<u>215,000</u>
E.S.D. No. 123	\$(569,000)	\$(285,000)
	<u>712,000</u>	<u>142,000</u>
E.S.D. No. 171	\$(696,000)	\$(349,000)
	<u>871,000</u>	<u>174,000</u>
E.S.D. No. 189	\$(454,000)	\$(455,000)
	<u>682,000</u>	<u>227,000</u>
Total	\$(4,807,000)	\$(3,664,000)
	<u>6,641,000</u>	<u>1,830,000</u>

(2) For the 1983-84 school year, school districts in the respective educational service districts shall provide the amounts specified from state funding sources accruing under section 97 of this act on a per capita enrollment basis prior to June 30th (of each school year).

(3) Educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.21.088 (3) and (4).

Sec. 510. Section 110, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR ~~((BLOCK GRANTS))~~ THE SPECIAL NEEDS PROGRAM

General Fund Appropriation—State \$ ~~((45,957,000))~~ 28,629,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$~~((27,320,000))~~ 23,605,000 may be expended in fiscal year 1983-84.

~~((2))~~ ~~((A maximum of \$4,148,000 may be allocated by the superintendent for the support of specific learning disabled programs for the 1983-84 school year as reassessment of the currently eligible students occurs as a result of changes in state regulations.~~

~~((3))~~ Of the appropriation provided by this section, a ~~((minimum))~~ maximum of \$~~((20,632,000))~~ 13,728,000 shall be distributed as follows for the 1983-84 school year:

(a) 30% on the basis of full time equivalent enrollment;

(b) 18% on the basis of aid to families with dependent children income enrollment in the prior school year;

(c) 12% on the basis of minority enrollment in the prior school year;

(d) 12% on the basis of gifted enrollment in the prior school year;

(e) 12% on the basis of racial isolation enrollment in the prior school year;

(f) 6% on the basis of limited English speaking enrollment in the prior school year; and

(g) 10% on the basis of Indochinese refugees as defined by federal regulation.

Except as otherwise provided, the categories of enrollment shall be defined in accordance with the allocation methodology developed by the governor's advisory committee for chapter II of the education consolidation and improvement act in effect for the 1982-83 school year.

~~((4))~~ (3) A maximum of \$~~((12,900,000))~~ 12,495,000 may be distributed for the remaining months of the 1982-83 school year.

(4) For the 1984-85 fiscal year, the superintendent shall distribute a minimum of \$4,855,000 as follows:

(a) The sum of \$400,000 is provided for teacher training for drug and alcohol abuse education and prevention in grades K through 12;

(b) A maximum of \$1,700,000 shall be expended for gifted programs to be distributed at a maximum rate of \$290 per student for one percent of each district's total enrollment for the 1984-85 school year.

(c) A maximum of \$2,746,000 may be expended for the remaining months of the 1983-84 school year.

(5) The funds allocated by subsection ~~((3))~~ (2) of this section may be expended by school districts for provision of special instructional programs, including but not limited to: Drug and alcohol abuse prevention; remediation assistance programs; cultural enrichment programs; transitional bilingual programs; preschool education programs; alternative education programs; community involvement programs (including PUSH-EXCEL); environmental education programs; education for superior students programs; Indian education programs; Pacific Science Center programs~~((-PROVIDED That school districts shall expend these funds so that any programs listed in this subsection required to be offered by law shall receive first priority))~~.

(6) The superintendent of public instruction shall contract \$257,000 for services to support an approved gifted program to be conducted at Fort Worden state park.

(7) The superintendent shall contract \$40,000 for services from the Cispus program.

(8) Salary and benefits increases are included in the funds allocated by this section.

NEW SECTION. Sec. 511. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE REMEDIATION ASSISTANCE PROGRAM

General Fund Appropriation \$ 10,575,000

The appropriation in this section is subject to the following conditions and limitations:

(1) A maximum of \$7,804,800 shall be distributed by the superintendent to districts for the 1984-85 school year at a rate of \$300 per eligible student as defined in RCW 28A.41.404.

(2) For a discretionary seventh through ninth grade remediation program, a maximum of \$2,770,000 shall be distributed by the superintendent of public instruction at a uniform rate per district per eligible student as calculated in this subsection. In making the calculation, the superintendent shall multiply the percentage of students in a district taking the fourth grade state test who scored in the lowest quartile the previous year as compared to the national norm by the number of students currently enrolled in the district in grades 7 through 9, less those students who scored in the lowest quartile and who are served pursuant to chapter 28A.13 RCW (excluding communication disordered students) in grades 2 through 9. Local districts may use these funds to serve any of the students in grades 7 through 9 who are in the bottom quartile on a nationally normed standardized test and who are not receiving like services in programs established in chapter 28A.13 RCW.

(3) This appropriation includes funds for salary and incremental benefit increases for remediation assistance staff.

(4) The superintendent may transfer funds from the remediation assistance program to the handicapped program for specific learning disabled category "E" enrollment to the extent it exceeds 6,532 students.

(5) This appropriation is provided solely for the 1984-85 fiscal year.

NEW SECTION, Sec. 512. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR THE TRANSITIONAL BILINGUAL PROGRAM

General Fund Appropriation \$ 3,039,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The superintendent shall distribute funds at a maximum rate of \$350 per eligible student for the 1984-85 school year.

(2) This appropriation includes funds for salary and incremental benefit increases for transitional bilingual education staff.

(3) This appropriation is provided solely for the 1984-85 fiscal year.

Sec. 513. Section 115, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR EDUCATIONAL CLINICS

General Fund Appropriation \$ ~~(1,100,000)~~
1,850,000

The appropriation in this section is subject to the following conditions and limitations: The moneys provided by this section are intended to provide a relatively stable clinic enrollment funded from these moneys for the remainder of the biennium.

NEW SECTION, Sec. 514. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

The appropriations in this act to the state board for community college education and the four-year institutions of higher education are subject to the following conditions and limitations:

(1) Individual community colleges may provide off-campus programs within the respective district boundaries without prior legislative approval; (2) No four-year institution may enter into new contracts, leases, or other commitments to establish off-campus extension centers without prior legislative approval.

Sec. 515. Section 117, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

(1) General Fund Appropriation—Federal \$ 9,000

(2) \$9,665,000 is appropriated from the general fund for the replacement and repair of instructional equipment.

(3) \$3,310,587 is appropriated from the general fund for the small school adjustment to Skagit Valley (fiscal year 1984 only), Whatcom, Olympia Technical, Big Bend, Peninsula, Grays Harbor, Wenatchee Valley, Centralia, Lower Columbia, and Walla Walla Community Colleges. The state board for community college education shall distribute such funds based on a ratio to be determined by the board for students below the 2,500 full time equivalent student enrollment level.

(4) ~~\$(232,526,606)~~ 221,036,710 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$1,400 per academic year averaged for the biennium)~~ \$1,331 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 3,657 per year ~~(and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request)~~.

(5) ~~\$(75,086,000)~~ 73,224,845 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$452 per year averaged for the biennium)~~ \$441 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~(assumed in this act)~~. Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~(basic direct)~~ instruction. Additional authority is granted to use up to 3.0% of the funds from this subsection for general college purposes as defined in subsection (6) of this section, reducing the support instructional resources per student proportionately.

(6) ~~\$(114,045,007)~~ 126,341,858 is appropriated from the general fund for general ~~(university)~~ college purposes, including plant maintenance, institutional support, state board operations, and instruction.

(7) \$25,000 is appropriated from the general fund to continue leases for three campus sites with the department of natural resources for fiscal year 1985.

(8) \$60,000 is appropriated from the general fund solely for the purpose of planning and coordinating a small business assistance network.

(9) The appropriations in this section are subject to the following conditions and limitations: The community college system shall maximize enrollment opportunities for vocational students. Sec. 516, Section 118, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

(1) Accident Fund Appropriation \$ 1,563,000
 (2) Medical Aid Fund Appropriation \$ 1,563,000

(3) \$1,773,000 is appropriated from the general fund for family practice medicine education and residency programs provided for by chapter 70.112 RCW.

(4) ~~\$(163,868,272)~~ 152,104,160 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$3,147 per academic year averaged for the biennium)~~ \$2,921 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 1.687 per year ~~((and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request))~~.

(5) ~~\$(65,387,806)~~ 59,253,142 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$1,108 per year averaged for the biennium)~~ \$1,004 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ((assumed in this act)). Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(6) ~~\$(165,463,728)~~ 181,738,698 is appropriated from the general fund for general university purposes, including research, public service, hospitals, plant maintenance, institutional support, and instruction.

(7) \$6,368,000 is appropriated from the general fund for equipment replacement.

(8) \$3,900,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

(9) \$131,000 is appropriated from the general fund for handling of the papers of Senators Jackson and Magnuson.

(10) \$175,000 is appropriated from the general fund for the establishment of a mathematics, engineering, and science achievement program. The appropriation in this subsection shall not be effective until Senate Bill No. 4432 is enacted.

Sec. 517, Section 119, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

(1) ~~\$(88,869,876)~~ 74,390,173 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$2,679 per academic year averaged for the biennium)~~ \$2,489 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 886 per year ~~((and shall not fall below the overall student-to-faculty ratio as calculated in the governor's budget request))~~.

(2) ~~\$(31,692,808)~~ 30,869,510 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$990 per year averaged for the biennium)~~ \$964 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ((assumed in this act)). Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment instruction.

(3) ~~\$(115,613,104)~~ 120,974,217 is appropriated from the general fund for general university purposes including research, public service, plant maintenance, institutional support, and instruction.

(4) \$120,000 is appropriated from the general fund for rodenticide research.

(5) \$2,474,000 is appropriated from the general fund for equipment.

(6) \$2,100,000 is appropriated from the general fund as a special enhancement for enrichment of instructional resources in the undergraduate programs offered by the university.

(7) The appropriations in this section are subject to the following conditions and limitations:

(a) Washington State University shall make available whatever resources are requested by the office of financial management and the council for postsecondary education pursuant to section 120(5)(b) of this act.

(b) Courses classified as "community service" in the public service program shall be provided on a self-supporting basis only. Beginning with the 1984-85 academic year, "community service" shall be defined in the same manner as used by the state board for community college education to classify courses as self-supporting. Washington State University shall establish

specific criteria and report to the ways and means committees of the house of representatives and the senate by July 1, 1984, on the courses designated as community service.

(8) ~~(\$80,000 is appropriated from the general fund to provide for a needs assessment and planning by the higher education institutions in the Spokane area for programs in engineering and technology to meet community and industrial needs. The institutions participating in the development of the needs assessment and planning shall include, but not be limited to, Washington State University, Gonzaga University, Eastern Washington University, Whitworth College and the Spokane Community College District. The funds appropriated herein shall be administered by Washington State University serving as agent of record.~~

Sec. 518. Section 120, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

(1) ~~\$(33,304,063)) 30,542,310~~ is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$2,461 per academic year averaged for the biennium)) \$2,257~~ for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 366 per year ~~((and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request)).~~

(2) ~~\$(11,675,000)) 11,548,920~~ is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$833 per year averaged for the biennium)) \$824~~ for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act)).~~ Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic-direct))~~ instruction.

(3) ~~\$(22,507,937)) 25,130,670~~ is appropriated from the general fund for general university purposes, including research, primary support, institutional support, and instruction.

(4) \$706,000 is appropriated from the general fund for equipment.

(5) The appropriations in this section are subject to the following conditions and limitations:

(a) No operating funds may be used for the lease or maintenance of the new Spokane Center Building until the facility becomes the property of the university.

(b) In order to best utilize facilities housing public university programs within the city of Spokane, the director of financial management shall provide a recommendation on the continuation and future needs of public higher education in the city of Spokane, specifically addressing opportunities for cooperative programs. The staff of the council for postsecondary education shall provide assistance as required by the office of financial management to conduct a program review of Spokane area higher education program needs. The office of financial management shall conduct a financial analysis of the Eastern Washington University Center for Higher Education located in Spokane as part of this recommendation. The office of financial management shall submit the recommendation to the legislature by October 1, 1983.

(6) The appropriations in this section are subject to the following conditions and limitations: Any enrollment growth associated with Spokane above the spring 1983 actual level will be considered as an offset to campus enrollments at Cheney, with the effect that Eastern Washington University will include all state-funded Spokane enrollments in meeting the student funding requirements of the 1983-85 appropriations act. Additionally, any course offered as "self-supporting" shall be offered at a cost that reflects the full cost of the class, including housing costs.

Sec. 519. Section 121, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

(1) ~~\$(27,676,105)) 25,274,633~~ is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(\$2,305 per academic year averaged for the biennium)) \$2,122~~ for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 307 per year ~~((and shall not fall below the student-to-faculty ratio as calculated in the governor's budget request)).~~

(2) ~~\$(11,051,000)) 10,763,499~~ is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(\$952 per year averaged for the biennium)) \$907~~ for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys identified as budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act)).~~ Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic-direct))~~ instruction.

(3) ~~\$(17,509,015)) 19,974,868~~ is appropriated from the general fund for general university purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$604,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$646,000 is appropriated from the general fund for equipment.

Sec. 520. Section 122, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

(1) ~~S((11,129,439))~~ 10,646,599 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(((\$2,519 per-academic year averaged for the biennium))~~ \$2,319 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 125 per year ~~((and shall not fall below the overall student-to-faculty ratio as-calculated in the governor's budget request)).~~

(2) ~~S((7,344,666))~~ 7,183,724 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(((\$1,662 per-year averaged for the biennium))~~ \$1,562 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, primary support, and student services. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act)).~~ Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic direct))~~ instruction.

(3) ~~S((9,982,561))~~ 10,932,677 is appropriated from the general fund for general college purposes, including research, plant maintenance, institutional support, and instruction.

(4) \$462,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$579,000 is appropriated from the general fund for equipment.

(6) \$100,000 is appropriated from the general fund to the Washington state institute for public policy to conduct a study using the staff of the University of Washington to examine issues associated with the status of minorities in the Washington state corrections system.

Sec. 521. Section 123, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

(1) ~~S((36,371,222))~~ 34,627,778 is appropriated from the general fund for instruction. Average basic direct instructional resource per comparable cost student shall not be less than ~~(((\$2,204 per-academic year averaged for the biennium))~~ \$2,098 for the 1984-85 fiscal year. Faculty full time equivalent entitlements for direct instructional and academic administration purposes shall be not less than 421 per year ~~((and shall not fall below the overall student-to-faculty ratio as-calculated in the governor's budget request)).~~

(2) ~~S((12,551,000))~~ 12,320,336 is appropriated from the general fund for support instructional resources. Average support instructional resources per student shall be not less than ~~(((\$760 per year averaged for the biennium))~~ \$746 for the 1984-85 fiscal year. Support instructional resources shall be calculated as moneys budgeted for libraries, student services, and primary support. Students shall be calculated on the basis of actual state-funded full time equivalent regular academic year enrollments ~~((assumed in this act)).~~ Moneys appropriated in this subsection may be transferred from this subsection, reducing the support instructional resources per student proportionately, to augment ~~((basic direct))~~ instruction.

(3) ~~S((17,960,778))~~ 19,809,586 is appropriated from the general fund for general university purposes including research, primary support, institutional support, and instruction.

(4) \$1,881,000 is appropriated from the general fund for regional university and college faculty resource equalization. These moneys may be used for faculty salary adjustments and staffing purposes. These funds shall not be used to meet the student full time equivalent minimum expenditure requirements for direct instruction and support resources in the 1983-85 appropriations act.

(5) \$1,590,000 is appropriated from the general fund for equipment.

Sec. 522. Section 124, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COUNCIL FOR POSTSECONDARY EDUCATION

General Fund Appropriation—State	\$	((27,500,000))
		<u>27,498,000</u>
General Fund Appropriation—Federal	\$	3,526,000
State Educational Grant Appropriation	\$	40,000
Total Appropriation	\$	((31,074,000))
		<u>31,064,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) To the greatest extent possible, the council shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The council staff shall provide assistance as required by the office of financial management to study the question of undergraduate and graduate education in Spokane.

(3) No less than \$24,265,713 shall be spent for student aid exclusive of agency administrative costs.

Sec. 523. Section 125, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE COMMISSION FOR VOCATIONAL EDUCATION

General Fund Appropriation—State	\$	((1-986,000)) 1,978,000
General Fund Appropriation—Federal	\$	21,385,000
Total Appropriation	\$	((23,371,000)) 23,363,000

The appropriations in this section are subject to the following conditions and limitations:

(1) No state funds may be used by the advisory council for vocational education.

(2) The commission for vocational education shall not require of the state board for community college education or the superintendent of public instruction any report or information which is not expressly required by state or federal law or rules. With any request for information, the commission for vocational education shall note on the request the specific citation of the state or federal requirement which requires the report. The commission shall keep its compliance auditing to the minimum required by federal law or rule.

(3) Before the convening of the 1984 regular session of the legislature, the director of the commission for vocational education shall submit a report to the secretary of the senate and the chief clerk of the house of representatives regarding planned improvement in administration, program planning, and program delivery. The secretary of the senate and the chief clerk of the house of representatives shall furnish the report to the appropriate standing committees of the legislature, which shall review and comment on the report's recommendations.

Sec. 524. Section 126, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION PERSONNEL BOARD

General Fund Appropriation	\$	40,000
Higher Education Personnel Board Service Fund Appropriation	\$	((1-309,000)) 1,370,000
Total Appropriation	\$	1,410,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$19,000 shall be used to join with the department of personnel in conducting a study of part-time employee policy and benefits.

(2) \$40,000 of the general fund appropriation is provided solely for the higher education personnel board to conduct a study for the purpose of reviewing and formulating ways to implement comparable worth in accordance with chapter 75, Laws of 1983 1st ex. sess. The board shall coordinate the study with the department of personnel and its study on comparable worth implementation. During the course of the study, the board shall report to the joint select committee on comparable worth on the study's progress. The board shall report back to the legislature no later than January 1, 1985 with potential implementation alternatives.

Sec. 525. Section 127, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE LIBRARY

General Fund Appropriation—State	\$	((7-447,000)) 7,395,000
General Fund Appropriation—Federal	\$	2,297,000
General Fund Appropriation—Private/Local	\$	99,000
Washington Library Network Computer System Revolving Fund Appropriation—Private/Local	\$	((7-672,000)) 8,640,000
Total Appropriation	\$	((17-515,000)) 18,431,000

The appropriations in this section are subject to the following conditions and limitations: A minimum of \$75,000 of the general fund—state appropriation shall be expended for matching the costs of providing for the automation of the selection/circulation and inventory system for the Washington library for the blind and physically handicapped.

Sec. 526. Section 128, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund Appropriation—State	\$	((2-742,000)) 2,739,000
General Fund Appropriation—Federal	\$	800,000

Total Appropriation \$ ~~((3,542,000))~~

3,539,000

Sec. 527. Section 132, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE TEMPORARY COMMITTEE ON EDUCATION POLICY, STRUCTURE AND MANAGEMENT

General Fund Appropriation—State \$ ~~((600,000))~~

598,000

General Fund Appropriation—Private/Local \$ 34,000

Total Appropriation \$ ~~((634,000))~~

632,000

PART VI

SPECIAL APPROPRIATIONS

Sec. 601. Section 134, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—SALARY AND INSURANCE CONTRIBUTION INCREASES

(1) There is appropriated for the four-year institutions of higher education from the General Fund \$ ~~((16,217,000))~~

17,187,000

(2) There is appropriated for the community college system from the General Fund \$ ~~((1,779,000))~~

9,760,000

(3) There is appropriated for the department of corrections from the General Fund \$ ~~((1,400,000))~~

5,841,000

(4) There is appropriated for the department of social and health services from the:

General Fund—State \$ ~~((1,453,000))~~

12,220,000

General Fund—Federal \$ ~~((6,951,000))~~

7,419,000

(5) There is appropriated for other state agencies from the:

General Fund—State \$ ~~((7,864,000))~~

8,341,000

General Fund—Federal \$ ~~((1,739,000))~~

1,842,000

(6) There is appropriated for all state agencies from the Special Fund Salary and Insurance Contribution Increase

Revolving Fund \$ ~~((20,354,000))~~

21,652,000

(7) The appropriations in this section shall be expended to implement:

(a) Salary increases effective not later than January 1, 1985, to implement such portion of the 1982 salary survey (catch-up results) as possible, rounded to the next range if the application results in a fractional range, for higher education classified employees, state personnel board classified and exempt employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education and medical residents and graduate assistants, including teaching assistants and research assistants of the four-year institutions of higher education (excluding student employees not under the jurisdiction of the state or higher education personnel boards);

(b) Merit/market increases effective not later than January 1, 1985, and not to exceed \$3,140,000 (of which \$3,128,000 is from the general fund) for faculty and administrative exempt employees of the four-year institutions of higher education: PROVIDED, That excluding the regional university and college faculty resource equalization moneys under sections 121 through 123 of this act, no research university, regional university, or state college may grant from any fund source whatsoever any salary increases greater than that provided in this section. The increases are to be granted solely on the basis of formal merit evaluation procedures which may take into account critical market disparities in teaching disciplines. The council for postsecondary education shall report to the governor and the legislature on the implementation of the increases no later than February 15, 1985;

(c) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1983, from \$137.00 per month to \$159.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$159.00 per eligible employee effective July 1, 1983 through June 30, 1984. ~~((Any return of funds resulting from favorable claims experience during the 1983-85 biennium shall be held in reserve within the state employees' insurance fund.))~~

(d) Increases in the state's maximum contribution for employee insurance benefits effective July 1, 1984, from \$159.00 per month to \$167.00 per month per eligible employee for higher education classified employees, commissioned officers of the Washington state patrol, faculty and administrative exempt employees of the community college system and the four-year institutions of higher education, and state personnel board classified and exempt employees (excluding student employees not under the jurisdiction of the state or higher education personnel boards). The monthly premium paid for insurance benefits shall not be more than the equivalent of \$179.00 per eligible employee effective July 1, 1984.

(e) The state employees insurance board's authority and practice of expending funds in the state employees insurance revolving fund generated by dividends or refunds is recognized, and the average contribution per eligible employee in subsections (c) and (d) of this section shall not be construed as a restriction on such expenditures: PROVIDED, That any moneys resulting from a dividend or refund shall not be used to increase employee insurance benefits over the level of services provided on the effective date of this 1984 act and in no case may the maximum premium paid be more than \$179.00 per month per eligible employee. Contributions by any county, municipal, or other political subdivision to which coverage is extended after the effective date of this 1984 act shall not receive the benefit of any surplus funds attributable to premiums paid prior to the date upon which coverage is extended.

(8) The community colleges may grant merit/market increases effective not later than January 1, 1985, and not to exceed \$2,038,000 of general fund moneys for faculty and administrative exempt employees: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than that provided in this section. The council for postsecondary education shall report to the governor and the legislature on the implementation of any increases granted pursuant to this subsection no later than February 15, 1985.

~~((††))~~ (9) To facilitate payment of state employee salary increases from special funds and to facilitate payment of state employee insurance benefit increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

Sec. 602. Section 136, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—RETIREMENT CONTRIBUTIONS

General Fund Appropriation	\$	506,450,000
General Fund—Revenue Accrual Account Appropriation	\$	47,000,000
Total Appropriation	\$	553,450,000

The appropriations in this section ~~((†))~~ are subject to the following conditions and limitations:

(1) Not more than \$800,000 may be expended from the general fund appropriation for contributions to the judicial retirement system.

(2) Not more than \$550,000 may be expended from the general fund appropriation for contributions to the judges' retirement system.

(3) Not more than \$192,600,000 ~~((may be expended))~~ from the general fund appropriation and not more than \$35,250,000 from the revenue accrual account appropriation may be expended for contribution to the law enforcement officers' and fire fighters' retirement system.

(4) Not more than \$312,500,000 ~~((may be expended))~~ from the general fund appropriation and not more than \$11,750,000 from the revenue accrual account appropriation may be expended for contribution to the teachers' retirement system.

Sec. 603. Section 142, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—FEDERAL REVENUES FOR DISTRIBUTION

Forest Reserve Fund Appropriation for forest reserve fund distribution	\$	16,000,000
General Fund Appropriation for federal flood control funds distribution	\$	21,000
General Fund Appropriation for federal grazing fees distribution	\$	59,000
General Fund—Geothermal Account Appropriation	\$	((253,000)) 102,000

General Fund Appropriation for distribution under federal Public Law

<u>97-99. Fifty percent of these moneys shall be allocated to local school districts according to a formula developed by the superintendent of public instruction and fifty percent of the moneys shall be allocated to counties for the benefit of public roads according to a formula developed by the state department of transportation</u>	\$	384,053
Total Appropriation	\$	((16,333,000)) 16,566,053

NEW SECTION, Sec. 604. (1) There is transferred from the general fund the sum of \$15,000 to be deposited in the essential rail assistance account in the general fund.

(2) There is appropriated for the biennium ending June 30, 1985, from the essential rail assistance account to the department of transportation the sum of \$15,000 to be used pursuant to chapter 47.76 RCW. Not more than \$5,000 of this appropriation may be used for elections pursuant to chapter 36.60 RCW.

Sec. 605. Section 8, chapter 1, Laws of 1983 2nd ex. sess. (uncodified) is amended to read as follows:

There is appropriated from the state convention and trade center account of the general fund to the state convention and trade center corporation for the biennium ending June 30, 1985, ~~\$(2,024,360))~~ 2,724,360 for operational costs of the convention and trade center corporation.

NEW SECTION. Sec. 606. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

(1) Payment of judgment in State v. Graves, Superior Court for Douglas County, Cause No. 1879, including interest	\$ 2,403.22
(2) Payment of judgment in Groves v. State, Superior Court for Snohomish County, Cause No. 81-1-00641-2, including interest	\$ 1,983.76
(3) Payment of judgment in State v. Botimer, Superior Court for King County, Cause No. 83-1-01538-0, including interest	\$ 30,269.08
(4) Payment of judgment in State v. Freund, Superior Court for Clark County, Cause No. 83-1-00236-2, including interest	\$ 8,931.72
(5) Payment of judgment in City of Lynnwood v. Quintero, Municipal Court of Lynnwood, Cause No. LC 9179, including interest	\$ 3,845.16
(6) Payment of judgment in State v. Dolan, South District Court for Snohomish County, Cause No. SR 2802, including interest	\$ 2,845.86
(7) Payment of judgment in H. H. Robertson Co. v. State, Superior Court for King County, Cause No. 82-2-07131-5, including interest	\$ 20,290.04
(8) Payment of judgment in Construction Erectors v. State, Superior Court for Thurston County, Cause No. 81-2-01584-8, including interest	\$ 70,406.61
(9) Payment of judgment in State v. Kuster, Superior Court for Spokane County, Cause No. 81-100232-4, including interest	\$ 17,988.66
(10) Payment of judgment in In re the welfare of Engebretson, Superior Court for Kitsap County, Cause No. JC-3303, including interest	\$ 846.58
(11) Payment of judgment in State v. Beasley, Superior Court for King County, Cause No. 83-1-02895-3, including interest	\$ 28,967.83
(12) Payment of judgment in State v. Martinez, Superior Court for Chelan County, Cause No. 6380, including interest	\$ 4,491.30
(13) Seattle School District No. 1, et al.; Payment of judgment in Seattle School District No. 1 v. State of Washington, United States District Court, Western District of Washington, Cause No. C81-276T, including interest	\$ 61,516.56
(14) Seattle School District No. 1, et al.; Payment to be disbursed in accordance with judgment in Seattle School District No. 1 of King County, et al. v. State of Washington, et al., United States District Court, Western District of Washington, Cause No. C78-753V, including interest	\$ 431,536.41

Sec. 607. Section 33, chapter 7, Laws of 1983 as amended by section 57, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.32.400 are each amended to read as follows:

The revenue accrual account is hereby created in the state general fund. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system or, during the 1983-1985 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium.

NEW SECTION. Sec. 608. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

Eight million one hundred thousand dollars, or so much thereof as may be necessary, is appropriated from the revenue accrual account in the general fund to the department of

social and health services for payment for services and supplies chargeable to the fiscal biennium ending June 30, 1983. The amounts spent under this section shall not exceed the unspent balances of the original appropriations provided for such services and supplies for the fiscal biennium ending June 30, 1983. If RCW 82.32.400 is not amended in 1984 to permit moneys in the revenue accrual account to be appropriated and spent for the purpose of discharging obligations that are correctly chargeable to a prior biennium, this appropriation shall lapse.

NEW SECTION, Sec. 609. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

(1) There is appropriated from the revenue accrual account of the general fund the sum of \$16,500,000 in settlement of all claims of all plaintiffs and defendants in the following civil actions, covering the period from January 1, 1978, through June 30, 1981, in the Superior Court for Thurston County:

(a) United Nursing Homes, Inc. et al. v. McNutt, Cause No. 59035;

(b) United Nursing Homes, Inc. et al. v. Thompson, Cause No. 80-2-01440-1;

(c) Washington State Health Facilities Association et al. v. Department of Social and Health Services, Cause No. 81-2-00076-0.

(2) If, before July 1, 1984, stipulated final judgment has not been entered in the Superior Court for Thurston County in each of the three civil actions identified in this section, covering all claims of plaintiffs and defendants for the period from January 1, 1978, through June 30, 1981, in amounts whose total, including costs, attorneys' fees, other fees, costs of distribution, and interest, does not exceed the \$16,500,000 appropriated in this section (not including amounts which may be payable as a result of administrative appeals under RCW 74.46.780 or its predecessor), this appropriation shall lapse. If such stipulated final judgment does not require (a) netting within facilities of all overpayments and underpayments incurred throughout the period from January 1, 1978, through June 30, 1981, and (b) repayment to the state of residual funds remaining after payment to plaintiffs of all audited allowable costs for such period plus costs of suit, attorneys' fees, other fees, costs of distribution, and interest, this appropriation shall lapse. The legislature determines that the amounts which may be payable as damages, along with costs, attorneys' fees, other fees, costs of distribution, and interest, in the three civil actions identified in this section are obligations correctly chargeable to prior biennia. If RCW 83.32.400 is not amended in 1984 to permit moneys in the revenue accrual account to be appropriated and spent for the purpose of discharging obligations which are correctly chargeable to a prior biennium, this appropriation shall lapse.

NEW SECTION, Sec. 610. There is added to chapter 76, Laws of 1983 1st ex. sess. a new section to read as follows:

For the purposes of section 143, chapter 76, Laws of 1983 1st ex. sess., moneys appropriated to the state treasurer for bond retirement and interest may be expended for ongoing bond registration and transfer charges.

NEW SECTION, Sec. 611. Section 47, chapter 76, Laws of 1983 1st ex. sess. (uncodified) is hereby repealed.

NEW SECTION, Sec. 612. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 613. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, we have on our desks here, two budgets—one the sixth draft and one the seventh draft. Are both of these different than passed out of the committee—passed out of this House before? If so, what's the difference between these two drafts?"

Senator McDermott: "The difference between the sixth and seventh draft is a study in OFM of a merger between Eastern Washington University and WSU and there's a couple of technical changes we found last night when we were working and putting this together trying to get it all done in time to get out of here. We made a couple of technical mistakes and those are corrected. There's also a twenty thousand dollar study that was left out of the budget that Senator Patterson had asked for small districts in Eastern Washington in terms of coordinating a transportation system and that got left out between the Senate and the House and we put it in this budget."

Senator Bluechel: "There are no other things other than what you mentioned."

Senator McDermott: "There are not."

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, would you please identify the page in draft number 7 that the two items you just referred to are located? Is page 11 one of them? And what's the other page?"

Senator McDermott: "Senator, the first one is on page 11, line 33--'\$96,000 shall be provided for' and subsequent language which runs on to the next page--almost the entire page. That's essentially the language of a bill that was before this body in the form of 1363. The other part of it is--I think you'll find it in section 506. The language that you're looking for, Senator Patterson, is 64, line 28--'\$20,000 is provided solely for an exemplary study to be conducted by at least the Rosalia, Tekoa, Oaksdale...' and so forth."

POINT OF INQUIRY

Senator Guess: "Senator McDermott, would you tell me where the study of the merger of WSU and Eastern is?"

Senator McDermott: "That's page 11, line 33 and the subsequent language on page 12."

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, we have some confusion on this side. The bill that was passed out of here before was draft 8--now we're on draft 7. How come we went backwards?"

Senator McDermott: "Well, I'll tell you, Senator Bluechel, I'm going to give you a short lesson in computers. I don't have a draft 7, 10 or 11 that you're talking about, but I bet you if you brought it over here, it probably has an 'S' number on the top. Now, if you look at the one here last night, when we were having our last meeting with the House, we agreed to use the House copy and they haven't done as many drafts changes as we have, so you're looking at H-4438, 7th draft, which is the seventh time the House reran it. We have rerun it 10 times. It's clear we have too much reproducing capability around here."

POINT OF INQUIRY

Senator Patterson: "Senator McDermott, I'm looking at the Senate-passed version of the supplemental budget and some language on page 71, if you have a copy of that document. This is the way it passed the Senate. There's some language in here referring to the transportation funding shortfall in many school districts that we had asked the Superintendent of Public Instruction to take a look at the formula for distribution of those transportation funds and come back and make some recommendations so that we could cover particularly those school districts--many of them rural--that were substantially hurt by the formula when they made the next allocation. What we asked him to do was to plan to retroactively reimburse in the '85 supplemental budget--those districts whose transportation programs were underfunded in the '83-'84 school year, due to the problems of implementing chapter 61, laws of '83--Substitute House Bill No. 296.

"Now, I notice that that language is not in draft number 7, which disturbs me a great deal, because the section that's referring to this transportation shortfall, in the new draft, is substantially different and I'm afraid that a couple of rural school districts that are in my district are going to be substantially hurt from the resources they had for transportation in the last year. This draft of 1.7 million, in that section, just will not cover the shortfall there. I think Yakima is another one that is substantially hurt, and I just feel that what we ought to do is stay with our guns on this issue and direct the SPI to come up and treat all school districts in transportation with equity. I don't think the language in this proposal does that."

Senator McDermott: "As you know, we instituted a new formula for distribution of transportation money among school districts and a lot of school districts wound up with a little bit less money than they had before and other school districts wound up with more money than they had before. Every time we tinker with the system around here, somebody wins and somebody loses and in the process of doing that change in the transportation formula--obviously some districts got hurt.

"Originally, we were told by the Superintendent of Public Instruction's Office that we would not have to put any additional money into the fund at a hundred

percent. That lasted about half way through this session, then they showed up on the hill and said 'you need to put in somewhere around two million dollars,' which we finally put in on the Senate side. We also adopted Senator Lee's amendment, in committee, which was the one you were referring to. Then the budget got to the Conference Committee or the discussions between the bodies on this issue. The House of Representatives didn't want to put any money in. They said 'the formula works, the formula stands, let's not put any money in to cover any of the districts that were hurt by the new formula.' We prevailed in keeping in the additional money--the 1.9 million dollars, I believe it is, but we did not prevail in keeping that study and the retroactive payment language that was in the first bill. You are correct, it is not in this bill, whereas it was in the bill that passed the Senate."

POINT OF INQUIRY

Senator Deccio: "Senator McDermott, when I offered my amendment to make whole those twenty-one districts that were affected by the screw-up in the SPI's Office--as they called it themselves. They admitted it was their own mistake. It had nothing to do with funding and it had nothing to do with anything at all except some bad computations. You told this body that the amendment was not necessary, because Senator Patterson's language was in the bill and the thing would be corrected and those schools would be reimbursed next year.

"My question is this, don't you think that it's proper that we roll this back to second reading or whatever we have to do to put that money back in as long as those schools--it's quite apparent that they're going to lose that money. I think your statement made a commitment to this body which defeated my amendment in favor of establishing language and now it's out. My question is what can we do about it and should we do something about it?"

Senator McDermott: "Senator Deccio, it's my understanding that the money--Senator Gaspard and I were just talking about it. In our discussions with the Superintendent of Public Instruction's Office, we were told that if we put in the money that we have in this budget, there is sufficient money to cover the--I'm not sure, I think the word they used was 'gliche.' I think that's a very carefully chosen word to obscure any meaning, whatsoever, in the transportation formula. It was my understanding when the bill went out of here, that the language of the Lee amendment was really redundant--that we have put the money in and all that amendment was doing was sort of saying the obvious--'take the money and redistribute it to make sure you haven't done any damage to those districts.' I think the money is still there and I think they are covered. I don't think the language is necessary. That's why I was willing with the House to agree to not put it in."

Senator Deccio: "Senator McDermott, according to the bulletin issued by the SPI, there are still four or five districts, including North Franklin, Yakima, Seattle, Tacoma and maybe one other that are still short a substantial amount of money that was not covered in that bulletin. Are you telling me that there is enough money to make those districts whole? Is that what the SPI is telling you?"

Senator McDermott: "Senator Deccio, I guess we're going to have to go over a bill we passed before. When we passed the bill changing the transportation funding for schools, previously, we had a reimbursement system. The districts spent some money, they sent a chit down to the state and they got a check back in the mail--more or less--at some percentage, maybe sixty percent or seventy percent or seventy-five percent. When we changed the system in the law we said, 'we want you to figure out how many kids in your school district and how far they live from school. If they live, what the laws says, two miles from school, you can count them, you can put them on the bus and we'll give you the money to cover that amount of money in terms of an allocation formula.' We were not promising to reimburse everything that every district spent. It was anticipated that there would be some districts that did not get every penny covered under the new allocation system. There wouldn't have been any purpose in putting the new system in if we were just going to grandfather in everything that happened. There are some districts that are just not very efficient. They've been doing things that were for convenience and the state decided since, it is under Judge Doran's decision, a state's responsibility to fund whatever we have in the law, we put it in the law and we are funding a hundred percent with the money that is in this budget. There will,

undoubtedly, be some districts who do not receive as much money as they say they spent, and that is going to require them to be more efficient. There's no other explanation for it."

Senator Deccio: "If I may respond, we held a meeting with the Superintendent of School District No. 7 in Yakima and the business manager with Superintendent Brouillet and his transportation people and they admitted that Yakima was running a very efficient system. Many of the districts pick up their children in a one-mile radius. Yakima picks up their children in a two-mile radius. So, I guess what we're going to say to Yakima is 'quit being honest, quit being efficient, buy yourselves a whole bunch of minibuses, start picking up your kids within the one-mile radius and then you're going to get your money.' That is what the SPI told my superintendent and me and some others when we had the meeting in the SPI's Office and I guess what I have to say at this point is that I think the Superintendent is the one who is being very inefficient. He's being very unfair to those districts who do try to be honest and who do try to do the right thing, but they are getting the shaft, and I would like to have that on record. I would hope, perhaps, we can offer a floor resolution to the Superintendent demanding that he make those districts whole. I would hope that we would do that before this day is over."

MOTION

On motion of Senator Guess, the following amendments to the McDermott amendment were considered and adopted simultaneously:

On page 54, line 28, following "1985" strike the remainder of the paragraph through "section" on line 28

On page 55, beginning on line 9, strike entire subsection (9) through "shows." on line 19
Renumber remaining subsection consecutively.

MOTION

Senator Wojahn moved the following amendments to the McDermott amendment be considered and adopted simultaneously:

On page 16, line 28, strike "14,426,000" and insert "14,676,000"

On page 17, line 4, strike "70,462,000" and insert "70,212,000"

Debate ensued.

The President declared the question before the Senate to be adoption of the Wojahn amendments to the McDermott amendment.

The motion by Senator Wojahn failed and the amendments to the amendment were not adopted on a rising vote.

The President declared the question before the Senate to be adoption of the McDermott amendment, as amended.

The motion by Senator McDermott carried and the amendment, as amended, was adopted.

MOTION

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "state agencies;" strike the remainder of the title and insert "amending section 2, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 3, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 4, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 5, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 6, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 7, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 8, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 9, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 10, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 11, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 12, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 13, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 14, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 15, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 20, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 21, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 22, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 24, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 26, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 27, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 28, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 29, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 30, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 31, chapter 76, Laws of 1983 1st ex. sess. (uncodified); amending section 32, chapter 76, Laws of

MOTION

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 1156, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate, and the bill failed to pass the Senate by the following vote: Yeas, 21; nays, 26; absent, 01; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hughes, Hurley, McDermott, McManus, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Woody - 21.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Hansen, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Williams, Wojahn, Zimmerman - 26.

Absent: Senator Newhouse - 1.

Excused: Senator Haley - 1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156, as amended by the Senate, having failed to received the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Wojahn served notice that she would move to reconsider the vote by which Engrossed Substitute House Bill No. 1156, as amended by the Senate, failed to pass the Senate.

POINT OF ORDER

Senator Hemstad: "A point of order. May we, at this point, reconsider House Bill No. 1156, which has been voted on now for the second time?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes, Senator."

Senator Hemstad: "Well--"

President Cherberg: "You asked a question. The answer is 'yes.'"

Senator Hemstad: "Well, hasn't 1156 already been reconsidered previously?"

President Cherberg: "Not this time, no. The measure passed with a favorable vote of 27 votes against 21 nays."

MOTION

Senator Rasmussen moved that the Senate immediately reconsider the vote by which Engrossed House Bill No. 1156, as amended by the Senate, failed to pass the Senate.

MOTION

At 2:45 p.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 4:01 p.m.

MOTION

On motion of Senator Bottiger, the Senate returned to the sixth order of business and Gubernatorial Appointment No. 64, David C. Semerad.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of David C. Semerad as a member of the Commission for Vocational Education was confirmed.

APPOINTMENT OF DAVID C. SEMERAD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 39; nays, 00; absent, 09; excused, 01.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Gaspard, Goltz, Granlund, Guess, Hansen, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Absent: Senators Barr, Benitz, Fuller, Hayner, Kiskaddon, McManus, Owen, Sellar, Shinpoch - 9.

Excused: Senator Haley - 1.

MOTION

On motion of Senator Zimmerman, Senator Kiskaddon was excused.

MOTION

On motion of Senator Goltz, the appointment of William J. O'Neil as a member of the Board of Trustees for Whatcom Community College District No. 21 was confirmed.

APPOINTMENT OF WILLIAM J. O'NEIL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; nays, 00; absent, 03; excused, 01.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 45.

Absent: Senators Benitz, Owen, Shinpoch - 3.

Excused: Senator Kiskaddon - 1.

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed House Bill No. 392, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In ruling upon the point of order raised by Senator Pullen, the President believes that Senate Rule 22, subsection 7, provides: 'no floor vote may be taken on any Free Conference Committee Report within twenty-four hours of its placement on each member's desk, unless the Free Conference Committee made no changes in the bill as it was last acted upon by the Senate.' The Report of the Free Conference Committee on Engrossed House Bill No. 392 has been on the member's desk since March 4th.

"The President had both of the Free Conference Committee Reports proofread and no changes were detected in the Report of the Free Conference Committee to Engrossed House Bill No. 392, as it was last acted upon by the Senate, and it, therefore, meets the requirement of Senate Rule 22, subsection 7."

MOTION

Senator Bottiger moved that the Senate now consider the motion by Senator Thompson, made earlier today, to adopt the Report of the Conference Committee on Engrossed House Bill No. 392 and that the powers of Free Conference be granted.

MOTION

Senator Pullen moved that the rules be suspended and that his amendment that he turned in at the desk be acted on.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, a point of parliamentary inquiry. Would that require a two-thirds vote to amend a Free Conference Report?"

REPLY BY THE PRESIDENT

President Cherberg: "Yes. Senator Pullen, the question before the Senate is the motion to adopt the Conference Committee Report."

Senator Pullen: "I believe that's the motion that Senator Bottiger made and I am now amending that motion moving to suspend the rules and amend that motion and amend the Free Conference Committee Report with the amendment that I turned into the desk."

President Cherberg: "The President believes, Senator, that the question before the Senate is the motion to adopt the Conference Committee Report and that the powers of Free Conference be granted. The President believes that it's necessary for this action to be favorably acted upon in both the Senate and the House and then your proposed amendments would be considered when the Report of the Free Conference Committee is before the Senate."

Senator Pullen: "O.K. Now the motion was simply--I guess I misunderstood the motion that Senator Bottiger made then. I thought he moved that we do adopt the Free Conference Committee Report."

President Cherberg: "The President suggests that we back track and that Senator Bottiger state the motion that he desires."

Senator Bottiger: "Mr. President, I move that the Conference Report be adopted and the powers of Free Conference be granted."

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of parliamentary inquiry, Mr. President. The copy of the Free Conference recommendations for 392, I believe was laid on our desks yesterday--March 7th is the date that is on this--and my inquiry is whether or not we can address this? Whether or not it actually has been on our desks twenty-four hours?"

REPLY BY THE PRESIDENT

President Cherberg: "That question has been settled, Senator McCaslin. It's been on since at least March 4th."

Senator McCaslin: "This is dated the 7th, Mr. President. It couldn't be March 4th."

President Cherberg: "That's just one of the additional editions, Senator. It's the same thing. We put them out regularly."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "A point of parliamentary inquiry, Mr. President, would you refresh my memory, please? Did the Senate vote to reject the Free Conference Report on 392? It seems that I remember a vote there that was sent back--the Senate rejected something or other."

REPLY BY THE PRESIDENT

President Cherberg: "The Secretary advises that the Senate rejected the report granting the powers of Free Conference and they're asking for it once again."

Senator Rasmussen: "Mr. President, after the Senate having rejected that and the same motion being made, wouldn't it require a motion to suspend the rules and reconsider the vote by which the Senate rejected the powers of Free Conference?"

President Cherberg: "The President has already covered that point."

Further debate ensued.

The President declared the question before the Senate to be adoption of the motion to adopt the Report of the Conference Committee on Engrossed House Bill No. 392 and the powers of Free Conference be granted.

MOTION

On motion of Senator Bottiger, further consideration of Engrossed House Bill No. 392 was deferred.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House concurred in the Senate amendment on page 5, line 21 to HOUSE BILL NO. 1201 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 843, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 977.

ENGROSSED HOUSE BILL NO. 1462, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 843.

SUBSTITUTE HOUSE BILL NO. 977.

ENGROSSED HOUSE BILL NO. 1462.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the seventh order of business.

On motion of Senator Bottiger, the Senate resumed consideration of Second Substitute House Bill No. 181, as amended by the Senate, deferred on March 7, 1984.

THIRD READING

SECOND SUBSTITUTE HOUSE BILL NO. 181, by Committee on Ways and Means (originally sponsored by Representatives Stratton, B. Williams, Isaacson, Sanders, Martinis, McClure, McDonald and Mitchell)

Modifying provisions regarding public lands.

The bill was read the third time and placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Second Substitute House Bill No. 181, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Second Substitute House Bill No. 181, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Hansen, Hayner, Hemstad, Kiskaddon, McDermott, McDonald, Newhouse, Patterson, Peterson, Shinpoch, Thompson, von Reichbauer, Williams, Zimmerman - 26.

Voting nay: Senators Barr, Bender, Craswell, Deccio, Haley, Hughes, Hurley, Lee, McCaslin, McManus, Metcalf, Moore, Owen, Pullen, Guigg, Rasmussen, Rinehart, Sellar, Taimadge, Vognild, Warnke, Wojahn, Woody - 23.

SECOND SUBSTITUTE HOUSE BILL NO. 181, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, Second Substitute House Bill No. 181, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Bottiger, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted SENATE CONCURRENT RESOLUTION NO. 149 with the following amendment:

On page 1, line 1, strike everything after "WHEREAS," and insert the following:

"The funding of the public retirement systems and provision of adequate benefits to retirees are of vital concern to the state's public employees and state's managers; and

WHEREAS, The public retirement systems of the state of Washington are faced with a large unfunded liability which threatens the future fiscal health of the state government; and

WHEREAS, Due to unexpected increases in compensation and disability claims, and other factors, the retirement systems have incurred liabilities far greater than was anticipated when the systems were established by the legislature; and

WHEREAS, Similar benefits have been granted on a piecemeal basis in the past, without consistency between plans and without adequate understanding of their costs; and

WHEREAS, The retirement statutes have been amended in a piecemeal manner in the past and currently contain much language which is outdated or unnecessarily complex; and

WHEREAS, The legislature is faced with many issues concerning the various state retirement systems, including:

(1) Means to increase the actuarial soundness of the systems;

(2) Methods of financing the systems, especially the possible restructuring of funding for the LEOFF system and the judicial retirement system;

(3) The need to clarify and simplify current retirement statutes;

(4) The adequacy of current retirement benefits, including LEOFF II disability benefits, cost-of-living increases, and portability provisions; and

(5) The examination of benefits for part time employees based on the findings study mandated by ESHB 1156;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the state of Washington, the Senate concurring, That a joint interim committee on public retirement be established, consisting of eight members of the House of Representatives to be appointed by the Speaker of the House, with four members to be appointed from each caucus, and eight members of the Senate to be appointed by the Senate Majority Leader, with four members to be appointed from each caucus; and

BE IT FURTHER RESOLVED, That the joint interim committee on public retirement may also request the participation, on a nonvoting basis, of other concerned individuals; and

BE IT FURTHER RESOLVED, That the legislature shall provide such staffing, technical assistance, and support services as may be required to carry out committee business. All state, local and private agencies are requested to cooperate fully in the committee's work; and

BE IT FURTHER RESOLVED, That the committee shall prepare a report, including any recommendations, by January for the 1985 session of the legislature. The committee shall cease to exist upon presentation of its report."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

Senator Bottiger moved that the Senate do concur in the House amendment to Senate Concurrent Resolution No. 149.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Mr. President, I have no objection of the House--one committee doing all of the studies, but in the House striking amendment on line 35 it provides for four members to be appointed from each caucus and eight members of the Senate to be appointed by the Senate majority leader. Is it possible to offer an oral amendment that those eight members of the Senate be appointed by the President of the Senate? The reason I ask that is that in all other categories, the President of the Senate makes the appointments, and including the budget bill that was just on our desks--the President of the Senate, but here they have the Senate majority leader and that's quite a change from the Rules of the Senate."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Senator Rasmussen, at this late date--you are absolutely right--and I had no knowledge of that. I will not appoint those members in any other than the usual custom and will review the recommendations of the Lieutenant Governor. I'd like to get this done. It would appear to do otherwise we would have to bounce this thing back and forth between the House and the Senate on the last day."

Senator Rasmussen: "Mr. President, is it permissible to offer an oral amendment?"

President Cherberg: "You can change the motion, Senator. The motion before the group is to concur in the House amendment to Senate Concurrent Resolution No. 149."

Senator Rasmussen: "And my motion, Mr. President, would be to concur with all of it except lines 34 and 35, and ask the House to recede therefrom."

President Cherberg: "The President would have to put the positive motion first, Senator. That motion will draw the two houses together quicker than your motion."

Senator Rasmussen: "Well, if we just let them walk it over, yes, Mr. President. Then it would be necessary for this body then to reject the whole concurrent resolution before I can offer my amendment?"

President Cherberg: "Yes, Senator."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Bottiger to concur in the House amendment to Senate Concurrent Resolution No. 149.

The motion by Senator Bottiger carried and the Senate concurred in the House amendment to Senate Concurrent Resolution No. 149.

The President declared the question before the Senate to be the roll call on final passage of Senate Concurrent Resolution No. 149, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Concurrent Resolution No. 149, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 01; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Voting nay: Senator Rasmussen - 1.

SENATE CONCURRENT RESOLUTION BILL NO. 149, as amended by the House, having received the constitutional majority, was declared passed.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157 and granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 8, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, adopting the supplemental capital budget, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Report on Engrossed Substitute House Bill No. 1157, read in earlier today)

Signed by: Senators McDermott, Deccio and Thompson; Representatives Braddock, Grimm and Tilly.

MOTION

On motion of Senator McDermott, the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1157 was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, in looking over the Treasurer's report for 1983, and he indicates that we have authorized but not issued about \$1,200,000,000 in bonds, and I presume that the Ways and Means Committee—I regret that I'm not there anymore—has studied that. It's not possible to shift funds out of that \$1,200,000,000 that is authorized but unissued?"

Senator McDermott: "Well, Senator Rasmussen, the process of authorizing the bonds—you have to make a specific authorization and if you've authorized for one specific purpose, you can't shift the money over to another purpose. That would be sort of like what they did in Seattle with Forward Thrust and a few things. You're supposed to authorize the bonds for a specific purpose. We may never issue the bonds. Many of those things, obviously, have never been issued, so I think what we're doing here is authorizing for specific purposes. We will not issue bonds for other purposes. We will issue these because we need this."

Senator Rasmussen: "Thank you, Senator McDermott, but as I read this report it indicates that the Finance Committee already has the authorization to issue the bonds and what I'm wondering is with the \$1,200,000,000 authorized that aren't issued, rather than overhang our credit rating, if we couldn't pull back some of those bonds which have been authorized by the Legislature and reauthorize them so that our total will be no higher, but we would be serving our more immediate purposes. Some of these bonds have been hanging fire for six, seven and eight years. Obviously, we do not need the money for the purpose that the bonds were authorized. That's my question, if we should, rather than filing up more bonds, take a look at those and change the designation. Anybody looking at what's going on—"

Senator McDermott: "Well, Senator Rasmussen, you know how those bonds get authorized?"

Senator Rasmussen: "By vote here."

Senator McDermott: "Sometimes they get authorized and then they never get issued because they weren't necessary and it would make a very good interim study to go back and look at why some of them were authorized five and ten years ago and have never been spent. Perhaps the Ways and Means Committee ought to take up that issue."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1157, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1157, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 31; nays, 18; absent, 00; excused, 00.

Voting yea: Senators Brauer, Bender, Bluechel, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody, Zimmerman - 31.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, Vognild, von Reichbauer - 18.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the seventh order of business.

On motion of Senator Bottiger, the Senate resumed consideration of Substitute Senate Bill No. 3806, which was placed on third reading March 5, 1984.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3806, by Committee on Ways and Means (originally sponsored by Senator McDermott)

Relating to state government.

MOTION

Senator McDermott moved that the rules be suspended and Substitute Senate Bill No. 3806 be returned to second reading.

Debate ensued.

Senator Guess demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator McDermott to suspend the rules and return Substitute Senate Bill No. 3806 to second reading.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott carried by the following vote: Yeas, 26; nays, 23; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

The bill was read the second time.

MOTION

Senator McDermott moved the following amendment be adopted.

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 236, Laws of 1981 and RCW 43.99B.028 are each amended to read as follows:

For the purpose of providing funds for the acquisition and development of outdoor recreational areas and facilities in this state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of (~~thirteen~~) fifteen million four hundred thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. No bonds authorized by RCW 43.99B.028 through 43.99B.040 may be offered for sale without prior legislative appropriation.

NEW SECTION. Sec. 2. It is the intent of the legislature to authorize general obligation bonds of the state of Washington for common school plant facilities which provides for the reimbursement of the state treasury for principal and interest payments and which therefore is not subject to the limitations on indebtedness under RCW 39.42.060.

NEW SECTION. Sec. 3. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million one hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. Section 887, chapter 57, Laws of 1983 1st ex. sess. is appropriation authority for the bonds authorized in this section, and no further appropriation authority of the net proceeds of the sale of such bonds is necessary for the bonds authorized in this section.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds authorized in section 3 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in section 3 of this act and section 887, chapter 57, Laws of 1983 1st ex. sess. and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 5. The proceeds from the sale of the bonds deposited under section 4 of this act in the common school construction fund shall be administered by the state board of education.

NEW SECTION. Sec. 6. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 3 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date. On each date on which any interest or principal and interest is due, the state treasurer shall cause an identical amount to be transferred to the general fund of the state treasury from that portion of the common school construction fund derived from the interest on the permanent common school fund. The transfers from the common school construction fund shall be subject to all pledges, liens, and encumbrances heretofore granted or created on the portion of the fund derived from interest on the permanent common school fund. Any deficiency in such transfer shall be made up as soon as moneys are available for transfer and shall constitute a continuing obligation of that portion of the common school construction fund derived from the interest on the permanent common school fund until all deficiencies are fully paid.

Bonds issued under section 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 3 of this act, and section 6 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 8. The bonds authorized in section 3 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 9. Sections 2 through 8 of this act are each added to chapter 28A.47 RCW.

NEW SECTION, Sec. 10. For the purpose of acquiring land and providing needed capital improvements consisting of the acquisition, design, construction, repair, modification, and equipping of state buildings and facilities, including heating and utility distribution systems, for the community college system and the University of Washington, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of eight million six hundred seventy thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION, Sec. 11. The proceeds from the sale of the bonds authorized in section 10 of this act, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the general fund and shall be used exclusively for the purposes specified in section 10 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION, Sec. 12. The state higher education bond retirement fund of 1977 shall be used for the payment of the principal of and interest on the bonds authorized in section 10 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the state higher education bond retirement fund of 1977 an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 10 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 13. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 10 of this act, and section 12 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 14. The bonds authorized in section 10 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 15. Sections 10 through 14 of this act are each added to chapter 28B-14F RCW.

NEW SECTION. Sec. 16. For the purpose of providing needed capital improvements consisting of fire safety projects and the design, construction, repair, renovating, and equipping of buildings and facilities of the department of social and health services, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of fourteen million six hundred sixty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 17. The proceeds from the sale of the bonds authorized in section 16 of this act shall be deposited in the state social and health services construction account in the general fund and shall be used exclusively for the purposes specified in section 16 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 18. The proceeds from the sale of the bonds deposited under section 17 of this act in the state social and health services construction account of the general fund shall be administered by the department of social and health services, subject to legislative appropriation.

NEW SECTION. Sec. 19. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 16 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 16 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 20. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 16 of this act, and section 19 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 21. The bonds authorized in section 16 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 22. Sections 16 through 21 of this act are each added to chapter 43.83H RCW.

NEW SECTION. Sec. 23. For the purpose of providing needed capital improvements consisting of the planning, design, construction, renovation, equipping, and repair of buildings and facilities and the acquisition of a marine vessel and marine equipment for the department of corrections, the state finance committee is authorized to issue from time to time general obligation bonds of the state of Washington in the sum of twelve million eight hundred twenty thousand dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 24. The proceeds from the sale of the bonds authorized in section 23 of this act shall be deposited in the state building construction account in the general fund and shall be used exclusively for the purposes specified in section 23 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 25. The proceeds from the sale of the bonds deposited under section 24 of this act in the state building construction account of the general fund shall be administered by the department of general administration, subject to legislative appropriation.

NEW SECTION. Sec. 26. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 23 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 23 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 27. The legislature may provide additional means for raising moneys for the payment of the principal of, redemption premium, if any, and interest on the bonds authorized in section 23 of this act, and section 26 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 28. The bonds authorized in section 23 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 29. Sections 23 through 28 of this act are each added to chapter 43.83 RCW.

NEW SECTION, Sec. 30. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 31. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

MOTION

Senator Lee moved adoption of the following amendment to the McDermott amendment:

On page 1, after line 24, insert the following new section:

NEW SECTION, Sec. 2. Proceeds from the sale of the additional bonds authorized in the 1984 amendments to this section shall be deposited into the outdoor recreation account—state for the sole use of the interagency committee for outdoor recreation for grants to public agencies, in accordance with priorities set forth within the statewide comprehensive outdoor recreation plan."

Debate ensued.

Senator Hughes demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendment by Senator Lee to the McDermott amendment.

ROLL CALL

The Secretary called the roll and the motion by Senator Lee failed and the amendment to the amendment was not adopted by the following vote: Yeas, 23; nays, 26; absent, 00; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

The President declared the question before the Senate to be adoption of the McDermott amendment to Substitute Senate Bill No. 3806.

The motion by Senator McDermott carried and the amendment was adopted.

MOTIONS

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending section 1, chapter 236, Laws of 1981 and RCW 43.99B.028; adding new sections to chapter 28A.47 RCW; adding new sections to chapter 28B.14F RCW; adding new sections to chapter 43.83 RCW; adding new sections to chapter 43.83H RCW; and declaring an emergency."

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute Senate Bill No. 3806 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 3806.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 3806, and the bill failed to pass the Senate by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Paterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 24.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3806, having failed to received the constitutional 60% majority, was declared lost.

NOTICE FOR RECONSIDERATION

Having voted on the prevailing side, Senator McDermott served notice that he would move to reconsider the vote by which Engrossed Substitute Senate Bill No. 3806 failed to pass the Senate.

MOTIONS

On motion of Senator Bottiger, the Senate returned to the fourth order of business.

On motion of Senator Bottiger, the Senate began consideration of Engrossed Senate Concurrent Resolution No. 142.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 142, with the following amendment:

Strike everything after "WHEREAS," on line 1 and insert the following:

"The United States Congress enacted the Nuclear Waste Policy Act of 1982 which envisions a cooperative state-federal relationship in selecting high-level nuclear waste repository sites in the United States; and

WHEREAS, The federal act recognizes both a legislative and executive role in establishing the state's position and policies with respect to the siting process; and

WHEREAS, A draft agreement is being negotiated between the state and the federal government as provided for by the Nuclear Waste Policy Act of 1982; and

WHEREAS, It is recognized that entering into this agreement does not indicate acceptance of a decision to locate a repository within the state; and

WHEREAS, The federal government maintains that its liability for accidents at the repository site or in the transportation of waste to the site is limited; and

WHEREAS, The Legislature finds that the safety of the citizens of the state of Washington is potentially endangered by the transportation of high-level radioactive waste through the state:

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, the House of Representatives concurring, That before an agreement is entered into between the state and the federal government, the following issues should be addressed: Whether foreign waste should be included in a repository; the reasons for which work should be suspended at the site; how the state may obtain injunctive relief; what role the state may play in the federal decision-making process if a decision is made to commingle defense and civilian wastes; the completion of an emergency response plan; and federal liability for accidents at the repository site or during transportation of waste to the site; and

BE IT FURTHER RESOLVED, That copies of this resolution be delivered to the Governor of the state of Washington, the Director of the Washington state Department of Ecology, and to the Secretary of the United States Department of Energy."

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Hurley, the Senate concurred in the House amendment to Engrossed Senate Concurrent Resolution No. 142.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Concurrent Resolution No. 142, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Concurrent Resolution No. 142, as amended by the House, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 00; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 48.

Absent: Senator Deccio - 1.

ENGROSSED SENATE CONCURRENT RESOLUTION NO. 142, as amended by the House, having received the constitutional majority, was declared passed.

MOTION

At 5:51 p.m., on motion of Senator Bottiger, the Senate recessed until 7:00 p.m.

EVENING SESSION

The President called the Senate to order at 7:00 p.m.

MOTION

On motion of Senator Bottiger, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

GUBERNATORIAL APPOINTMENTS

March 8, 1984

GA 161 MARGARET BRULAND, to the position of Member of the Board of Trustees for Everett Community College District No. 5, appointed by the Governor on October 27, 1983, for the term ending September 30, 1988, succeeding James C. Shipman. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

March 8, 1984

GA 165 PAUL HIRAI, to the position of Member of the Board of Trustees for Big Bend Community College District No. 18, appointed by the Governor on October 27, 1983, for the term ending September 30, 1988, succeeding Harry M. Yamamoto. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

March 8, 1984

GA 167 ORPHALEE SMITH, to the position of Member of the Board of Trustees for Whatcom Community College District No. 21, appointed by the Governor on November 3, 1983, for the term ending September 30, 1987, succeeding Mabel E. Roberts. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

March 8, 1984

GA 188 W. KELLEY MOLDSTAD, to the position of Member of the Board of Trustees for Skagit Community College District No. 4, appointed by the Governor on November 30, 1983, for the term ending September 30, 1988, succeeding Joyce M. Nielson. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

March 8, 1984

GA 191 C. THOMAS RICE, to the position of Member of the Board of Trustees for Clark Community College District No. 14, appointed by the Governor on November 30, 1983, for the term ending September 30, 1988, succeeding Mar Cine Miles. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

March 8, 1984

GA 192 BETTY L. EDMONDSON, to the position of Member of the Board of Trustees for Yakima Community College District No. 16, appointed by the Governor on November 30, 1983, for the term ending September 30, 1988, succeeding Virginia Hislop. Reported by Committee on Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, Patterson, von Reichbauer, Warnke.

Passed to Committee on Rules.

MOTION

On motion of Senator Bottiger, the rules were suspended and all of the Gubernatorial Appointments on the Standing Committee Report were advanced to second reading and placed on the second reading calendar.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 149.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the sixth order of business.

On motion of Senator Bottiger, the Senate began consideration of Gubernatorial Appointment No. 160, Avery K. Loposer to the Board of Trustees for Olympic Community College District No. 3.

On motion of Senator Zimmerman, Senators Benitz and Quigg were excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Avery K. Loposer as a member of the Board of Trustees for Olympic Community College District No. 3 was confirmed.

APPOINTMENT OF AVERY K. LOPOSER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; nays, 00; absent, 10; excused, 02.

Voting yea: Senators Barr, Bauer, Bottiger, Clarke, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Rasmussen, Rinehart, Sellar, Talmadge, von Reichbauer, Williams, Wojahn, Zimmerman - 37.

Absent: Senators Bender, Bluechel, Conner, Hayner, McDermott, Shinpoch, Thompson, Vogtild, Warnke, Woody - 10.

Excused: Senators Benitz, Quigg - 2.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 1984

Mr. President:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 181 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1613 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1231 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3194.

SUBSTITUTE SENATE BILL NO. 4306, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The House adopted:

HOUSE CONCURRENT RESOLUTION NO. 44, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator Bottiger, the Senate resumed consideration of Engrossed House Bill No. 392, deferred earlier today.

RULING BY THE PRESIDENT

President Cherberg: "In reply to Senator Pullen, the record shows that the Senate declined to grant the powers of Free Conference with regard to Engrossed House Bill No. 392. However, the Conference Committee powers continued. The members have recommended a new report identical to the original as is contemplated by Senate Rule No. 24. The Conference Committee is simply requesting powers of Free Conference once again.

"The President believes that the request for a Free Conference is properly before the Senate."

Debate ensued.

The President declared the question before the Senate to be the motion to adopt the Report of the Conference Committee on Engrossed House Bill No. 392 and to grant powers of Free Conference.

Debate ensued.

The motion carried and the Report of the Conference Committee on Engrossed House Bill No. 392 was adopted and the powers of Free Conference were granted on a rising vote.

MOTIONS

On motion of Senator Bottiger, the Senate advanced to the sixth order of business.

On motion of Senator Bottiger, the Senate began consideration of Engrossed House Bill No. 1190.

SECOND READING

ENGROSSED HOUSE BILL NO. 1190, by Representatives Grimm and Cantu (by Office of Financial Management request)

Authorizing the issuance of general obligation bonds for the department of corrections.

The bill was read the second time.

MOTIONS

Senator McDermott moved the following Committee on Ways and Means amendments be considered simultaneously and not be adopted:

On page 1, line 16, strike "eleven" and insert "twenty"

On page 1, line 16, strike "nine" and insert "one"

On page 1, line 17, strike "twenty" and insert "forty"

On motion of Senator McDermott, and there being no objection, the Committee on Ways and Means amendments were withdrawn.

On motion of Senator McDermott, the following amendments were considered and adopted simultaneously:

On page 1, line 16, strike "eleven" and insert "twelve"

On page 1, line 16, strike "nine" and insert "eight"

MOTION

Senator McDonald moved that the following amendments be considered and adopted simultaneously:

On page 1, line 16, strike "twenty million one" and insert "thirteen million seven"

On page 1, line 17, strike "forty" and insert "thirteen"

On page 2, after line 35, insert the following new sections:

NEW SECTION, Sec. 7. At the close of the 1981-1983 biennium, an excess balance of \$8.6 million in the Capital Purchase and Development account was transferred to the general fund. It was subsequently transferred from the general fund to the revenue accrual account. Eight million six hundred thousand dollars is hereby transferred from the revenue accrual account to the Capital Building Construction Account for the purposes enumerated in sections 8 through 13 of this 1984 amendatory act.

NEW SECTION, Sec. 8. FOR THE OFFICE OF FINANCIAL MANAGEMENT

To serve as contingency funds for the use by the office of financial management in the event that emergency occurrences necessitate the repair of state-maintained buildings.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		2,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		2,000,000

NEW SECTION, Sec. 9. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide funds for payment of insurance premiums covering catastrophic occurrences.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		1,200,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	
		1,200,000

NEW SECTION, Sec. 10. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Nondeferrable repairs to Northern State Multi-service center water supply system and miscellaneous roof and building repairs to DSHS occupied buildings: PROVIDED, That \$215,000 of the total appropriation request or twenty percent of the amount appropriated shall be used for building repairs as determined by the department of social and health services.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		1,065,000

Project Costs Through 6/30/83	Estimated Costs 7/1/85 and Thereafter	Estimated Total Costs
--	--	-----------------------------

1,065,000

NEW SECTION, Sec. 11. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a structural inspection of the Temple of Justice.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		15,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	

15,000

NEW SECTION, Sec. 12. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To provide for OB-II fire damage repairs, replacements and operating expense reimbursements: PROVIDED, That \$1,871,000 of the amount appropriated be utilized for building repair and \$726,482 be utilized for office equipment replacement and DSHS operating expense reimbursement.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		2,597,482
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	

2,597,482

NEW SECTION, Sec. 13. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Reimbursement of capital appropriations used for OB-II emergency clean-up and first and third floor repairs.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		1,687,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/85 and	Costs
6/30/83	Thereafter	

1,687,000*

Renumber the remaining sections accordingly.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Senator McDonald, I understand that the revenue accrual account has already been authorized and the money is spent in the supplemental budget. Of that \$71,000,000 we have divided the money between the lawsuit settlement and pension funding, so that there's no balance left. Where is this 8.6 going to come from?"

Senator McDonald: "Well, Senator Woody, I'm not aware that we've passed the operating budget yet and it would seem to me that the questions that we raised before should be addressed and that clearly could be. We have not authorized any appropriations beyond what's passed in the biennium budget thus far, so I think that question is still before us."

Senator Woody: "Mr. President, if I may. Should we then, therefore, reduce the pension funding by 8.6 or cut our lawsuit settlement in half?"

Senator McDonald: "No, Senator Woody, I'd be happy to sit down with you and work through the supplemental budget in some comprehensive way so that we could resolve this problem before us. As I said before, the revenue estimates are simply a guess and not that accurate of a guess, so we'll have to deal with the numbers that we have before us. But I think, once again, it is simply a guess and I would be happy to work with you and Senator McDermott on that proposal."

Further debate ensued.

Senator McDonald demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator McDonald.

ROLL CALL

The Secretary called the roll and the motion by Senator McDonald failed and the amendments were not adopted by the following vote: Yeas, 23; nays, 25; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 23.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognilid, Warnke, Williams, Wojahn, Woody - 25.

Absent: Senator Rasmussen - 1.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed House Bill No. 1190, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1190, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1190, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 34; nays, 14; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 34.

Voting nay: Senators Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Lee, McCaslin, McDonald, Metcalf, Pullen, Quigg, Rasmussen - 14.

Absent: Senator Deccio - 1.

ENGROSSED HOUSE BILL NO. 1190, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Talmadge, Engrossed House Bill No. 1190, as amended by the Senate, was immediately ordered transmitted to the House.

There being no objection, the President advanced the Senate to the seventh order of business.

There being no objection, the Senate resumed consideration of Engrossed House Bill No. 1194, which was placed on third reading, after reconsideration, March 5, 1984.

THIRD READING

ENGROSSED HOUSE BILL NO. 1194, by Representatives Braddock and Cantu (by Office of Financial Management request)

Authorizing the issuance of bonds for the department of social and health services.

The bill was read the third time and placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 1194.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 1194, and the bill passed the Senate by the following vote: Yeas, 39; nays, 09; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognilid, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Barr, Benitz, Guess, Haley, McCaslin, Metcalf, Pullen, Quigg, Rasmussen - 9.

Absent: Senator Craswell - 1.

ENGROSSED HOUSE BILL NO. 1194, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

There being no objection, the President returned the Senate to the sixth order of business.

SECOND READING

SENATE BILL NO. 3942, by Senator McDermott

Relating to higher education.

MOTIONS

On motion of Senator McDermott, Substitute Senate Bill No. 3942 was substituted for Senate Bill No. 3942 and the substitute bill was placed on second reading and read the second time.

On motion of Senator McDermott, the rules were suspended, Substitute Senate Bill No. 3942 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 3942.

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 3942, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; absent, 01; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Craswell, Guess, Haley, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, von Reichbauer - 11.

Absent: Senator Deccio - 1.

SUBSTITUTE SENATE BILL NO. 3942, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1268, by Committee on Ways and Means (originally sponsored by Representatives Hine, Holland, Tanner, Schoon, Barnes, Sayan, Johnson, Wang, Miller, Galloway and Todd) (by Governor Spellman request) (by Superintendent of Public Instruction request)

Authorizing the issuance of bonds for common school plant facilities.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended, Substitute House Bill No. 1268 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Senator McDermott, the Skamania case on timber default is over in the Supreme Court--it has not held hearings on it yet. In the event that the Supreme Court agrees with the Superior Court of Skamania County and rules that the legislation passed here by this body is unconstitutional, will there be sufficient money to come in--the timber companies then will have to pay--so we would not need these bonds? That money would go for school construction if it was available."

Senator McDermott: Yes, Senator Rasmussen, the money would be used for school bonds. However, there's not sufficient money and it would not come in in time during the next year to fund the school projects. It probably would not be

decided in Supreme Court until after the first of the year, and by that point most of those buildings will be under way and be needing the state money."

Senator Rasmussen: "Senator McDermott, my understanding is that they were supposed to hear that case in the middle of February and that they expect to hear it at the end of March, at least--bring down that decision."

Senator McDermott: "In any event, I'm not sure that they--I think it's about as hard to predict when the Supreme Court is going to act as it is when the Legislature is going to end. Even if the money were to come immediately, it would not be sufficient to cover the bonds that are out against the state."

POINT OF INQUIRY

Senator Lee: "Senator McDermott, when this bill was before us in committee, there was a concern, not only yourself, but I also recall in 1979 when there was a great gnashing of teeth, just about this time of night before we were going to adjourn. We had to have a bond bill--that the projects were going to have to be cancelled and so on. At that time, we put some language in that said 'O.K., you can sell some bonds, if the money really doesn't come in.' Do you feel confident that the language that's within this bill also would have that same caveat--that these bonds would only be sold if the common school construction fund is not adequate to supply the needs of the districts?"

Senator McDermott: "Senator, we went back and did as thorough a search as we could of the 1979 session. I think I sat two seats back there when we were writing that one. We could not find any language, specifically, that you suggest, but it is the intention and it was stated in the committee, that if there is sufficient money to come in from the fund, these will not--these bonds will not be sold."

Senator Lee: "Thank you, Senator McDermott. I think that's important that that be part of the record, so that is the understanding these are for emergency purposes only."

REMARKS BY SENATOR PATTERSON

Senator Patterson: "Thank you, Mr. President, and members of the Senate. I have some real concerns when we reach that point on our dedicated funds--the common school fund--that we have to resort to the bonding of those funds in order to provide the matching dollars to our school districts that are in need of capital construction. I think it behooves this legislature that we notify our school districts that they should look very carefully at their planning for construction in the future, because if we do not have the money in the common school fund to make up the match, then we're going to be bonding against the general fund of the state of Washington for this match. We're at that point in time, and I think it's extremely important that we advise those school districts that we are going to be extremely reluctant to bond against the general fund for this purpose.

"Now, we've debated many issues here in the last couple of days about the dollars that are going into the permanent school fund and the resource that provides those dollars. I think it's only fair that we advise the school districts that they're going to have to go a little bit slow and they're going to have to constantly check to determine whether or not the matching funds might be available in the future. I think it's extremely important at this point in time--the first time we've ever bonded against the common school fund. We've always used the cash before and I think it's important that we notify the school districts of the fiscal problems that this state is faced with.

"I guess my closing remark will be that we've reached that point in time when we're going to have to seriously look at the taxing policies of this state. The time has come, and I think this is the real signal as to where we're headed--until we have real tax revision in this state. I think it behooves those of us that are responsible for providing these dollars, providing for the young people in the future, that we try to inform our public citizens that we are in dire need of a good, long, hard look at the resources that are made available, so as to provide for all the programs that we traditionally provide for."

REMARKS BY SENATOR McDERMOTT

Senator McDermott: "Mr. President, and members of the Senate. Senator Patterson, I couldn't have said it any better if I had sat down and spent two days drafting it.

"Mr. President, I move that the Secretary of the Senate be instructed to record Senator Patterson's remarks by the Journal Clerk and make them available to the members to send to their respective school districts."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 1268.

ROLL CALL

The Secretary called the roll on final passage of Substitute House Bill No. 1268, and the bill passed the Senate by the following vote: Yeas, 39; nays, 10; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 39.

Voting nay: Senators Benitz, Craswell, Guess, Haley, McCaslin, McDonald, Metcalf, Pullen, Guigg, Rasmussen - 10.

SUBSTITUTE HOUSE BILL NO. 1268, having received the constitutional 60% majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Shinpoch, Substitute House Bill No. 1268 was ordered immediately transmitted to the House.

MOTION FOR RECONSIDERATION

Having served prior notice, Senator McDermott moved that the rules be suspended and that the Senate reconsider the vote by which Engrossed Substitute Senate Bill No. 3806 failed to receive the constitutional 60% majority to pass the Senate earlier today.

POINT OF INQUIRY

Senator Bluechel: "Senator McDermott, Senate Bill No. 3806--are you looking at the amendment we had here prior to supper or are you looking at the basic bill that only included the bonds for recreational purposes?"

Senator McDermott: "Senator Bluechel, if we get it back on third reading, we will go back to second reading and peel it back to the parks alone--and take off the schools and prisons and all the rest of the major amendments that were on before."

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on motion by Senator McDermott to suspend the rules and reconsider the vote by which Engrossed Substitute Senate Bill No. 3806 failed to receive the constitutional 60% majority.

ROLL CALL

The Secretary called the roll and the motion by Senator McDermott failed, not receiving the constitutional two-thirds majority, by the following vote: Yeas, 27; nays, 22; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Guigg, Sellar, von Reichbauer, Zimmerman - 22.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4490 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 4, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4490, restricting utilities from terminating utility service for residential space heat, have had the same under consideration, and we recommend that the bill be amended as follows and that the amended bill do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 4490, read in on March 4, 1984)

Signed by: Senators Williams, McDermott and Hemstad; Representatives D. Nelson and Sutherland.

MOTION

On motion of Senator Williams, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4490 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4490, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4490, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vogndil, von Reichbauer, Warnke, Williams, Wojahn, Woody - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Guess, Haley, Hayner, Læe, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Zimmerman - 16.

Absent: Senator Deccio - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4490, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 4490.

MOTION

At 8:29 p.m., on motion of Senator Fleming, the Senate recessed until 9:00 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 9:06 p.m.

There being no objection, the President advanced the Senate to the eighth order of business.

MOTION

On motion of Senator Bottiger, the Senate considered Senate Resolution No. 179.

MOTION

On motion of Senator Hurley, the following resolution was adopted:

SENATE RESOLUTION 1984-179

By Senators Hurley, Hemstad, Fuller, Goltz, Moore, McManus, Williams, Benitz and Quigg

WHEREAS, The Nuclear Waste Policy Act of 1982 provides for state participation in the planning and development of a high-level radioactive waste repository; and

WHEREAS, The Secretary of the United States Department of Energy shall consult and cooperate with the state in an effort to resolve the concerns of such state regarding the public health and safety, environmental, and economic impacts which may result from the location of a high-level radioactive waste repository in the state; and

WHEREAS, In order for the state to adequately express its concerns with respect to repository planning and development, it must have access to consultants who are free of any conflict of interest; and

WHEREAS, There are a limited number of qualified consultants available for research in the areas pertinent to repository planning and development; and

WHEREAS, The hiring of a large number of consultants by the federal government depletes the number of consultants available to the state; and

WHEREAS, The State of Washington contracted with the consulting firm of Golder and Associates which resulted in a critical report of the federal government's research and study of the Hanford basalts; and

WHEREAS, Following the criticism by Golder and Associates, the federal government hired the firm;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the federal government should refrain from monopolizing the field of available consultants; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United States, the Secretary of the United States Department of Energy, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Congressional delegation from Washington State.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGES FROM THE HOUSE

March 8, 1984

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 149, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1201,

SECOND SUBSTITUTE HOUSE BILL NO. 1231,

SUBSTITUTE HOUSE BILL NO. 1613, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1201,

SECOND SUBSTITUTE HOUSE BILL NO. 1231,

SUBSTITUTE HOUSE BILL NO. 1613.

SIGNED BY THE PRESIDENT

The President signed:
SENATE CONCURRENT RESOLUTION NO. 142.

There being no objection, the President advanced the Senate to the sixth order of business.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Gaspard, the appointment of Donald L. Olson as a member of the Board of Trustees for Spokane Community College District No. 17 was confirmed.

APPOINTMENT OF DONALD L. OLSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49; nays, 00; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shipoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 49.

There being no objection, the President returned the Senate to the fourth order of business.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4403 and passed the bill as amended by the Free Conference Committee, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SUBSTITUTE SENATE BILL NO. 4403, revising provisions relating to health care costs, have had the same under consideration, and we recommend the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

(See amendments in Report of Conference Committee on Engrossed Substitute Senate Bill No. 4403, read in earlier today)

Signed by: Senators McDermott, Sellar and Talmadge; Representatives Kreidler and McClure.

MOTION

On motion of Senator McDermott, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4403 was adopted.

POINT OF INQUIRY

Senator Talmadge: "Senator McDermott, concern has been expressed about subsection (k) of section 22 of the bill. In the determination of regional averages for charity care, which a hospital may have to meet to be eligible for a certificate of need, is it really possible for all hospitals to meet whatever average might be set by the Hospital Commission?"

Senator McDermott: "The answer to that question, Senator Talmadge, is 'yes.' The intent of the bill, and that section in particular, is that the Commission will establish a percentage for each region that is presumably near the regional average—a percentage that all hospitals would have a fair chance to meet. And there is no intent to penalize any hospital that is making a good faith effort to come up to

their regional mark, and absolutely no intent to penalize a hospital that does have an open door to all those in their community.

"As determined by the Commission' is important language throughout this bill. It is not some bureaucrat making rote decisions by some rule book. This is a Commission of nine highly responsible citizens--appointed by the Governor--representing consumers, payers, purchasers, health-care professionals and hospitals. Those Commissioners will not make any decision that is detrimental to either the public or to individual hospitals. I have faith in their good judgment--their common sense. They will use their discretion and no hospital that is making a good faith effort to meet the needs of all the sick in the community will be penalized."

Further debate ensued.

POINT OF INQUIRY

Senator Zimmerman: "Senator Hemstad, in regard to the discussions we've just heard here, we've had three people speak on this particular part of the bill and I wonder if you would explain and give your position in terms of the comments of Senator Talmadge and Senator McDermott."

Senator Hemstad: "Yes, I would be happy to respond to that, Senator Zimmerman. The wording is precisely to the opposite of that which the colloquy between Senator Talmadge and Senator McDermott suggests. The wording of the statutes says 'no certificate of need may be granted to a hospital which has not met or exceeded the regional average level of charity care in the year preceding application, et cetera.'

"The colloquy and the answer from Senator McDermott would suggest that the Hospital Commission is to use their good judgment and common sense to carry out the directives of the statute--precisely opposite of the clear wording of the statute. That seems to me to be the poorest possible kind of drafting of a statute and will leave the Commission in the state of confusion in attempting to now interpret what this otherwise clear language, which they now say will be good judgment and common sense to carry it out--the way the statute itself is worded. I think this is a classic example of the abuse of legislative history and I do not subscribe to it and want the record to show that there are others on the floor who do not agree with that interpretation."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4403, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4403, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 32; nays, 16; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Lee, McDermott, McDonald, McManus, Moore, Peterson, Peterson, Pullen, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 32.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Goltz, Guess, Hayner, Kiskaddon, McCaslin, Metcalf, Newhouse, Owen, Quigg, Sellar - 16.

Absent: Senator Vognild - 1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4403, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE PRESIDENT

The President signed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 4403.

MOTIONS

Senator Quigg moved that the Senate now consider Senate Bill No. 4859.

Senator Bottiger moved that the motion by Senator Quigg be laid on the table.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to lay the motion of Senator Quigg on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 23; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognil, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Deccio - 1.

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, a point of personal privilege. It's 9:30 and we have not given up getting out of here on time. I think motions to pull senate bills or to place senate bills before the calendar have got to be labeled for what they are--political maneuvers."

PERSONAL PRIVILEGE

Senator Pullen: "A point of personal privilege, Mr. President. The bill that Senator Bottiger was referring to has been on the calendar for four weeks. It has strong bipartisan support and one person--the tyranny of one person--has kept that bill from coming to a vote."

REPLY BY THE PRESIDENT

President Cherberg: "Your point of personal privilege applies to something personal only to you."

Senator Pullen: "Well, I'm very offended by that, Mr. President."

PERSONAL PRIVILEGE

Senator Talmadge: "A point of personal privilege, Mr. President. As the one who's been working on this firearms drafting, in a great amount of detail, over the last few months, this is a serious issue to say the least. We've been working with the National Rifle Association and a broad group of gun people and anti-gun people on these issues. It was generally agreed by all those people that we need to continue to work on this issue over the interim--that this bill has some problems that we need to iron out. It does not address, as Senator Quigg has pointed out, the issue of firearms in taverns and a number of other problems. We do want to continue to work on the issue and will continue to do so in the interim, but I certainly hope that we do not pollute the process that we've attempted to achieve between the gun and anti-gun groups by doing various kinds of things."

MESSAGE FROM THE HOUSE

March 6, 1984

Mr. President:

The House has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4381 and has granted the Committee the powers of Free Conference, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

REPORT OF CONFERENCE COMMITTEE

March 5, 1984

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred, SUBSTITUTE SENATE BILL NO. 4381, revising various election laws, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of sections 2 through 8 of this act is to provide an orderly and predictable election procedure for filling vacancies in the offices of United States

representative and United States senator from this state or any congressional district of this state.

Sec. 2. Section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047 are each amended to read as follows:

(1) Whenever state officers or measures are voted upon at a state primary or general election held in an odd-numbered year (~~(as provided for in)~~ under RCW 29.13.010, the state of Washington shall assume ~~(its)~~ a prorated share of ~~(such election)~~ the costs of that state primary or general election.

(2) Whenever a primary or vacancy election is held under chapter 29.68 RCW to fill a vacancy in the position of United States senator or United States representative, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.

(3) The county auditor shall apportion the state's share of ~~(such)~~ these expenses when prorating election costs (~~as provided~~) under RCW ~~((29.04.020 and))~~ 29.13.045 and shall file such expense claims with the secretary of state.

(4) The secretary of state shall include in his or her biennial budget requests ~~(a provision for)~~ sufficient funds to carry out ~~(the provisions of)~~ this section. ~~(Payments hereunder)~~ Reimbursements for election costs shall be from appropriations specifically provided for such purpose by law.

Sec. 3. Section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070 are each amended to read as follows:

(1) When a vacancy ~~(happens)~~ occurs in the representation of this state in the senate of the United States, the governor shall make a temporary appointment to that office until the people fill the vacancy by election ~~(at the next ensuing general state election)~~ as provided in this chapter. The person appointed to fill the vacancy must be from the same political party as the person whose office has been vacated and shall be one of three persons nominated for the appointment by the governing body of the Washington state organization of that political party, as defined in subsection (2) of this section. The governing body shall submit its list of three nominees to the governor within thirty days of the date the vacancy occurs. If the governing body fails to submit its list of nominees to the governor within the prescribed period, the governor may appoint any person from the same political party as the person whose office has been vacated.

(2) For the purposes of this section, the "governing body" of a political party means the body that is authorized by the charter or bylaws of the political party to exercise authority on behalf of the party.

Sec. 4. Section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080 are each amended to read as follows:

(1) Whenever ~~(there is)~~ a vacancy ~~(existing by death, resignation, disability or failure to qualify or impending vacancy)~~ occurs in the office of United States representative ~~(in the congress of the United States)~~ or United States senator from this state or any congressional district ~~(in)~~ of this state, the governor shall order a special election to fill the vacancy.

(2) Within ten days of such vacancy occurring, he or she shall ~~(fix as the)~~ issue a writ of election fixing a date for the special vacancy election ~~(a day)~~ not less than ninety days after the issuance of the writ ~~(he shall fix as the)~~, fixing a date for the primary for nominating candidates for the special vacancy election ~~(a day)~~ not less than thirty days before the day fixed for holding the special vacancy election, fixing the dates for the special filing period, and designating the term or part of the term for which the vacancy exists. If the vacancy is in the office of United States representative, the writ of election shall specify the congressional district that is vacant.

(3) If the vacancy occurs ~~(between or on a date)~~ less than six months ~~(prior to)~~ before a state general ~~(state)~~ election and before the second Friday following the close of the filing period for that general election, the special primary and special ~~(general)~~ vacancy elections shall be held in concert with the ~~(regular)~~ state primary and ~~(regular)~~ state general election ~~(s)~~ in that year.

(4) If the vacancy occurs on or after the first day for filing ~~(specified in)~~ under RCW 29.18.030 and on or before the second Friday following the close of the filing period, a special filing period of three normal business days shall be fixed by the ~~(secretary of state)~~ governor and notice thereof given ~~(by notifying)~~ to all media, including press, radio, and television within the ~~(congressional district concerned)~~ area in which the vacancy election is to be held, to the end that, insofar as possible, all interested persons will be aware of such filing period ~~(PROVIDED, HOWEVER, That)~~. The last day of ~~(such)~~ the filing period shall not be ~~(no)~~ later than the third Tuesday ~~(prior to)~~ before the primary ~~(election concerned. Such)~~ at which candidates are to be nominated. The names of candidates who have filed valid declarations of candidacy ~~(validly filed within said)~~ during this three-day period shall appear on the approaching primary ballot ~~(as if made during the earlier filing period)~~.

(5) If the vacancy ~~(should)~~ occurs later than the second Friday following the close of the filing period, a special primary and special ~~(general)~~ vacancy election to fill ~~(such vacancy)~~ the position shall be held after the ~~(regular annual)~~ next state general election but, in any event, no later than the ninetieth day following the ~~(said)~~ November election.

(6) As used in this chapter, "county" means, in the case of a vacancy in the office of United States senator, any or all of the counties in the state and, in the case of a vacancy in the office of United States representative, only those counties wholly or partly within the congressional district in which the vacancy has occurred.

Sec. 5. Section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.100 are each amended to read as follows:

((Upon)) After calling a special primary and special vacancy election to fill a vacancy ((or impending vacancy)) in the office of United States representative ((in the congress of the United States)) or United States senator from this state, the governor shall immediately notify the secretary of state who shall, in turn, immediately notify ((each)) the county auditor of each county wholly or partly within ((the district in)) which the vacancy exists ((or is about to exist)).

Each county auditor ((in the district)) shall publish notices of the special primary and ((of)) the special vacancy election at least once in any legal newspaper published in the county, as provided by RCW 29.27.030 and 29.27.080 respectively.

Sec. 6. Section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120 are each amended to read as follows:

(1) The canvass of the votes cast at a special primary (held in relation to a special election) for a United States ((congressman)) representative or senator shall be ((made)) completed in each county ((within the district)) within ten days after the primary ((and)). The returns ((sent)) shall be transmitted immediately to the secretary of state, who shall certify ((said)) the returns in the ((same)) manner ((as)) provided by RCW 29.62.100 ((and)). As soon as possible ((thereafter)) after the canvass, the secretary of state shall certify the names of the ((successful)) nominees to the county auditors ((of the counties within the district)).

(2) The canvass of the votes cast at a special vacancy election for a United States representative or senator shall be completed in each county within fifteen days after the vacancy election. The returns shall be transmitted immediately to the secretary of state, who shall certify the returns in the manner provided in RCW 29.62.120.

Sec. 7. Section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130 are each amended to read as follows:

The general election laws and laws relating to partisan primaries shall apply to the special primaries and vacancy elections provided for in RCW 29.68.080 through 29.68.120 ((in so far as)) to the extent that they are not inconsistent ((therewith, and shall be construed with and as a part thereof for the purpose of carrying out the spirit and intent thereof)) with the provisions of these sections. Statutory time deadlines relating to availability of absentee ballots, certification, canvassing, and related procedures that cannot be met in a timely fashion may be modified for the purposes of a specific primary or vacancy election under this chapter by the secretary of state through emergency rules adopted under RCW 29.04.080.

Sec. 8. Section 29.80.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1984 and RCW 29.80.010 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, as soon as possible before each even-year state general election at which federal or state officials are to be elected or any special vacancy election held under chapter 29.68 RCW, the secretary of state shall publish and mail to each individual place of residence ((of)) in the state a candidates' pamphlet containing photographs and campaign statements of ((eligible)) nominees for federal or state office who desire to participate ((therein)) in this publication, together with a campaign mailing address and telephone number submitted by the nominee at the nominee's option((-and)). In even-numbered years ((containing)), a description of the office of precinct committeeman and its duties((-in order)) shall be included so that voters will understand ((that the office is a state)) the importance of this office and will be ((found)) aware that it will appear on the ballot ((of)) at the forthcoming general election. In odd-numbered years ((no)), a candidates' pamphlet may be published ((unless)) only if an election is to be held to fill a vacancy in ((one or more of the following)) a federal or state-wide elective office((s- United States senator, governor, lieutenant governor, secretary of state, state treasurer, state auditor, attorney general, superintendent of public instruction, commissioner of public lands, insurance commissioner, or justice of the supreme court)).

(2) If a candidates' pamphlet is published solely for a special vacancy election for filling the office of United States representative, the secretary of state shall mail the pamphlet to each individual place of residence in the congressional district in which the special vacancy election is to be conducted.

Sec. 9. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when

properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 10. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct shall contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored: PROVIDED, ~~((HOWEVER:))~~ That, except as permitted under subsection (5) of this section, no precinct boundaries shall be changed during the period starting as of the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters: PROVIDED, That there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the same; the county auditor shall thereupon designate the voting place for each such precinct.

Sec. 11. Section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any election, general or special, or at any primary, the election authority may combine, unite, or divide precincts and may combine or unite boards of election officials for the purpose of holding such election~~((PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply))~~.

NEW SECTION. Sec. 12. There is added to chapter 9, Laws of 1965 and to chapter 29.07 RCW a new section to read as follows:

After the closing of registration for voting at the polls under RCW 29.07.160, but not later than fifteen days preceding any primary, special election, or general election, unregistered qualified electors may register in person in the office of the county auditor or with any voter registrar of the county in which they reside, and apply for an absentee ballot for that primary or election. The auditor or voter registrar shall register that individual in the manner provided in this chapter. The application for an absentee ballot executed by the newly registered voter for the primary or election that follows the execution of the registration shall be transmitted to the auditor with the completed voter registration form.

Sec. 13. Section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 3, Laws of 1980 and RCW 29.07.160 are each amended to read as follows:

The registration files of all precincts shall be closed against original registration or transfers for thirty days immediately preceding every primary, special election, and general election ((and primary)) to be held in such precincts, ~~((respectively))~~.

The county auditor shall give notice of the closing of ~~((said))~~ the precinct files for original registration and transfer and of the procedures for late registration and absentee ballots under section 12 of this act by one publication in a newspaper of general circulation in the county at least five days before such closing~~((except as provided for special elections in accordance with section 3 of this 1980 act))~~.

No person may vote at any primary, special election, or general election in any precinct polling place unless he or she has registered to vote at least thirty days prior to that primary or election. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days preceding any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under section 12 of this act.

Sec. 14. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the ~~((last))~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010(~~(as now or hereafter amended)~~) shall file their declarations of candidacy with the county auditor of the county not earlier than the ~~(last)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time to and including the first Wednesday after the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100: PROVIDED, That no filing fee shall be charged in the event that the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five day period throughout the state of Washington for filing declarations of candidacy.

Sec. 15. Section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060 are each amended to read as follows:

When a proposed constitution or constitutional amendment or other question is to be submitted to the people of the state for state-wide popular vote, the attorney general shall prepare a concise statement posed as a question and not exceeding ~~((twenty))~~ fifty words containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon.

Questions to be submitted to the people of a county or municipality shall also be advertised as provided for nominees for office, and in such cases there shall also be printed on the ballot a concise statement posed as a question and not exceeding ~~((twenty words or))~~ seventy-five words ~~((in the case of a school district tax proposition))~~ containing the essential features thereof expressed in such a manner as to clearly identify the proposition to be voted upon, which statement shall be prepared by the city attorney for the city, and by the prosecuting attorney for the county or any other political subdivision of the state, other than cities, situated in the county.

Such concise statement shall constitute the ballot title. The secretary of state shall certify to the county auditors the ballot title for a proposed constitution, constitutional amendment, or other state-wide question at the same time and in the same manner as the ballot titles to initiatives and referendums.

Sec. 16. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge, and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 17. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 18. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ~~((town clerk))~~ county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful

performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 19. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter, and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 20. Section 29, chapter 34, Laws of 1939 and RCW 52.12.070 are each amended to read as follows:

Each fire commissioner before beginning the duties of his office shall take and subscribe an official oath for the faithful discharge of the duties of his office, which oath shall be filed in the office of the ~~((clerk of the superior court in))~~ auditor of the county where the district is situated.

Sec. 21. Section 8, chapter 17, Laws of 1959 as last amended by section 1, chapter 11, Laws of 1983 and RCW 53.12.150 are each amended to read as follows:

A vacancy in the office of port commissioner created by death, resignation, or otherwise, shall be filled as follows:

(1) If there are simultaneously such number of vacancies that less than a majority of the full number of commissioners fixed by law remain in office, the legislative authority of the county shall within fifteen days of such vacancies appoint the number of commissioners necessary to provide a majority. The commissioners thus appointed, together with any remaining commissioners, shall then, within ~~((fifteen))~~ sixty days of their appointment, meet and appoint the number of commissioners needed to complete the board of commissioners. However, if they fail to fill the remaining vacancies within this ~~((fifteen))~~ sixty-day period, the legislative authority of the county shall make the necessary appointments.

(2) If a majority of the full number of commissioners fixed by law remains on the board, the remaining commissioners shall fill any vacancies. However, if they fail to fill any vacancy within ~~((fifteen))~~ sixty days of its occurrence, ~~((or within fifteen days after March 10, 1983;))~~ the legislative authority of the county shall make the necessary appointment.

(3) ~~((Appointments made pursuant to this section shall be ad interim to the next general election;))~~ A person appointed to fill a vacancy in the office of port commissioner shall continue to serve until a successor is elected and qualified.

Sec. 22. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 23. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county ~~((clerk))~~ auditor.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180;
- (2) Section 29.68.090, chapter 9, Laws of 1965, section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and
- (3) Section 29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "elections;" strike the remainder of the title and insert "amending section 2, chapter 4, Laws of 1973 as last amended by section 4, chapter 144, Laws of 1977 ex. sess. and RCW 29.13.047; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; amending section 29.68.080, chapter 9, Laws of 1965 as amended by section 3, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.080; amending section 29.68.100, chapter 9, Laws of 1965 as amended by section 5, chapter 36, Laws of 1973 2nd ex. sess. and RCW

29.68.100; amending section 29.68.120, chapter 9, Laws of 1965 as last amended by section 46, chapter 3, Laws of 1983 and RCW 29.68.120; amending section 29.68.130, chapter 9, Laws of 1965 and RCW 29.68.130; amending section 29.80.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 54, Laws of 1984 and RCW 29.80.010; amending section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322; amending section 3, chapter 107, Laws of 1980 and RCW 29.04.040; amending section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 3, Laws of 1980 and RCW 29.07.160; amending section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060; amending section 29.27.060, chapter 9, Laws of 1965 as last amended by section 3, chapter 4, Laws of 1977 and RCW 29.27.060; amending section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190; amending section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080; amending section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120; amending section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080; amending section 29, chapter 34, Laws of 1939 and RCW 52.12.070; amending section 8, chapter 17, Laws of 1959 as last amended by section 1, chapter 11, Laws of 1983 and RCW 53.12.150; amending section 10, chapter 265, Laws of 1959 and RCW 54.12.100; amending section 18, chapter 6, Laws of 1947 and RCW 68.16.180; adding a new section to chapter 9, Laws of 1965 and to chapter 29.07 RCW; creating a new section; repealing section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180; repealing section 29.68.090, chapter 9, Laws of 1965, section 4, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.090; and repealing section 29.68.110, chapter 9, Laws of 1965, section 6, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.68.110."

Signed by: Senators Talmadge and Fleming; Representatives Pruitt and Fisher.

MOTION

Senator Talmadge moved that the Senate adopt the Report of the Conference Committee on Substitute Senate Bill No. 4381 and that the committee be granted the powers of Free Conference.

Debate ensued.

Senator Pullen demanded a roll call and the demand was sustained.

Further debate ensued.

Senator Bottiger, Shinpoch and Peterson demanded the previous question.

Senator Newhouse demanded a roll call and the demand was sustained. The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 26; nays, 21; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McCaslin, McDermott, McManus, Owen, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senators Deccio, Moore - 2.

The President declared the question before the Senate to be the roll call on the motion by Senator Talmadge to adopt the Report of the Conference Committee on Substitute Senate Bill No. 4381 and to grant the committee the powers of Free Conference.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

The Senate adopted the Report of the Conference Committee on Substitute Senate Bill No. 4381 and granted the committee the powers of Free Conference.

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Will the record show the time that the powers of Free Conference were granted—ten to ten?"

REPLY BY THE PRESIDENT

President Cherberg: "The record will show that the Senate acted upon this particular issue."

Senator Rasmussen: "Granted the powers of Free Conference? Thank you, Mr. President."

MOTIONS

On motion of Senator McDermott, the Committee on Ways and Means was relieved of further consideration of Senate Bill No. 3929.

On motion of Senator McDermott, the rules were suspended and Senate Bill No. 3929 was advanced to second reading and placed on the second reading calendar for today.

SECOND READING

SENATE BILL NO. 3929, by Senator McDermott

Relating to revenue and taxation.

The bill was read the second time.

MOTION

Senator McDermott moved the following amendment be adopted:

NEW SECTION. Sec. 1. It is the intent and desire of the legislature to promote the international trade of precious metal bullion or monetized bullion. It is the intent of the legislature, however, to discourage trade in South African krugerrand gold coins because the South African apartheid is contrary to public policy.

NEW SECTION. Sec. 2. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 3. There is added to chapter 82.12 RCW a new section to read as follows:

The tax levied by RCW 82.12.020 does not apply to the sale of precious metal bullion or monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

NEW SECTION. Sec. 4. There is added to chapter 82.08 RCW a new section to read as follows:

Section 2 of this act shall not apply to the sale of South African krugerrand gold coins.

NEW SECTION. Sec. 5. There is added to chapter 82.12 RCW a new section to read as follows:

Section 3 of this act shall not apply to the sale of South African krugerrand gold coins.

Sec. 6. Section 5, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of buying wheat, oats, dry peas, dry beans, lentils, triticale, corn, rye and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour, soybeans into soybean oil, or sunflower seeds into sunflower oil; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour or oil manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of splitting or processing dried peas; as to such persons the amount of tax with respect to such business shall be equal to the value of the peas split or processed, multiplied by the rate of one-quarter of one percent.

(4) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

(5) Upon every person engaging within this state in the business of manufacturing by canning, preserving, freezing or dehydrating fresh fruits and vegetables; as to such persons the amount of tax with respect to such business shall be equal to the value of the products canned, preserved, frozen or dehydrated multiplied by the rate of three-tenths of one percent.

(6) Upon every nonprofit corporation and nonprofit association engaging within this state in research and development, as to such corporations and associations, the amount of tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of forty-four one-hundredths of one percent.

(7) Upon every person engaging within this state in the business of slaughtering, breaking and/or processing perishable meat products and/or selling the same at wholesale only and not at retail; as to such persons the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of (~~thirty-three one-hundredths~~) one-eighth of one percent.

(8) Upon every person engaging within this state in the business of making sales, at retail or wholesale, of nuclear fuel assemblies manufactured by that person, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the assemblies multiplied by the rate of twenty-five one-hundredths of one percent.

(9) Upon every person engaging within this state in the business of manufacturing nuclear fuel assemblies, as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured multiplied by the rate of twenty-five one-hundredths of one percent.

(10) Upon every person engaging within this state in the business of acting as a travel agent; as to such persons the amount of the tax with respect to such activities shall be equal to the gross income derived from such activities multiplied by the rate of twenty-five one-hundredths of one percent.

(11) Upon every person engaging within this state in business as an international steamship agent, international customs house broker, international freight forwarder, vessel and/or cargo charter broker in foreign commerce, and/or international air cargo agent; as to such persons the amount of the tax with respect to only international activities shall be equal to the gross income derived from such activities multiplied by the rate of thirty-three one-hundredths of one percent.

(12) Upon every person engaging within this state in the business of stevedoring and associated activities pertinent to the movement of goods and commodities in waterborne interstate or foreign commerce; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds derived from such activities multiplied by the rate of thirty-three one hundredths of one percent. Persons subject to taxation under this subsection shall be exempt from payment of taxes imposed by chapter 82.16 RCW for that portion of their business subject to taxation under this subsection. Stevedoring and associated activities pertinent to the conduct of goods and commodities in waterborne interstate or foreign commerce are defined as all activities of a labor, service or transportation nature whereby cargo may be loaded or unloaded to or from vessels or barges, passing over, onto or under a wharf, pier, or similar structure; cargo may be moved to a warehouse or similar holding or storage yard or area to await further movement in import or export or may move to a consolidation freight station and be stuffed, unstuffed, containerized, separated or otherwise segregated or aggregated for delivery or loaded on any mode of transportation for delivery to its consignee. Specific activities included in this definition are: wharfage, handling, loading, unloading, moving of cargo to a convenient place of delivery to the consignee or a convenient place for further movement to export mode; documentation services in connection with the receipt, delivery, checking, care, custody and control of cargo required in the transfer of cargo; imported automobile handling prior to delivery to consignee; terminal stevedoring and incidental vessel services, including but not limited to plugging and unplugging refrigerator service to containers, trailers, and other refrigerated cargo receptacles, and securing ship hatch covers.

(13) Upon every person engaging within this state in the business of disposing of low-level waste, as defined in RCW 43.145.010; as to such persons the amount of the tax with respect to such business shall be equal to the gross income of the business, excluding any fees imposed under chapter 43.21F RCW, multiplied by the rate of thirty percent.

If the gross income of the taxpayer is attributable to activities both within and without this state, the gross income attributable to this state shall be determined in accordance with the methods of apportionment required under RCW 82.04.460.

(14) Upon every person engaging within this state as an insurance agent, insurance broker, or insurance solicitor licensed under chapter 48.17 RCW; as to such persons, the amount of the tax with respect to such licensed activities shall be equal to the gross income of such business multiplied by the rate of one percent.

Sec. 7. Section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330 are each amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon ~~((his))~~ the person's own lands or upon land in which ~~((he))~~ the person has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with ~~((his))~~ the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising Christmas trees or timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

Sec. 8. Section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.100 are each amended to read as follows:

"Extractor" means every person who from ~~((his))~~ the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees or other natural products, or takes ~~((cultivates, or raises))~~ fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. ~~((It))~~ "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others or persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 9. There is added to chapter 82.08 RCW a new section to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed to persons for use in the cultivating or raising for sale of fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 10. There is added to chapter 82.12 RCW a new section to read as follows:

The provisions of this chapter shall not apply in respect to the use of feed by persons for the cultivating or raising for sale of fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 11. Nothing in this act shall be construed to imply that a person, sale, or use made exempt from tax under this act was taxable under Title 82 RCW prior to the enactment of this act.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

POINT OF INQUIRY

Senator Pullen: "Senator McDermott, I would like to thank you and congratulate you for bringing this excellent bill to a vote. I'm a little worried, though, it being--"

Senator McDermott: "If you keep talking we're going to lose it--"

Senator Pullen: "Oh, I'm going to go fast. What I was wondering was if you had any guarantees from the House that they're going to act on this?"

Senator McDermott: "There are no guarantees in life, Senator Pullen. We have to take our chances."

Senator Pullen: "If there are no guarantees, I'm a little surprised. Don't you have any--"

Senator McDermott: "We have to keep trying."

POINT OF INQUIRY

Senator Sellar: "Senator McDermott, you know a couple of years ago we talked about the engineer of the railroad over in the House, and have you, at least,

gone over and talked to the real engineer of that body--Speaker Ehlers. Have you talked to him about this?"

Senator McDermott: "We've had several long discussions on this issue."

Senator Sellar: "I hope they're productive."

The President declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott carried and the amendment was adopted.

MOTION

On motion of Senator McDermott, the following title amendment was adopted:

On page 1, line 1 of the title after "taxation" insert "adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; amending section 3, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.260; amending section 82.04.330, chapter 15, Laws of 1961 as amended by section 7, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.330, amending section 82.04.100, chapter 15, Laws of 1961 as amended by section 2, chapter 173, Laws of 1965 ex. sess. and RCW 82.04.00; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section and declaring an emergency."

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Senate Bill No. 3929 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 3929.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 3929, and the bill passed the Senate by the following vote: Yeas, 42; nays, 07; absent, 00; excused, 00.

Voting yea: Senators Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McManus, Metcalf, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Sellar, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 42.

Voting nay: Senators Fleming, Guess, McDermott, McDonald, Rasmussen, Rinehart, Shinpoch - 7.

ENGROSSED SENATE BILL NO. 3929, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Deccio, Engrossed Senate Bill No. 3929 was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 4404 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The director of planning and community affairs shall make loans to cities, towns, counties, and special purpose districts of the state for the construction, replacement, rehabilitation, or improvement of roads, bridges, sewers, water systems, dams, lighting, signalization, and traffic flow systems from moneys appropriated therefor from the public works assistance account under section 2 of this act. Repayments of loans made under this section and the interest thereon shall be deposited in the public works assistance account.

The director of planning and community affairs may accept any federal funds which may be available for the purposes of this section and shall deposit such funds in the public works assistance account.

NEW SECTION. Sec. 2. There is added to chapter 43.79 RCW a new section to read as follows:

(1) The public works assistance account is hereby established in the general fund. At the beginning of each biennium after June 30, 1985, the state treasurer shall transfer from the general fund to the public works assistance account an amount of money which, when combined

with money remaining in the account from the previous biennium excluding proceeds from the sale of bonds, will equal ten million dollars.

(2) Moneys in the public works assistance account may be spent only for payment of the principal and interest on bonds issued under section 3 of this act, and other purposes related to loans under section 1 of this act as specified by legislative appropriation.

(3) Bonds for which revenues to the public works assistance account have been pledged shall not be issued if such bonds will cause the aggregate debt for which revenues to the public works assistance account will be pledged to exceed that amount for which payments of principal and interest in any fiscal year will equal projected revenues to the public works assistance account for that fiscal year. However, bonds for which revenues to the public works assistance account have been pledged are general obligations of the state of Washington and shall pledge the full faith and credit of the state to payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due. The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 3. There is added to chapter 43.79 RCW a new section to read as follows:

The proceeds from the sale of bonds for loans under section 1 of this act shall be deposited in the public works assistance account hereby established in the general fund. Moneys in the public works assistance account may be spent only after appropriation for loans under section 1 of this act.

NEW SECTION. Sec. 4. The director of planning and community affairs shall report to the secretary of the senate and the speaker of the house of representatives by January, 1985, on the financing, management, and standards to be used in determining the allocation and distribution of moneys under section 1 of this act. The report shall include, but not be limited to, recommendations on the following:

(1) The administration of the public works assistance account, including the membership, terms, powers, and duties of an independent state public works board to review and approve projects;

(2) The most appropriate use of public works assistance account revenues;

(3) Criteria and procedures for approval of public works projects, with top priority given to projects which (a) protect public health and safety, (b) aid communities affected by natural disasters, (c) assist local areas affected by federal projects, (d) attract new employers or expand existing businesses, or (e) facilitate transportation;

(4) Financial terms and matching requirements for local governments; and

(5) Audit and reporting systems.

NEW SECTION. Sec. 5. There is appropriated from the general fund to the planning and community affairs agency for the biennium ending June 30, 1985:

(1) The sum of one hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act; and

(2) The sum of one hundred thirty-eight thousand dollars, or so much thereof as may be necessary, for the purposes of developing and maintaining an on-going evaluation system and to provide technical assistance to local government under chapter 231, Laws of 1983.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately, except sections 1 and 2 of this act shall take effect July 1, 1985."

On page 1, line 1 of the title, after "works;" insert "adding new sections to chapter 43.79 RCW";

and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

MOTION

On motion of Senator McDermott, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 4404.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 4404, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute Senate Bill No. 4404, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 37; nays, 08; absent, 04; excused, 00.

Voting yea: Senators Bauer, Bender, Bluechel, Bottiger, Clarke, Conner, Fuller, Gaspard, Goltz, Granlund, Haley, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McDonald, McManus, Newhouse, Owen, Patterson, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoeh,

Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 37.

Voting nay: Senators Barr, Benitz, Craswell, Guess, Hayner, McCaslin, Metcalf, Pullen - 8.

Absent: Senators Deccio, Fleming, Hansen, Moore - 4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4404, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE HOUSE

March 8, 1984

Mr. President:

The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 1190 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4490, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1194 and passed the bill as amended by the Senate.

SHARON L. CASE, Assistant Chief Clerk

March 8, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1157 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE HOUSE BILL NO. 1157, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SECOND SUBSTITUTE HOUSE BILL NO. 181,

SUBSTITUTE HOUSE BILL NO. 1268, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SENATE CONCURRENT RESOLUTION NO. 142, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 181,

SUBSTITUTE HOUSE BILL NO. 1157,

SUBSTITUTE HOUSE BILL NO. 1268.

There being no objection, the Senate resumed consideration of Engrossed Senate Bill No. 4534, as amended by the House, which was placed on third reading after reconsideration on March 2, 1984.

THIRD READING

ENGROSSED SENATE BILL NO. 4534, by Senators Williams and Hemstad

Revising provisions relating to the chairman of the nuclear waste policy and review board.

The bill was read the third time and placed on final passage.

Debate ensued.

Senators Bottiger, Talmadge and Peterson demanded the previous question and the demand was sustained.

MOTION

On motion of Senator Zimmerman, Senators Patterson and Quigg were excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 4534, as amended by the House, on reconsideration.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Senate Bill No. 4534, as amended by the House, on reconsideration, and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 25; absent, 02; excused, 02.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Owen, Peterson, Rinehart, Talmadge, Thompson, Warnke, Williams, Wojahn, Woody - 20.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Fuller, Gaspard, Goltz, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Moore, Newhouse, Pullen, Rasmussen, Sellar, Shinpoch, Vognild, von Reichbauer, Zimmerman - 25.

Absent: Senators Bluechel, Deccio - 2.

Excused: Senators Patterson, Quigg - 2.

ENGROSSED SENATE BILL NO. 4534, as amended by the House, on reconsideration, having failed to received the constitutional majority, was declared lost.

MESSAGES FROM THE HOUSE

March 8, 1984

Mr. President:

The House passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3169, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 1190,

HOUSE BILL NO. 1194, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 4403, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The House has passed:

SUBSTITUTE SENATE BILL NO. 3942, and the same is herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 392 and granted the committee powers of Free Conference.

SHARON L. CASE, Assistant Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED HOUSE BILL NO. 392, modifying the hearing procedures for the formation of local improvement districts, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee to Engrossed House Bill No. 392, read in earlier today)

Signed by: Senators Thompson and Granlund; Representatives Grimm, Ebersole and Hankins.

MOTION

Senator Thompson moved that the report of the Free Conference Committee on Engrossed House Bill No. 392 be adopted.

POINT OF ORDER

Senator Pullen: "A point of order. Have you ruled whether this bill is properly before us, having waived the thirty-six hour rule by virtue of the bill meeting Rule 22 of the Senate Rules?"

REPLY BY THE PRESIDENT

President Cherberg: "Not definitely--no sir."

Senator Pullen: "Well, then, Mr. President, I would like to rise to the point of order that this bill is not properly before us, because the Conference Committee Report was read only a few hours ago and, therefore, we have not met the thirty-six hour rule."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, the purpose of the rule is to prevent people from being forced to vote on things they have not read. That's the purpose. All rules of law are interpreted with the intent and purpose in mind. If there is any ambiguity that the intent and purpose is obvious, the ambiguities are construed in favor of action and not disaction or lack of action.

"This bill has been on your desk, Senator Pullen, since the 4th. You cannot conceivably argue you haven't had a chance to read it. The Conference Committee Reports are identical and the rule specifically says that the twenty-four hour rule does not apply if they are identical reports."

Further debate ensued.

POINT OF ORDER

Senator Rasmussen: "Speaking to a point of order. The time that the Free Conference was granted was at 4:20 p.m. and it was voted on again at 7:20 p.m. The rule specifically says that the Free Conference Committee Report can only be presented after they have the powers of Free Conference. I submit a point of order, concurring with Senator Pullen, this was not laid on the desks for twenty-four hours or laid on the desks for thirty-six hours as the rule provides. Further, the title as read does not conform to the bill. The title says it applies to hearing officers. I heard that when the Secretary of Senate read it, but the main point of order is that it has not laid the proper time after the signing of the Free Conference, Mr. President."

RULING BY THE PRESIDENT

President Cherberg: "Senator Pullen and Senator Rasmussen. In response to Senator Pullen's point of order, the President believes that your remarks carry considerable weight, however, in the absence of a clear-cut rule, the President, on this occasion, will accept the interpretation that the Report of the Free Conference Committee has been before the members for sufficient time for consideration by the members.

"I hope that those who draft the rules for the Senate and of the Joint Rules will please clarify this ambiguous situation."

MOTION

Senator Pullen moved that the rules be suspended and the following amendments to the Free Conference Committee Report to Engrossed House Bill No. 392 be adopted:

On page 4, section 3, line 17, after "public" strike "or private use"

On page 4, section 4, line 32, after "public" strike "or private use"

POINT OF ORDER

Senator Bottiger: "Mr. President, Senator Pullen is attempting, by a two-thirds vote, to amend a Joint Rule to provide an amendment. Now, Rule 11 of the Joint Rules clearly says that no Free Conference Report can be amended by a body. Now, Senator Pullen, will argue that two-thirds can and my point of order is that it will take two-thirds by both houses and it would have to be done by a Joint Resolution, Mr. President."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Pullen to suspend the rules and amend the Free Conference Committee on page 4, line 17, and page 4, line 32.

REMARKS BY SENATOR PULLEN

Senator Pullen: "May I be allowed a brief explanation?"

POINT OF ORDER

Senator Bottiger: "The President has ruled that the motion to suspend the rules is not debatable. You've already debated it and you've already explained it."

Senator Pullen: "Well, I have not explained it, and the rules--"

REPLY BY THE PRESIDENT

President Cherberg: "The President believes you have already debated it. The question is the motion by Senator Pullen to suspend the rules and adopt the amendment on page 4, line 17 and page 4, line 32."

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Pullen to suspend the rules and adopt the amendments on page 4, line 17 and page 4, line 32.

ROLL CALL

The Secretary called the roll and the motion by Senator Pullen failed by the following vote: Yeas, 18; nays, 27; absent, 02; excused, 02.

Voting yea: Senators Barr, Benitz, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Rasmussen, Sellar, von Reichbauer - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vogt, Warnke, Williams, Wojahn, Woody, Zimmerman - 27.

Absent: Senators Bluechel, Deccio - 2.

Excused: Senators Patterson, Quigg - 2.

MOTION

Senator Pullen moved that the rules be suspended and the following amendments to the Free Conference Committee Report to Engrossed House Bill No. 392 be adopted:

On page 4, section 3, line 21, strike the last sentence of section 3 and insert "Such acquisition of title shall not be made by eminent domain."

On page 4, section 4, line 36, strike the last sentence of section 4 and insert "Such acquisition of title shall not be made by eminent domain."

MOTION

Senator Bottiger moved that the Pullen motion be laid on the table.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Bottiger to lay the motion by Senator Pullen on the table.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger carried by the following vote: Yeas, 25; nays, 19; absent, 04; excused, 01.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Vogtild, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 19.

Absent: Senators Clarke, Decchio, Newhouse, Warnke - 4.

Excused: Senator Patterson - 1.

POINT OF ORDER

Senator Pullen: "A point of order. I was trying to get the floor when Senator Bottiger made his tabling motion, to point out that a motion to table is a subsidiary motion and ranks behind an instrumental motion, which includes suspension of the rules. Therefore, the incidental motion to suspend the rules, being a higher ranking motion, should have been placed and Senator Bottiger's motion to lay on the table is out of order."

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, Senator Pullen is obviously too late. Mr. President, I request the previous question, which is the motion to adopt the Free Conference Committee Report."

REMARKS BY SENATOR PULLEN

Senator Pullen: "I feel that a point of order would always require a ruling--"

REPLY BY THE PRESIDENT

President Cherberg: "Your point of order may be in order, but it is not quite timely."

Senator Pullen: "It is difficult to be recognized when Senator Bottiger is ruling so fast."

REPLY BY THE PRESIDENT

President Cherberg: "The President does not believe it's difficult to be recognized, if you simply follow the outlined procedure on Rule 29."

POINT OF ORDER

Senator Rasmussen: "A point of order. I believe Senator Bottiger is moving the previous question before the question has been put."

REPLY BY THE PRESIDENT

President Cherberg: "The question is before the Senate to adopt the Report of the Free Conference Committee."

Senator Rasmussen: "Thank you, Mr. President. Could I have the floor, then?"

REPLY BY THE PRESIDENT

President Cherberg: "Senator Bottiger has requested the previous question and the President has to put his motion first."

Senators Talmadge and Peterson joined in the demand for the previous question.

Senator Rasmussen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 24; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 24.

The President declared the question before the Senate to be the motion to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 392.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion to adopt the Report of the Free Conference Committee on Engrossed House Bill No. 392.

ROLL CALL

The Secretary called the roll and the Report of the Free Conference Committee was adopted by the following vote: Yeas, 30; nays, 18; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 30.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Guess, Hayner, Lee, McCaslin, McDonald, Metcalf, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 18.
Absent: Senator Newhouse - 1.

REMARKS BY RASMUSSEN

Senator Rasmussen: "Mr. President, speaking against the motion to adopt, I wanted to point out in Senator Pullen's--Senator Pullen was the only one that recognized it along with a few others that voted that way. In the bill, as it comes from the Conference Committees--'improve, maintain, manage and lease the property for public or private use, may enter contracts, borrow money and issue bonds and other obligations for such purposes.' Now, Article 8, section 7, and this part of the bill is clearly unconstitutional and Senator Pullen, who is very much interested in historic subjects, the same as I am, is trying to make the bill constitutional, which was to strike out the private part. Article 8, section 7 of the Constitution and the Supreme Court has ruled on this many, many times and they are not about to back up. 'Credit not to be loaned--no county, city or town or other municipal corporation shall hereafter give any money, or property, or loan its money or credit to or in the aid of an individual, association, company or corporation, except for the necessary support of the poor and infirm, or become directly or indirectly the owner of any stock in or bonds of any association, company or corporation.'

"Clearly, Mr. President, new section 3 and new section 4, with that provision in it--that they may buy this property and then turn it over for private use and it does not say 'it shall be private non-charitable,' it merely says 'it shall be for private use' and it can be a money-making project for the private people. This makes the legislation unconstitutional, Mr. President, and I would like to have that entered into the record, if I may."

Senators Bottiger, Conner and Shinpoch demanded the previous question and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator McCaslin: "A point of two inquiries, Mr. President. The first question is, whether there's a question before the body."

REPLY BY THE PRESIDENT

President Cherberg: "The question is the final passage of Engrossed House Bill No. 392, as amended by the Free Conference Committee."

Senator McCaslin: "Thank you. My second question, Rule 36, and I read, 'The previous question shall not be put unless demanded by three Senators and it shall then be in this form--shall the main question be now put?' And Senator Bottiger continues to move the previous question. So my question to you is, is this correct parliamentary procedure by Senator Bottiger?"

REPLY BY THE PRESIDENT

President Cherberg: "That's correct parliamentary procedure."

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 392, as amended by the Free Conference Committee.

ROLL CALL

The Secretary called the roll on final passage of Engrossed House Bill No. 392, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 36; nays, 12; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Benitz, Bluechel, Bottiger, Conner, Fleming, Fuller, Gaspard, Goltz, Granlund, Haley, Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Rinehart, Talmadge, Thompson, Vogndild, von Reichbauer, Warnke, Williams, Wojahn, Woody, Zimmerman - 36.

Voting nay: Senators Barr, Clarke, Craswell, Deccio, Guess, McCaslin, Metcalf, Pullen, Quigg, Rasmussen, Sellar, Shinpoch - 12.

Absent: Senator McDonald - 1.

ENGROSSED HOUSE BILL NO. 392, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Wojahn moved that the Senate now reconsider the vote by which Engrossed Substitute House Bill No. 1156 failed to pass the Senate earlier today.

The President declared the question before the Senate to be the motion by Senator Wojahn to reconsider the vote by which Engrossed Substitute House Bill No. 1156 failed to pass the Senate.

The motion by Senator Wojahn carried and the Senate resumed consideration of Engrossed Substitute House Bill No. 1156, on reconsideration.

MOTION

On motion of Senator McDermott, the rules were suspended and Engrossed Substitute House Bill No. 1156 was returned to second reading.

The bill was read the second time.

MOTION

On motion of Senator McDermott, the rules were suspended and the Senate reconsidered the vote by which the striking Committee on Ways and Means amendment was adopted.

MOTION

Senator McDermott moved that the following amendments to the Committee on Ways and Means amendment be considered and adopted simultaneously:

On page 16, line 28, strike "14,426,000" and insert "14,676,000"

On page 17, line 4, strike "70,462,000" and insert "70,212,000"

On page 41, line 28, delete "6,506,000" and insert "6,596,000"

On page 41, line 32, delete "113,723,000" and insert "113,813,000"

On page 43, following line 10, add a new subsection as follows:

\$90,000 of the general fund--state appropriation is provided solely for a grant for the establishment of a state-wide coordinating center to provide training and technical support for city governments and business organizations involved in the community and economic revitalization and redevelopment of older downtown neighborhoods using the techniques developed by the National Trust for Historic Preservation National Main Street Center. Not later than December 1, 1985, the agency shall report to the legislature on current and anticipated economic benefits of the revitalization program assisted under this appropriation. Special attention shall be given to the amount of new investment in the building rehabilitation projects, the participants' capacity to match funds, the number of new businesses locating in participating

downtown areas, and other factors reflecting the economic health of the business communities involved."

On page 73, after line 27, insert:

"(5) The superintendent of public instruction is directed to report to the ways and means committees of both houses no later than September 1, 1984, identifying:

(a) The specific problems associated with the implementation of chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296) which resulted in a transportation funding shortfall in many school districts during the 1983-84 school year;

(b) The steps which the superintendent is following to alleviate all such shortfalls in 1983-84 transportation allocations and to prevent similar problems from occurring in future school years;

(c) A plan to retroactively reimburse in the 1985 supplemental budget those districts whose transportation programs were underfunded in the 1983-84 school year due to the problems of implementing chapter 61, Laws of 1983 1st ex. sess. (Substitute House Bill No. 296)."

Debate ensued.

MOTION

Senator Bottiger moved that the rules be suspended and that the Senate consider all of McDermott amendments to the striking Committee on Ways and Means amendment.

Senator Pullen demanded a roll call and the demand was sustained.

PARLIAMENTARY INQUIRY

Senator Clarke: "Mr. President, a matter of parliamentary inquiry. Is this a suspension of rules that requires a two-thirds vote?"

REPLY BY THE PRESIDENT

President Cherberg: "This will require a two-thirds majority."

The President declared the question before the Senate to be the roll call on the motion by Senator Bottiger to suspend the rules and consider all of the McDermott amendments.

ROLL CALL

The Secretary called the roll and the motion by Senator Bottiger, having failed to receive the constitutional two-thirds majority, failed by the following vote: Yeas, 27; nays, 22; absent, 00; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Patterson, Peterson, Rasmussen, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Deccio, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 22.

MOTIONS

On motion of Senator McDermott, the amendments on page 16, line 28, and page 17, line 4 were adopted.

On motion of Senator McDermott, the amendments on page 41, line 28, page 41, line 32 and page 43, following line 10 to the Committee on Ways and Means amendment were adopted.

On motion of Senator McDermott, the amendment on page 73, line 27 to the Committee on Ways and Means amendment was adopted.

The President declared the question before the Senate to be adoption of the Committee on Ways and Means amendment, as amended.

The motion by Senator McDermott carried and the Committee on Ways and Means amendment, as amended, was adopted.

MOTION

On motion of Senator McDermott, the rules were suspended, Engrossed Substitute House Bill No. 1156, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Substitute House Bill No. 1156, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 28; nays, 19; absent, 02; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognlid, Warnke, Williams, Wojahn, Woody, Zimmerman - 28.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer - 19.

Absent: Senators Deccio, Kiskaddon - 2.

SUBSTITUTE HOUSE BILL NO. 1156, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Engrossed Substitute House Bill No. 1156, as amended by the Senate, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Conference Committee on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660 and has granted the Committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, improving the quality of education, have had the same under consideration, and we recommend that the bill be amended to read as follows:

(See amendments in Report of Conference Committee on Engrossed Second Substitute House Bill No. 1660, read in on March 7, 1984)

Signed by: Senators Gaspard and Bauer; Representatives Galloway and P. King.

MOTION

On motion of Senator Gaspard, the report of the Free Conference Committee on Engrossed Second Substitute House Bill No. 1660 was adopted.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Second Substitute House Bill No. 1660, as amended by the Free Conference Committee.

Debate ensued.

ROLL CALL

The Secretary called the roll on final passage of Engrossed Second Substitute House Bill 1660, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent, 03; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, Kiskaddon, McDermott, McManus, Moore, Owen, Peterson, Rasmussen, Rinehart, Talmadge, Thompson, Vognlid, von Reichbauer, Warnke, Williams, Wojahn, Woody - 28.

Voting nay: Senators Barr, Benitz, Clarke, Craswell, Deccio, Fuller, Haley, Hayner, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Sellar, Shinpoch, Zimmerman - 18.

Absent: Senators Bluechel, Guess, Lee - 3.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1660, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Bottiger, Engrossed Second Substitute House Bill No. 1660, as amended by the Free Conference Committee, was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

March 7, 1984

Mr. President:

The House has adopted the report of the Free Conference Committee on SUBSTITUTION SENATE BILL NO. 4381 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

REPORT OF FREE CONFERENCE COMMITTEE

March 7, 1984

Mr. President:

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred, SUBSTITUTION SENATE BILL NO. 4381, revising various election laws, have had the same under consideration, and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

(See amendments in Report of Conference Committee on Substitute Senate Bill No. 4381, read in earlier today)

Signed by: Senators Talmadge and Fleming; Representatives Pruitt and Fisher.

MOTION

Senator Talmadge moved that the report of the Free Conference Committee on Substitute Senate Bill No. 4381 be adopted.

MOTION

Senator Pullen moved that the rules be suspended and that the following amendment to the Free Conference Committee be adopted:

On page 13, section 12, lines 5 through 29, delete all of section 12.

PARLIAMENTARY INQUIRY

Senator Talmadge: "Mr. President, a point of parliamentary inquiry. In order to adopt this proposed suspension of the rules in order to consider this amendment, does that require a two-thirds vote?"

REPLY BY THE PRESIDENT

President Cherberg: "It requires a two-thirds vote."

PARLIAMENTARY INQUIRY

Senator Hemstad: "Mr. President, a parliamentary inquiry. The motion is apparently to suspend the rules and to adopt the amendments. It seems to me that there are two motions rolled into this. If this procedure is acceptable at all, it would be a motion to suspend the rules and to return to second reading—a procedural motion, after which there would be the opportunity to present the substantive motion. It is entirely inappropriate to have a motion that combines in a single motion the procedural motion and the substantive issue and, therefore, it seems to me, as a point of order that the motion should be required to be put to suspend the rules and return to second reading for the purpose of an amendment."

REPLY BY THE PRESIDENT

President Cherberg: "The President thinks otherwise. The President is required to expedite the business."

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion by Senator Pullen to suspend the rules and to adopt the amendment to the Free Conference Committee Report.

ROLL CALL

The Secretary called the roll, and the motion by Senator Pullen failed, not receiving the constitutional two-thirds majority, by the following vote: Yeas, 20; nays, 26; absent, 03; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Pullen, Quigg, Sellar, von Reichbauer, Zimmerman - 20.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hemstad, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 26.

Absent: Senators Deccio, Patterson, Rasmussen - 3.

RULING BY THE PRESIDENT

President Cherberg: "The President believes that this is a very unusual procedure and it becomes the duty of the presiding officer, in cases where debate and parliamentary motions are employed to create disorder and impede business, the President is going to respectfully decline any further amendments to the Free Conference Committee Reports--Rule 225, page 147 of Reed's."

PARLIAMENTARY INQUIRY

Senator Pullen: "A parliamentary inquiry, Mr. President, I was wondering if the President made that ruling prior to looking at the amendments that were offered. I believe that the amendments that have been offered, if I'm reading them all correctly, are all significant, individually, and I think the whole ruling by the President is unusual after just one amendment has been offered. I don't think the body has had a chance to see the individual significance of these other amendments yet."

REPLY BY THE PRESIDENT

President Cherberg: "The President regrets the situation, but will stand by the ruling that was just made."

The President declared the question before the Senate to be the motion to adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 4381.

Debate ensued.

MOTION

Senator Bottiger, Talmadge and Shinpoch demanded the previous question.

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 25; nays, 21; absent, 03; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Benitz, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senators Barr, Bluechel, Deccio - 3.

The President declared the question before the Senate to be the motion to adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 4381.

Senator Bottiger demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on the motion to adopt the Report of the Free Conference Committee on Substitute Senate Bill No. 4381.

ROLL CALL

The Secretary called the roll and the motion by Senator Talmadge carried and the Report of the Free Conference Committee was adopted by the following vote: Yeas, 25; nays, 23; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar, von Reichbauer, Zimmerman - 23.

Absent: Senator Deccio - 1.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4381, as amended by the Free Conference Committee.

Senators Bottiger, Peterson and Conner demanded the previous question.

POINT OF ORDER

Senator Pullen: "You have ruled, in the past, that a person to prematurely move to cut off debate is out of order by virtue of stifling debate. I would argue in the case of moving for the previous question prior to allowing any debate at all would be just as out of order as a person who would try to filibuster with say—ten minutes left to go."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Pullen, the President does not recall ever stating what you just said."

Senator Pullen demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall the main question be now put.

ROLL CALL

The Secretary called the roll and the demand for the previous question was sustained by the following vote: Yeas, 27; nays, 21; absent, 01; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Pullen, Quigg, Rinehart, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 27.

Voting nay: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Newhouse, Patterson, Rasmussen, Sellar, von Reichbauer, Zimmerman - 21.

Absent: Senator Deccio - 1.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4381, as amended by the Free Conference Committee.

Senators Clarke, Guess and Quigg demanded a Call of the Senate.

The President declared the question before the Senate to be shall a Call of the Senate be ordered.

Senator Clarke demanded a roll call and the demand was sustained.

The President declared the question before the Senate to be the roll call on shall a Call of the Senate be ordered.

ROLL CALL

The Secretary called the roll and the demand for a Call of the Senate failed by the following vote: Yeas, 18; nays, 30; absent, 01; excused, 00.

Voting yea: Senators Barr, Benitz, Bluechel, Clarke, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, McCaslin, McDermott, McDonald, Metcalf, Newhouse, Patterson, Pullen, von Reichbauer - 18.

Voting nay: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, Kiskaddon, Lee, McManus, Moore, Owen, Peterson, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody, Zimmerman - 30.

Absent: Senator Deccio - 1.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 4381, as amended by the Free Conference Committee.

PARLIAMENTARY INQUIRY

Senator Clarke: "A parliamentary inquiry, Mr. President. What time is it?"

REPLY BY THE PRESIDENT

President Cherberg: "It is two minutes after twelve."

ROLL CALL

The Secretary called the roll on final passage of Substitute Senate Bill No. 4381, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent, 06; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Conner, Fleming, Gaspard, Goltz, Granlund, Hansen, Hughes, Hurley, McDermott, McManus, Moore, Owen, Peterson, Rinehart, Shipoch, Talmadge, Thompson, Vognild, Warnke, Williams, Wojahn, Woody - 25.

Voting nay: Senators Barr, Benitz, Bluechel, Craswell, Fuller, Guess, Haley, Hayner, Hemstad, Kiskaddon, McCaslin, McDonald, Newhouse, Patterson, Pullen, Quigg, Rasmussen, Sellar - 18.

Absent: Senators Clarke, Deccio, Lee, Metcalf, von Reichbauer, Zimmerman - 6.

SUBSTITUTE SENATE BILL NO. 4381, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

PERSONAL PRIVILEGE

Senator Clarke: "A matter of personal privilege. I would like to have the record show that I was present on the floor at approximately five minutes after midnight and I did not vote and the reason I did not vote was because, under the Constitution, it would have been illegal for me to vote after the expiration of the constitutional sixty days. I'm merely asking that that be inserted in the record."

REPLY BY THE PRESIDENT

President Cherberg: "That is your opinion, Senator. The President sees correctly--the little hand is on twelve and the big one is on seven."

PERSONAL PRIVILEGE

Senator Bottiger: "Speaking on a point of personal privilege. First of all, I would like to thank everybody notwithstanding the heat of debate, the anger of maybe the last hour, for the cooperation and participation in this session. We did it in sixty days. The House has passed the budget. We passed the capital budget. We passed the bond budget. We are all free to go home. I'm sure that we can all share in the feeling that for a first time in a long, long time, the Legislature has done its business within the constitutional sixty-day period.

"I'd like the record, also, to show, however, that in the last hour we've had some problems and the heat of debate, the anger and the passion of the politics might have prevailed, but the last roll call started before 12:00--before parliamentary--oh, I think you'll find it did."

MOTION

At 12:08 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 12:27 a.m.

STATEMENT FOR THE JOURNAL

March 9, 1984

I protest the passage of Substitute Senate Bill No. 4381 as having occurred past midnight on the 60th day of the session. In my opinion, this illegal and unconstitutional action renders the bill null and void. The roll call on final passage did not begin until two (2) minutes after midnight.

Kent Pullen

(Editor's Note: Senator Pullen's statement was turned in at 12:18 a.m. on the 60th Legislative Day)

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 4381.

SIGNED BY THE PRESIDENT

The President signed:
 SUBSTITUTE SENATE BILL NO. 3169,
 SUBSTITUTE SENATE BILL NO. 3942,
 SUBSTITUTE SENATE BILL NO. 4404.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 392 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1246 and passed the bill as amended by the Free Conference Committee.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 1190,
 HOUSE BILL NO. 1194.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House has passed SENATE BILL NO. 4422 with the following amendment:
 Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the agricultural industry in the state of Washington provides the foundation upon which other segments of the state's economy are based. The long-range economic well-being of the state of Washington's agricultural industry requires that agricultural water supply systems be well maintained and in efficient working order and that expansion of agricultural water supply systems be well planned in order to produce general expansion of the state's economy, create jobs, and provide local and state tax revenues.

The legislature finds that properly planned agricultural water supply projects will also provide benefits to recreation and game and fishery resources. The purpose of this chapter is to assist in the maintenance and development of this important basic industry, assist in attracting federal funds, and promote the general welfare of the citizens of the state of Washington.

It is the intent of the legislature that allocation of waters meet the criteria of the water resources act of 1971 as specified in RCW 90.54.020(2).

NEW SECTION. Sec. 2. For the purpose of providing funds for capital improvements consisting of the planning, acquisition, construction, and improvement of agricultural water supply facilities within the state, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of forty million dollars, or so much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 3. The proceeds from the sale of the bonds authorized in section 2 of this act shall be deposited in the state and local improvements revolving account--water supply facilities in the general fund and shall be used exclusively for the purposes specified in sections 1 through 8 of this act and for the payment of expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited under section 3 of this act in the state and local improvements revolving account--water supply facilities of the

general fund shall be used for water supply facilities for agricultural use alone or in combination with fishery, recreational, or other beneficial uses of water, and shall be administered by the department of ecology, subject to legislative appropriation. The department of ecology shall submit a cost benefit analysis for each water supply facility project proposed to be funded in whole or in part from the proceeds of the bonds authorized in section 2 of this act. The benefit cost analysis shall be a part of the department's request for appropriation. The department of ecology may use or permit the use of any funds derived from the sale of bonds authorized in section 2 of this act to accomplish the purpose for the issuance of the bonds by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of sections 1 through 8 of this act. Not more than twenty-five percent of the total cost of any project may be financed by a grant unless specifically approved by the legislature.

No bond proceeds may be allocated for agricultural water supply projects within the second half of the Columbia Basin Project.

NEW SECTION, Sec. 5. As used in sections 1 through 8 of this act, the term "agricultural water supply facilities" means agricultural (and any associated fishery, recreational, or other beneficial use) water supply or distribution systems including but not limited to all equipment, utilities, structures, real property, and interests in and improvements on real property necessary for or incidental to the acquisition, construction, installation, or use of any such water supply or distribution system.

As used in this chapter, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal or public corporation thereof; an agency of the federal government; and those Indian tribes which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION, Sec. 6. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 2 of this act.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 2 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 2 of this act, and section 6 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 8. The bonds authorized in section 2 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 43 RCW."

and the same are herewith transmitted.

SHARON L. CASE, Assistant Chief Clerk

MOTION

Senator Bottiger moved that the Senate do concur in the House amendments to Senate Bill No. 4422.

PARLIAMENTARY INQUIRY

Senator Hayner: "A point of parliamentary inquiry. Would you tell me the time, please?"

REPLY BY THE PRESIDENT

President Cherberg: "You can tell it as well as I can Senator. It's 12:30."

Senator Hayner: "I am under the impression that the Constitution says that this is a sixty-day session which ceases at 12 midnight on the sixtieth day. Are we taking action after that time, Mr. President?"

REPLY BY THE PRESIDENT

President Cherberg: "I just handle the big stuff, Senator. I leave the minor stuff to the Supreme Court."

The President declared the question before the Senate to be the motion to concur in the House amendment to Senate Bill No. 4422.

The motion by Senator Bottiger carried and the Senate concurred in the House amendment to Senate Bill No. 4422.

POINT OF ORDER

Senator Bottiger: "Mr. President, would the President concur with me that we started this session at noon and that we are now in slightly after midnight and either the middle of the fifty-ninth day or after the sixtieth day? Mr. President, it's either/or. Some court is going to decide that sometime."

REPLY BY THE PRESIDENT

President Cherberg: "We started at 9:00 a.m."

Senator Bottiger: "No, on the first day, Mr. President."

REPLY BY THE PRESIDENT

President Cherberg: "That doesn't make any difference."

Senator Bottiger: "Just a matter of getting the question in the records."

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 4422, as amended by the House.

ROLL CALL

The Secretary called the roll on final passage of Senate Bill No. 4422, as amended by the House, and the bill failed to receive the constitutional 60% majority by the following vote: Yeas, 26; nays, 05; absent, 18; excused, 00.

Voting yea: Senators Bauer, Bender, Bottiger, Deccio, Fleming, Fuller, Gaspard, Goltz, Hansen, Hayner, Hemstad, Hughes, McDermott, McManus, Moore, Newhouse, Owen, Patterson, Peterson, Sellar, Talmadge, Thompson, Williams, Wojahn, Woody, Zimmerman - 26.

Voting nay: Senators Barr, Bluechel, Guess, Haley, Rasmussen - 5.

Absent: Senators Benitz, Clarke, Conner, Craswell, Granlund, Hurley, Kiskaddon, Lee, McCaslin, McDonald, Metcalf, Pullen, Quigg, Rinehart, Shinpoch, Vognild, von Reichbauer, Warnke - 18.

SENATE BILL NO. 4422, as amended by the House, having failed to receive the constitutional 60% majority, was declared lost.

MOTION

On motion of Senator Bottiger, the following Resolutions were adopted:

SENATE RESOLUTION 1984-126

By Senators Rasmussen and Guess; and Lieutenant Governor John A. Cherberg
WHEREAS, The Reverend Dr. Henry S. Rahn has provided distinguished service to the Senate of the State of Washington; and

WHEREAS, For an exceptional period of thirty-seven years Dr. Rahn has diligently and excellently performed the duties of Senate Chaplain Coordinator; and

WHEREAS, Dr. Rahn has ensured that the spiritual side of the members of the Senate not be neglected through his continuing dependable arrangements for chaplains to aid the Senate's proceedings and deliberations over the past thirty-seven years; and

WHEREAS, Dr. Rahn has now indicated that he has decided he must relinquish his responsibilities as of this session of the Legislature and the Senate has reluctantly accepted his decision;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate hereby pays tribute to the Reverend Dr. Henry S. Rahn for his thirty-seven years of outstanding service and expresses its deep and profound gratitude for his loyal assistance and guidance to its members throughout the years; and

BE IT FURTHER RESOLVED, That a copy of this resolution be sent by the Secretary of the Senate to the Reverend Dr. Henry S. Rahn as a gesture of the esteem in which Dr. Rahn is held and in appreciation of his services to the Washington State Senate.

SENATE RESOLUTION 1984-127

By Senator Moore

WHEREAS, Malcolm McLellan, a Franklin High School junior, won the Youth Leadership in America award; and

WHEREAS, The Youth Leadership in America award is presented each year to one Scout nationwide for outstanding leadership; and

WHEREAS, For Malcolm McLellan, this award was the culmination of one year's efforts in planning meetings and activities for Boy Scout Troop 70 and reporting on the results of those activities; and

WHEREAS, Washington State is proud to be home for the country's top scout;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Malcolm McLellan be commended and honored as the winner of the Youth Leadership in America award; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Malcolm McLellan.

SENATE RESOLUTION 1984-128

By Senator Moore

WHEREAS, The right to liberty inheres in the very nature of humankind; and

WHEREAS, This country was founded on the belief that all persons are created equal and entitled to life, liberty, and the pursuit of happiness; and

WHEREAS, Liberty includes freedom from all tyranny and oppression; and

WHEREAS, The United States Constitution guarantees the People that Congress will make no law respecting an establishment of religion or prohibiting the free exercise thereof; and

WHEREAS, The Constitution of the State of Washington guarantees absolute freedom of conscience in all matters of religious sentiment, belief, and worship; provides that no one shall be molested or disturbed in person or property on account of religion; and prohibits the appropriation or application of any public money or property to any religious worship, exercise, instruction, or establishment; and

WHEREAS, Our Constitution further guarantees that no public office or employment may be denied on the basis of religion; that no person may be deemed incompetent as a witness or juror because of religious sentiment, belief, or worship; and that persons may not be questioned in any court of justice touching their religious beliefs in order to affect the weight of their testimony; and

WHEREAS, It is of paramount importance that the tenets of religious freedom and tolerance be reaffirmed to protect the People from state transgressions upon the personal liberties that are implicit in the concept of ordered liberty;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That, in the relationship between people and religion, we are firmly committed to a position of free exercise of religion; and

BE IT FURTHER RESOLVED, That it is not within the power of government to invade the citadel of individual hearts and minds, or religious institutions, whether the purpose or effect be to aid or oppose, advance or retard the religious sentiments, beliefs, or worship of the People; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to the North American Religious Liberties Association.

SENATE RESOLUTION 1984-133

By Senators Talmadge and Hemstad

WHEREAS, Justice Hugh J. Rosellini has been a member of the Supreme Court since January, 1955; and

WHEREAS, Justice Rosellini was born in Tacoma from a close-knit Italian immigrant family; and

WHEREAS, Justice Rosellini has had a long dedicated career of public service holding the office of state representative from the Twenty-eighth Legislative District

in Pierce County from 1939 to 1945 and serving as a superior court judge for Pierce County for six years until elected to the Supreme Court; and

WHEREAS, An example of Justice Rosellini's concern for improving the judicial system is shown through his vigorous work for the passage of a constitutional amendment for the establishment of a court of appeals in this state after he convened the Citizens' Conference on Washington Courts which recommended establishing the Court of Appeals; and

WHEREAS, A gentle but tough-minded humanitarianism and an abiding concern for justice have characterized Justice Rosellini's service as a judge; and

WHEREAS, Justice Rosellini has lived a life which mirrors his judicial philosophy, treating his staff and coworkers with respect, soliciting their opinions, and valuing their work;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Hugh J. Rosellini be honored for his dedicated years of service to the people of this state; and

BE IT FURTHER RESOLVED, That the members of the Senate on behalf of the people of this state express their heartfelt gratitude for Justice Rosellini's innumerable contributions to the people of this state; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall immediately transmit a copy of this resolution to Justice Hugh J. Rosellini, one of our state's most respected citizens.

SENATE RESOLUTION 1984-135

By Senator Warnke

WHEREAS, The Washington State Productivity Board was created by the Legislature to improve the efficiency and effectiveness of state government operations through its incentive programs for state employees; and

WHEREAS, The Employee Suggestion Program fulfills this legislative mandate by encouraging voluntary suggestions for improvements from state employees; and

WHEREAS, The following agencies have adopted and implemented creative and innovative productivity measures suggested by the following state employees: Department of Agriculture/Department

of Personnel	Patric Herrington
Employment Security Department	Erin Chambers
	Claudia Shephard
Department of Licensing	Russ DeMaris
	Elizabeth Kurth
	Howard Klopp
	James O'Malley
	Maria Walker
Liquor Control Board	Harold Julin
Department of Natural Resources	William Bidstrup
	Garry Gideon
	Kathleen Pehl
	Ruth Rabie
	Lisa Schlottman
	Larry Smith
Secretary of State/Office	
of Financial Management	John McGuire
Department of Social and Health Services	Allen Cohn
	Darlene Hawkins
	Teresa Norman
	Margaret Sage
	Carolyn Sowden
	Robert Withrow
Washington State Patrol	John Kearns
Department of Transportation	Harold Svaren
	Grant Clifton
Utilities and Transportation Commission	Cathy Gallagher
	Roy Murray

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, That these agencies and their employees deserve special commendation and receive our congratulations for making state government more effective and economical, to the benefit of all Washington state citizens.

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted to the Governor, the administrator of the Washington State Employee Suggestion Program, the members of the Productivity Board, the head of each agency of state government, and each individual employee receiving an award.

SENATE RESOLUTION 1984-137

By Senator Bottiger

WHEREAS, The Washington State Senate believes it important to understand the importance of history and the contributions made by Washingtonians in the past years to better understand the present and to plan for the future; and

WHEREAS, A member of an Ohop Valley pioneer family and a leader in his community passed away on January 10, 1984; and

WHEREAS, He was involved in the development of public power, being a founding member of the Ohop Mutual Light Company, and was instrumental in the construction of many buildings, churches, and homes as a life-long self-employed carpenter; and

WHEREAS, His commitment to his community, church and family will long be remembered in the Ohop Valley, Eatonville, and Southern Pierce County; and

WHEREAS, His pioneering spirit, devotion to family, and commitment to helping others is a true reflection of what is best in Washingtonians;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate shall pause and give tribute to a pioneer Washingtonian, MATTEUS KJELSTAD, who left his family and community with many fond memories of his commitment to making the Ohop Valley, Eatonville and indeed Washington a better place in which to live; and

BE IT FURTHER RESOLVED, That the Senate shall send its sincere condolences to Mrs. Velma Kjelstad, his loving wife, daughters Carolyn Burwash and Charlotte Foore, and the grandchildren and great-grandchildren of the Kjelstad family.

SENATE RESOLUTION 1984-143

By Senators Clarke and McDonald

WHEREAS, The Bellevue High School Wolverines on December 3, 1983, won the State Class AAA Football Championship; and

WHEREAS, This is the first state football championship by a King County Conference team in the eleven year history of the playoffs; and

WHEREAS, Bellevue High School has the smallest enrollment of any King County Conference School; and

WHEREAS, The team's 12-2 record is a great credit to Head Coach Dwaine Hatch and a season of inspiring play by the entire team; and

WHEREAS, Bellevue High School, having no prior state playoff experience, defeated Kennewick High School, which had reached the playoffs four of the past six years; and

WHEREAS, The members of the Bellevue High School Wolverines have combined excellence in athletics with impressive individual scholarships;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That the Bellevue High School Wolverines and their coaching staff be commended on their great success; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Head Coach Dwaine Hatch and the members of the Bellevue High School football team.

SENATE RESOLUTION 1984-144

By Senators Bauer, Thompson and Zimmerman

WHEREAS, Senator Henry M. Jackson served the citizens of Clark County and the State of Washington for over forty years as a member of the United States House of Representatives, elected in 1940, and then a United States Senator, elected in 1952; and

WHEREAS, Senator Henry M. Jackson, in representing the State of Washington, displayed the highest level of personal integrity and devotion to duty throughout his entire public career; and

WHEREAS, Senator Henry M. Jackson, achieved and deserved recognition across the nation for his pursuit of excellence in service; and

WHEREAS, Senator Henry M. Jackson, through his hard work and intellectual ability, obtained positions of trust and leadership in the Senate, Armed Services, Energy and Natural Resources, Governmental Affairs, and the Select Committee on Intelligence; and

WHEREAS, Senator Henry M. Jackson was an individual who epitomized the best of America, and was a tribute to the people of the State of Washington and our great country; and

WHEREAS, The residents of Clark County and the citizens of the State of Washington wish to honor Senator Henry M. Jackson in some lasting manner;

NOW, THEREFORE, BE IT RESOLVED, By The Senate of the State of Washington, That the Washington State Transportation Commission officially designate State Route 500 as the "Henry M. Jackson Parkway"; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to the Washington State Transportation Commission, the Clark County Board of Commissioners, and the family of the late Senator Henry M. Jackson.

SENATE RESOLUTION 1984-149

By Senators Bottiger, McDermott, McManus, Fleming and Rinehart

WHEREAS, The 14th Winter Olympic Games in Sarajevo, Yugoslavia, have ended, once again proving that competition between nations serves as a peaceful pursuit of competition; and

WHEREAS, We acknowledge, respect and appreciate the contributions made by all athletes at the Winter Games; and

WHEREAS, We feel proud of the United States team, and the Washingtonians who served on that team for their dedication and perseverance on behalf of their fellow citizens; and

WHEREAS, The White Pass Ski Area was especially proud of the contributions made by Phil and Steve Mahre who won the gold and silver medals respectively, in the Men's Slalom; and

WHEREAS, The Seattle area and Garfield High School were especially proud of the contributions made by Debbie Armstrong, who won the gold medal in the women's Giant Slalom; and

WHEREAS, The Edmonds area is proud of the contributions made by Rosalynn Sumners who won the silver medal for Women's Figure Skating; and

WHEREAS, Washington can indeed be proud of its athletic competitors because they won four of the eight medals won by the United States at the Winter Games;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled at Olympia in the 1984 Regular Session of the 48th Legislature, That we honor all participants from throughout the world who competed and gave their best at the Winter Games and that we especially want to honor and acknowledge our appreciation for their great achievements to Phil and Steve Mahre, Debbie Armstrong, and Rosalynn Sumners, of Washington State; and

BE IT FURTHER RESOLVED, That we honor the leadership, dedication and commitment to excellence made by the administrators and staff of the U. S. Olympic Committee, the coaches, trainers, physicians, and others who helped our American athletes compete at Sarajevo; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Debbie Armstrong, Phil Mahre, Steve Mahre, Rosalynn Sumners, and the Washington State Olympic Committee as a token of the appreciation all Washingtonians feel for their efforts on behalf of the United States.

SENATE RESOLUTION 1984-150

By Senators Haley, Barr, Bauer, Bender, Benitz, Bluechel, Bottiger, Clarke, Conner, Craswell, Deccio, Fleming, Fuller, Gaspard, Goltz, Granlund, Guess,

Hansen, Hayner, Hemstad, Hughes, Hurley, Kiskaddon, Lee, McCaslin, McDermott, McDonald, McManus, Metcalif, Moore, Newhouse, Owen, Patterson, Peterson, Pullen, Quigg, Rasmussen, Rinehart, Sellar, Shinpoch, Talmadge, Thompson, Vognild, von Reichbauer, Warnke, Williams, Wojahn, Woody and Zimmerman; Lieutenant Governor John A. Cherberg; Sid Snyder, Secretary of the Senate; Bill Gleason, Assistant Secretary of the Senate; and Ole Scarpelli, Sergeant at Arms

WHEREAS, The Olympic Winter Games in Sarajevo, Yugoslavia are now concluded; and

WHEREAS, Several athletes from Washington participated in those games; and WHEREAS, Phil and Steve Mahre of White Pass brought great honor to their country, their state and themselves by winning the gold and silver medals, respectively, in the men's slalom; and

WHEREAS, Debbie Armstrong of Seattle brought great honor to her country, her state and herself by winning the gold medal in the women's giant slalom; and

WHEREAS, Rosalynn Sumners of Edmonds brought great honor to her country, her state and herself by winning the silver medal in the women's figure skating; and

WHEREAS, Washington athletes won more medals than any other state's athletes in those games;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, That all Washington's 1984 Olympic Winter Games athletes and their coaches and trainers and especially the medal winners, be saluted, and that in order to properly honor these wonderful Washingtonians this week be declared Washington Athletes in the 1984 Olympic Winter Games Week.

SENATE RESOLUTION 1984-151

By Senator Deccio

WHEREAS, The Winter Olympics at Sarajevo have ended; and

WHEREAS, New records have been set for these games; and

WHEREAS, Phil and Steve Mahre are the first brother team in Winter Olympic history to win a gold and silver medal in the men's slalom event; and

WHEREAS, The Mahre brothers have brought great honor to Yakima and the State of Washington; and

WHEREAS, The Mahre brothers' wins give the State of Washington two of the eight medals won by the United States;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honors the magnificent performance of Phil and Steve Mahre of Yakima, Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Phil and Steve Mahre.

SENATE RESOLUTION 1984-153

By Senator Thompson

WHEREAS, Interscholastic sports provide acknowledged values in a balanced high school program; and

WHEREAS, These values include the development of individual strength of character, qualities of team work, school spirit and community support; and

WHEREAS, The Ridgefield High School volleyball team has won one hundred nineteen volleyball matches in the Trico League without a defeat; and

WHEREAS, The "Spudders" have appeared in the state class A tournament for each of the last nine years; and

WHEREAS, The "Spudders" have achieved three first place, three second place, and two fourth place finishes in the state class A tournaments; and

WHEREAS, This team is the 1983 state class A champion;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognizes the value of sports in the state public high school program and congratulates the Ridgefield team and the citizens of the school district upon this most successful athletic record; the success of which is acknowledged to have enhanced united school and community efforts toward the achievement of broad educational goals and inspired Ridgefield students to higher achievement in all of their own endeavors; and

BE IT FURTHER RESOLVED, That the Senate of the State of Washington shall acclaim this record of achievement by the Ridgefield High School girls volleyball team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be suitably inscribed and transmitted to Terri Weishaar, Head Coach of the "Spudders"; Assistant Coach Judy Bochart; Managers Donna Noble and Shelly Webberly; and team members Cheri Chapelle, Cathy Doriot, Cathy Fletcher, Betsy Frumentti, Andrea Marthaller, Lisa Maxwell, Susie Ryf, Barbara Shields, Cathy Shields, Cathy Stephenson, Debbie Warner and Dawn Woodward, and to the student body of Ridgefield High School as a permanent record of this tribute.

SENATE RESOLUTION 1984-160

By Senators Talmadge and Hemstad

WHEREAS, The "Exercise Your Constitution" project, sponsored by "Today's Constitution and You," is an excellent means of registering persons eighteen years of age to vote; and

WHEREAS, The "Today's Constitution and You" project, sponsored by Metrocenter YMCA, is dedicated to education, and inspiring active citizenship in preparation for the Bicentennial of the United States Constitution in 1987; and

WHEREAS, The "Exercise Your Constitution" project is a state-wide effort which is designed to train persons eighteen years of age as deputy registrars to register eligible persons eighteen years of age to vote through their high schools; and

WHEREAS, The "Exercise Your Constitution" project is being organized through the efforts of volunteers in their local communities; and

WHEREAS, This project will start on Law Day, May 1, 1984, and run through May 4, 1984; and

WHEREAS, Voter registration is one of the first steps toward active participation in our government, and should be encouraged and supported by the legislature;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington officially recognizes and provides its support for "Exercise Your Constitution", and officially proclaims May 1, 1984, as the state-wide kickoff for this outstanding effort.

SENATE RESOLUTION 1984-162

By Senators McDonald, Quigg, von Reichbauer, Benitz, Haley, Zimmerman, Metcalf, Hemstad and Deccio

WHEREAS, Congress has been considering what is known as the Interstate Cost Estimate ("ICE") since 1983; and

WHEREAS, Approval of the Interstate Cost Estimate would enable \$5.5 billion in currently appropriated highway project money to be released to the states; and

WHEREAS, Approval of the Interstate Cost Estimate would mean that an estimated 250,000 jobs nationwide would be created; and

WHEREAS, Failure to approve the Interstate Cost Estimate has delayed the Interstate 705 Tacoma Spur project, the Interstate 90 project in Seattle, and the Interstate 82 and 182 projects involving the Umatilla Bridge; and

WHEREAS, Failure to approve the Interstate Cost Estimate has delayed \$140,000,000 worth of work in the State of Washington alone; and

WHEREAS, The Speaker of the U. S. House of Representatives, Thomas "Tip" O'Neill, Democrat from Massachusetts, has stopped passage of the Interstate Cost Estimate bill attempting to add a 4 billion dollar Central Artery Tunnel project in the Boston area to the bill; and

WHEREAS, Passage of the Interstate Cost Estimate is needed by the State of Washington to provide jobs and to stimulate the state's economy;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Congress, and particularly the House of Representatives and the Speaker of the House, should pass the Interstate Cost Estimate bill immediately;

BE IT FURTHER RESOLVED, That each member of Congress from the State of Washington should encourage speaker Tip O'Neill to put the interest of the entire nation and the public before narrow home political interests by passing the Interstate Cost Estimate bill; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the Honorable Ronald Reagan, President of the United States, the President of the

United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

SENATE RESOLUTION 1984-163

By Senators Owen, von Reichbauer, Quigg, Metcalf, Rasmussen, Peterson, McCaslin, Conner and Vognild

WHEREAS, The important state resources of salmon and steelhead trout are a valuable economic and cultural asset to all citizens of the state; and

WHEREAS, The wise management of salmon and steelhead trout can best be accomplished at the state, rather than the federal level; and

WHEREAS, The Salmon and Steelhead Advisory Commission is established to develop a new management structure for salmon and steelhead trout in the Washington and Columbia River conservation areas; and

WHEREAS, The director of the Department of Fisheries is a voting member of the Salmon and Steelhead Advisory Commission;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the director of the Department of Fisheries vigorously oppose any actions of the Salmon and Steelhead Advisory Commission that would lead to increased federal jurisdiction over Washington's fisheries; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this resolution to the director of the Department of Fisheries.

SENATE RESOLUTION 1984-171

By Senator Peterson

WHEREAS, The Skagit Valley College Cardinals have won the 1984 state community college basketball championship which was held at St. Martin's College in Olympia; and

WHEREAS, This is the first state basketball championship that Skagit Valley College has won; and

WHEREAS, The Cardinals defeated Centralia College and Spokane Community College in the preliminary rounds of the tournament; and

WHEREAS, Skagit Valley defeated the Grays Harbor Chokers 90-84 in the championship game; and

WHEREAS, The team, under the capable leadership of coach Dave Quall, compiled a season's record of 23-5; and

WHEREAS, Cardinal star guard Jim Frey was a unanimous choice as the tournament's Most Valuable Player; and

WHEREAS, The Cardinals averaged an astonishing 91.6 points per game; and

WHEREAS, The Skagit Valley College Cardinals now stand alone as the undisputed basketball champions of the Northwest Athletic Association of Community Colleges;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members of the Senate commend the coach, players, and student body of Skagit Valley College for their fine performance in winning the school's first-ever community college basketball championship; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to Coach Dave Quall, the members of the Skagit Valley Cardinals basketball team, and the President of Skagit Valley College.

SENATE RESOLUTION 1984-176

By Senator Gaspard

WHEREAS, Norm Schut has dedicated his adult life to bettering government and the services it provides; and

WHEREAS, Norm Schut has been intimately involved in the development of laws, policies and procedures to better the conditions and treatment of Senior Citizens since 1977; and

WHEREAS, Norm organized the senior citizens' lobby in 1977 and served as its president from 1977 through 1983, was appointed by the Governor as a charter member of the Washington State Council on Aging and served as its chairman; and

WHEREAS, Norm has been instrumental in forming a workable statewide network of services for Washington's senior citizens which is recognized nationally; and

WHEREAS, Norm served as Executive Director of the Washington State Federation of State Employees, AFL-CIO, from 1953-1976; and

WHEREAS, Norm served Governor Arthur Langlie (1949-1952) and Congressman Thor Tollefson (1946-1949) as an assistant; and

WHEREAS, Norm has always dealt with legislators fairly, honestly and conducted his business, whether for Governors, on behalf of state employees, or most recently for the benefit of senior citizens, in an honest and above-board manner; and

WHEREAS, Norm has given the word 'lobbyist' the connotation it truly deserves, and he will be missed from the legislative halls due to his recent retirement from public service;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled at Olympia in the 1984 Regular Session of the 48th Legislature, That we honor Norm Schut for his public service and devotion to doing "what's right"; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Norm as appreciation for his many years of dealing honestly with the members and staff of the Washington State Senate.

SENATE RESOLUTION 1984-177

By Senator Gaspard

WHEREAS, Charles Hough, is retiring after many years of railroad and union service; and

WHEREAS, "Charlie" has been a railroad employee for forty-three years; and

WHEREAS, "Charlie" has ably represented the interests of labor in general and railroad employees in particular as State Director of the United Transportation Union between 1972 and 1983; and

WHEREAS, "Charlie" has always been a hard working person who diligently saw to it that information necessary to his legislative efforts was timely and responsive; and

WHEREAS, Transportation of people, goods and commodities throughout Washington has been improved because of the diligent efforts of "Charlie" and others whose prime devotion has been improving the safety of transportation whenever varying modes interface; and

WHEREAS, "Charlie's" good work and happy smile will be missed in the halls of the Legislative arena due to his retirement;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate assembled at Olympia in the 1984 Regular Session of the 48th Legislature, That we honor "Charlie" Hough upon his retirement and commend him for his many years of honestly representing the railroad workers in Washington State; and

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to "Charlie" as a token of the esteem in which he is held by the Senate and as our way of wishing "Charlie" and Irene Hough a very happy retirement.

SENATE RESOLUTION 1984-178

By Senator Gaspard

WHEREAS, Christopher Hedrick, a 1980 graduate of Olympia High School in the State of Washington, has been elected to receive the prestigious Rhodes Scholarship in 1984 for three years of study at Oxford University in England; and

WHEREAS, Mr. Hedrick was the only nominee from the State of Washington, is one of four chosen from a seven-state district, is one of thirty-two chosen from within the United States, and is one of sixty-four chosen world-wide in 1984; and

WHEREAS, Only sixty-six persons from the State of Washington have been awarded this high honor since the establishment of the Rhodes Scholarship in 1902;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That our commendation and congratulations for being elected to receive this outstanding prize be conveyed through adoption of this resolution on behalf of the citizens of the State of Washington, to Christopher Hedrick; and

BE IT FURTHER RESOLVED, That the secretary of the Senate shall transmit copies of this resolution to Mr. Hedrick, his mother, Wanda Hedrick, Olympia High School, the Olympia School District, and Stanford University, Mr. Hedrick's current school.

PARLIAMENTARY INQUIRY

Senator Hayner: "Mr. President, it has been brought to my attention that the Legislative Information System computer indicates that Substitute Senate Bill No. 4381 obtained final passage in the Senate at 11:51 on Thursday, March 8, 1984, and I have the printout.

"You will remember that Senator Clarke asked you before the roll call was taken what the time was and you indicated that it was 12:02. I would request that the President direct the appropriate legislative employee to correct the intentional or unintentional error which appeared on the computer record."

REPLY BY THE PRESIDENT

President Cherberg: "Senator Hayner, the Secretary of the Senate advises that the minute clerk's records show that at 12:02 Senator Clarke asked what time it was or what time is it. Was that your request? That will be in the official journal of the Senate."

Senator Hayner: "Mr. President, that's fine, but thereafter, the roll call was taken."

REPLY BY THE PRESIDENT

President Cherberg: "Yes, the record shows that. The tape shows that."

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, would the tape also show that the President first started the roll call by calling Senator Barr's name, prior to 12:00 o'clock, when the roll call was interrupted by a demand for a Call of the Senate?"

REPLY BY THE PRESIDENT

President Cherberg: "Really, traditionally, it doesn't amount to a thing. The Senate has always finished a bill that's started on before the deadline. This thing occurred a year ago; it will occur next year, and probably keep on occurring every time the Senate meets."

MOTION

On motion of Senator Bottiger, the following resolutions were adopted:
SENATE RESOLUTION 1984-136

By Senator Conner

WHEREAS, Sergeant Matt Dryke was raised in Sequim, Washington, where he learned to shoot at his father's shooting range, Sunnydell Shooting Grounds; and

WHEREAS, He picked up his first shotgun at age seven and entered his first competition at age fourteen in Olympia, shooting one hundred straight skeet targets to win the event; and

WHEREAS, Two years later, in 1976, the community of Sequim raised funds enabling Matt to attend the 1976 Olympic tryouts in St. Louis, Missouri, where he set the junior record, won a gold medal, and placed fifth among the adults entered; and

WHEREAS, Following his high school graduation, Matt joined the United States Army, which now flies him around the world to about one dozen competitions a year and also pays for his training; and

WHEREAS, Since 1976, Matt has won numerous skeet shooting awards worldwide including the United States Championship five times, the Grand Prix Brasil, in 1979, and the world championship in Edmonton, Alberta, Canada; and

WHEREAS, Matt has set numerous skeet shooting records such as the junior record at the 1976 Olympic tryouts in St. Louis, Missouri, the national record which he set in 1979 with a score of three hundred ninety-six out of a possible four hundred and which he still holds, and the world international skeet record which he established in Brazil's Championship of the Americas by scoring a perfect two hundred out of two hundred; and

WHEREAS, He qualified for the 1980 Olympics but did not participate due to President Carter's Olympic boycott; and

WHEREAS, Matt was the 1983 world champion international skeet shooter and holder of the international skeet world record and is presently concentrating on the 1984 Olympics; and

WHEREAS, Matt is a five-time winner of the Olympia Award which is given to outstanding athletes for efforts in shooting; and

WHEREAS, In 1983, out of four hundred nominees for the Olympia Award, Matt was selected number one; and

WHEREAS, In recognition of Matt's unique talents he was recently a subject on television's "That's Incredible";

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That we commend our native son on his achievements in skeet shooting; and

BE IT FURTHER RESOLVED, That the secretary of the senate shall transmit a copy of this resolution to Sergeant Matt Dryke.

SENATE RESOLUTION 1984-179

By Senators Hurley, Hemstad, Fuller, Goltz, Moore, McManus, Williams, Benitz and Guigg

WHEREAS, The Nuclear Waste Policy Act of 1982 provides for state participation in the planning and development of a high-level radioactive waste repository; and

WHEREAS, The Secretary of the United States Department of Energy shall consult and cooperate with the state in an effort to resolve the concerns of such state regarding the public health and safety, environmental, and economic impacts which may result from the location of a high-level radioactive waste repository in the state; and

WHEREAS, In order for the state to adequately express its concerns with respect to repository planning and development, it must have access to consultants who are free of any conflict of interest; and

WHEREAS, There are a limited number of qualified consultants available for research in the areas pertinent to repository planning and development; and

WHEREAS, The hiring of a large number of consultants by the federal government depletes the number of consultants available to the state; and

WHEREAS, The State of Washington contracted with the consulting firm of Golder and Associates which resulted in a critical report of the federal government's research and study of the Hanford basalts; and

WHEREAS, Following the criticism by Golder and Associates, the federal government hired the firm;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the federal government should refrain from monopolizing the field of available consultants; and

BE IT FURTHER RESOLVED, That copies of this resolution be forwarded to the President of the United states, the Secretary of the United States Department of Energy, the President of the United States Senate, the Speaker of the United States House of Representatives, and to the members of the Congressional delegation from Washington State.

SENATE RESOLUTION 1984-180

By Senator Hansen

WHEREAS, The Central Washington University Wildcats men's swimming team won the 1984 national NAAI swimming championship which was held at Dwachita Baptist College in Arkadelphia, Arkansas; and

WHEREAS, Coach Bob Gregson was named NAAI national coach of the year for the second consecutive year; and

WHEREAS, Eight of the eleven men on the team won All-American recognition with six first place finishes; and

WHEREAS, John Sayre won three individual races, set a national record in the 100 meter breaststroke, swam on two winning relay teams, was named an academic All-American, and NAAI Swimmer of the Year for the second consecutive year; and

WHEREAS, John Bryant won the 200 meter breaststroke in national record time; and

WHEREAS, The 400 meter freestyle relay team of Garvin Morlan, Tom Edwards, Jeff Walker, and John Sayre won their race in a national record time;

NOW, THEREFORE, BE IT RESOLVED BY THE WASHINGTON STATE SENATE ASSEMBLED AT OLYMPIA IN THE 1984 REGULAR SESSION OF THE 48TH LEGISLATURE, That we send our heartiest congratulations to the coach and members of the Central Washington University Wildcats NAIA national championship men's swimming team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Central Washington University President Donald Garrity, Coach Bob Gregson, and the members of the national championship swimming team.

SENATE RESOLUTION 1984-181

By Senator Williams

WHEREAS, During fiscal year 1983, 7.5 trillion BTU's of energy were consumed in state-owned facilities at a cost of 36.9 million dollars; and

WHEREAS, Since June 30, 1980, annual energy consumption in state-owned facilities has not decreased; and

WHEREAS, The Northwest Regional Power Planning Act specifies conservation a top priority for energy development; and

WHEREAS, It is important to ensure an efficient, cost-effective energy and fuel supply to state-owned buildings;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the type, quality, quantity and cost of energy and fuel supplied to state-owned facilities be investigated by the Senate Energy and Utilities Committee and that recommendations be made as to the appropriate policy and statutory changes necessary to provide the most cost-effective energy resources to state-owned buildings.

SENATE RESOLUTION 1984-188

By Senator Warnke

WHEREAS, Congress is considering imposing a per capita limit on the amount of industrial development bonds that could be issued within each state; and

WHEREAS, Such a volume cap would result in the state government being pitted against local units of government and local units of government being forced to compete against each other over the authority to issue such bonds; and

WHEREAS, Economically distressed areas are likely to have the least political influence in any competition over the authority to issue such bonds; and

WHEREAS, State and local governments are better able to determine the level of industrial development bonds their areas need and their taxpayers can support; and

WHEREAS, Facilities built with industrial development bonds produce a positive ripple effect on other economic activities; and

WHEREAS, The volume cap currently under consideration by Congress would substantially hinder efforts to attract industry, build low-income housing, and provide mass transit in the state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That Congress should not adopt a per capita limit on the amount of industrial development bonds which can be issued within each state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted to the Honorable Ronald Reagan, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

MOTIONS

On motion of Senator Bottiger, all of the remaining resolutions on the calendar were referred to the Committee on Rules.

On motion of Senator Bottiger, all bills, measures and Gubernatorial Appointments on the Senate calendars were referred to the Committee on Rules.

REMARKS BY PRESIDENT CHERBERG

President Cherberg: "The President, in one little aside, would like to mention that Seattle First National Bank would not be in existence today if we had not followed tradition and they would not be the fiscal agents of the state."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, I should point out that that was only because Rainier Bank refused to challenge. There was plenty of constitutional challenge there, but they did not go ahead with it."

PERSONAL PRIVILEGE

Senator Bottiger: "Mr. President, in my remarks earlier thanking everybody for the cooperation and the spirit, I omitted one person who probably I should thank most of all--and that's you, Sir. You have, again, been judicious. I have not always, necessarily, been on the same side when you ruled for me or 'agin' me, but your judicial candor makes me wonder why we repealed that law that would make you now eligible to be a member of the Bar Association."

REPLY BY THE PRESIDENT

President Cherberg: "Thank you very much, Senator Bottiger."

POINT OF INFORMATION

Senator Rasmussen: "I was on my way home. On the advice of Senator Bottiger, he said he didn't need my vote any more. Furthermore, he said there wouldn't be any more votes and I was quietly packing my suitcase and then I heard somebody voting. I thought I had better get down here. Could you assure me, will there be any more votes on the sixty-first day?"

REPLY BY THE PRESIDENT

President Cherberg: "Nothing left to vote on unless Rules was to be relieved of all of them."

MOTION

At 12:51 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 1:25 a.m.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House concurred in the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1156 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk

March 8, 1984

Mr. President:

The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 3169,

SUBSTITUTE SENATE BILL NO. 3942,

SUBSTITUTE SENATE BILL NO. 4381,

SUBSTITUTE SENATE BILL NO. 4404, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

On motion of Senator Bottiger, the Senate advanced to the eighth order of business.

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1984-200

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That all bills, memorials, joint resolutions and concurrent resolutions in possession of the Secretary of the Senate be indefinitely postponed.

MOTION

At 1:30 a.m., on motion of Senator Bottiger, the Senate was declared to be at ease.

The President called the Senate to order at 1:43 a.m.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The Speaker has signed:

HOUSE BILL NO. 392,

SUBSTITUTE HOUSE BILL NO. 1156,

SUBSTITUTE HOUSE BILL NO. 1246, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 392,

SUBSTITUTE HOUSE BILL NO. 1156,

SUBSTITUTE HOUSE BILL NO. 1246.

MOTION

On motion of Senator Bottiger, the following resolution was adopted:

SENATE RESOLUTION 1984-199

by Senators Bottiger, Fleming, Hayner and Sellar

BE IT RESOLVED, By the Senate, That a committee consisting of three members of the Senate be appointed to notify the House that the Legislature is about to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1984-199, President Cherberg appointed Senators Thompson, Zimmerman and Owen to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Fleming, the committee appointments were confirmed.

MESSAGES FROM THE GOVERNOR

March 7, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 7, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3064

Relating to the regulation of taxicab companies.

Senate Bill No. 3059

Relating to pets for the elderly and disabled.

Substitute Senate Bill No. 3103

Relating to counties.

Senate Bill No. 3128

Relating to condemnation proceedings.

Second Substitute Senate Bill No. 3158

Relating to trade names.

Substitute Senate Bill No. 3178

Relating to property taxation.

Substitute Senate Bill No. 3238

Relating to the planning and community affairs agency.

Senate Bill No. 3262

Relating to property taxation.

Senate Bill No. 3437

Relating to malicious prosecution.

Substitute Senate Bill No. 3561

Relating to unemployment compensation.

Senate Bill No. 4286

Relating to gambling devices.

Senate Bill No. 4320

Relating to persons eighteen years of age and older on licensed premises during employment.

Sincerely,

C. Kenneth Grosse,
Counsel for the Governor

March 8, 1984

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

Ladies and Gentlemen:

I have the honor to advise you that on March 8, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3098

Relating to vacancies in county offices.

Substitute Senate Bill No. 3616

Relating to air pollution.

Substitute Senate Bill No. 3740

Relating to hazardous materials liability.

Substitute Senate Bill No. 3758

Relating to excursion services.

Substitute Senate Bill No. 3849

Relating to conduct on buses.

Substitute Senate Bill No. 3868

Relating to irrigation districts.

Substitute Senate Bill No. 3901

Relating to unfair business practices.

Substitute Senate Bill No. 3984

Relating to the recall.

Substitute Senate Bill No. 4050

Relating to transportation regulation of legal messengers.

Senate Bill No. 4301

Relating to disposal of surplus property by sewer districts.

Substitute Senate Bill No. 4321

Relating to the state library.

Substitute Senate Bill No. 4325

Relating to unfair cigarette sales.

Substitute Senate Bill No. 4329

Relating to the Milwaukee Road.

Substitute Senate Bill No. 4332

Relating to public depositories.

Senate Bill No. 4415

Relating to high school transcripts and diplomas.

Substitute Senate Bill No. 4489

Relating to certificates of tax delinquency.

Substitute Senate Bill No. 4814

Relating to children and family services.

Substitute Senate Bill No. 4829

Relating to defining dislocated workers.

Substitute Senate Bill No. 4849

Relating to international investment.

Senate Bill No. 4852

Relating to international investment.

Sincerely,

C. Kenneth Grosse,
Counsel for the Governor

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The House adopted:

HOUSE CONCURRENT RESOLUTION NO. 47, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

INTRODUCTION AND FIRST READING OF HOUSE BILL

HOUSE CONCURRENT RESOLUTION NO. 47, by Representatives Heck and Nelson

Notifying the governor that the legislature is about to adjourn SINE DIE.

MOTIONS

On motion of Senator Bottiger, House Concurrent Resolution No. 47 was advanced to second reading and read the second time.

On motion of Senator Bottiger, House Concurrent Resolution No. 47 was advanced to third reading, the second reading considered the third and the resolution was adopted.

MESSAGE FROM THE HOUSE

March 8, 1984

Mr. President:

The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 47, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 47.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of House Concurrent Resolution No. 47, President Cherberg appointed Senators Woody, Patterson and McDermott to join a like committee from the House to notify the Governor that the legislature is about to adjourn SINE DIE.

MOTION

On motion of Senator Fleming, the committee appointments were confirmed.

COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of the committee from the House consisting of Representatives Johnson, Broback, Halsan and Charnley. The committee appeared before the bar of the Senate to notify the Senate that the House is about to adjourn SINE DIE.

The report was received and the committee returned to the House.

REPORT OF SPECIAL COMMITTEE

The Sergeant at Arms announced the return of the special committee consisting of Senators Thompson, Zimmerman and Owen who were appointed under the provisions of Senate Resolution 1984-199. The committee reported they had notified the House that the Senate is about to adjourn SINE DIE.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The Sergeant at Arms announced the return of the special committee consisting of Senators Woody, Patterson and McDermott who were appointed under the provisions of House Concurrent Resolution No. 47. Senator Woody reported that they had joined with a like committee from the House and notified the Governor that the Legislature is about to adjourn SINE DIE.

The report was received and the committee was discharged.

MOTION

On motion of Senator Bottiger, the Senate Journal of the Sixtieth Day of the 1984 Regular Session of the Forty-eighth Legislature was approved.

MOTION

At 2:05 a.m., on motion of Senator Bottiger, the 1984 Regular Session of the Forty-eighth Legislature adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.
SIDNEY R. SNYDER, Secretary of the Senate.

APPENDIX A

COMMENTS ON THE 1984 REVISION OF THE WASHINGTON
TRUST ACT

Prepared by the Trust Task Force
of the Real Property, Probate and
Trust Section, Washington State
Bar Association (See SHB 1213;
page 666)

Section references are to
Engrossed Substitute House Bill No. 1213

DELETION OF RCW 4.16.110(2)

Sec. 1 4.16.110 Actions limited to one year. Within one year:

~~((2) An action by an heir, legatee, creditor or other party interested, against an executor or administrator, for alleged misfeasance, malfeasance or mismanagement of the estate within one year from the time of final settlement, or, the time such alleged misconduct was discovered.))~~

Sec. 2 4.16.370 Actions against personal representatives and trustees for breach of fiduciary duty. The statute of limitations for actions against a personal representative or trustee for breach of fiduciary duties shall be as set forth in RCW 11.96.060.

~~7.24.040 Rights of persons interested in estates, trusts, etc. A person interested as or through an executor, administrator, trustee, guardian or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:~~

~~(1) to ascertain any class of creditors, devisees, legatees, heirs, next of kin or others, or~~

~~(2) to direct the executors, administrators or trustees to do or abstain from doing any particular act in their fiduciary capacity, or~~

~~(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings. [1935 c 113 §4, RRS §784-4.]~~

Comment: This section is replaced by new RCW 11.96.010.

Sec. 4 11.02.005 Definitions and use of terms. When used in this title, unless otherwise required from the context:

(1) "Personal representative" includes executor, administrator, special administrator, guardian or limited guardian, and special representative.

Comment: The addition of "special representative" picks up the new designation in RCW 11.96.170.

(2) "Net estate" refers to the real and personal property of a decedent exclusive of homestead rights, exempt property, the family allowance and enforceable claims against, and debts of, the estate.

(3) "Representation" refers to a method of determining distribution in which the takers are in unequal degrees of kinship with respect to the intestate, and is accomplished as follows: After first determining who, of those entitled to share in the estate, are in the nearest degree of kinship, the estate is divided into equal shares, the number of shares being the sum of the number of persons who survive the intestate who are in the nearest degree of kinship and the number of persons in the same degree of kinship who died before the intestate but who left issue surviving the intestate; each share of a deceased person in the nearest degree shall be divided among those of ~~(his)~~ the intestate's issue who survive the intestate and have no ancestor then living who is in the line of relationship between them and the intestate, those more remote in degree taking together the share which their ancestor would have taken had he or she

survived the intestate. Posthumous children are considered as living at the death of their parent.

(4) "Issue" includes all the lawful lineal descendants of the ancestor and all lawfully adopted children.

(5) "Degree of kinship" ~~((shall))~~ means the degree of kinship as computed according to the rules of the civil law; that is, by counting upward from the intestate to the nearest common ancestor and then downward to the relative, the degree of kinship being the sum of these two counts.

(6) "Heirs" denotes those persons, including the surviving spouse, who are entitled under the statutes of intestate succession to the real and personal property of a decedent on ~~((his))~~ the decedent's death intestate.

(7) "Real estate" includes, except as otherwise specifically provided herein, all lands, tenements, and hereditaments, and all rights thereto, and all interest therein possessed and claimed in fee simple, or for the life of a third person.

(8) "Will" means an instrument validly executed as required by RCW 11.12.020 and includes all codicils.

Comment: This change is to assure that all references to "wills" in this statute mean validly executed wills.

(9) "Codicil" ~~shall~~ means an instrument that is validly executed in the manner provided by this title for a will and that ~~which~~ refers to an existing will for the purpose of altering or changing the same, and which need not be attached thereto.

Comment: This change was to add "validly" to parallel the change in subsection (8).

(10) "Guardian" or "limited guardian" means a personal representative of the person or estate of an incompetent or disabled person as defined in RCW 11.88.010 and the term may be used in lieu of "personal representative" wherever required by context.

(11) "Administrator" means a personal representative of the estate of a decedent and the term may be used in lieu of "personal representative" wherever required by context.

(12) "Executor" means a personal representative of the estate of a decedent appointed by will and the term may be used in lieu of "personal representative" wherever required by context.

(13) "Special administrator" means a personal representative of the estate of a decedent appointed for limited purposes and the term may be used in lieu of "personal representative" wherever required by context.

(14) "Trustee" means an original, added, or successor trustee and includes the state, or any agency thereof, when it is acting as the trustee of a trust to which Chapter 11.98 RCW applies.

~~(14)~~(15) Words that import the singular number only, may also be applied to the plural of persons and things.

~~(15)~~(16) Words importing the masculine gender only may be extended to females also. (1977 ex. s. c 80 Chap. 14; 1975 '76

2nd ex.s.c 42 Chap. 23; 1965 c 145 Chap. 11.02.005. Former RCW Sections: Subd. (3), RCW 11.04.110; subd. (4), RCW 11.04.010; subd. (5), RCW 11.04.100; subd. (6), RCW 11.04.280; subd. (7), RCW 11.04.010; subd. (8) and (9), RCW 11.12.240; subd. (14) and (15), RCW 11.102.040).

Comment: Renumbering required by inclusion of new Section (14).

11.02.010 ~~Jurisdiction in probate matters— Powers of courts. The superior courts in the exercise of their jurisdiction of matters of probate shall have power to probate or refuse to probate wills, appoint personal representatives of deceased or incompetent persons and administer and settle all such estates, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction. (1965 c 145 § 11.02.010. Prior: 1917 c 156 § 1, RRS § 1371, prior: 1891 c 155 § 1, Code 1881 § 1299, 1873 p 253 § 3, 1863 p 199 § 3, 1860 p 167 § 3, 1854 p 309 § 3. Formerly RCW 11.16.010.)~~

~~"Incompetent" person defined, includes minors. RCW 11.08.010.~~

~~"Personal representative" defined. RCW 11.02.005(1).~~

Comment: Revised, See RCW 11.96.010

11.02.020 ~~Powers of courts when law inapplicable, insufficient, or doubtful. It is the intention of this title that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents and incompetent persons in this title mentioned. If the provisions of this title with reference to the administration and settlement of such estates should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such~~

~~administration and settlement in any manner and way which to the court seems right and proper, all to the end that such estates may be by the court administered upon and settled. [1965 c 14 § 11.02.020. Prior: 1917 c 156 § 219, RRS § 1599. Formerly RCW 11.16.020.]~~

Comment: Revised, See RCW 11.96.020

11.02.030 ~~Exercise of powers — Orders, writs, process, etc.. In exercising any of the jurisdiction or powers by this title given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this title, which may be considered proper or necessary in the exercise of such jurisdiction. [1965 c 145 § 11.02.030. Prior: 1917 c 156 § 220, RRS § 1599. Formerly RCW 11.16.030.]~~

Comment: Revised, See RCW 11.96.030

11.02.050 Uniform declaratory judgments act, proceedings under.

Comment: Removed now in RCW 11.96.070

Sec. 5 11.12.250 ~~{Devise or bequests}~~ Gifts by Will to trusts. A ~~{devise or bequest}~~ gift may be made by a will to a trustee ~~{or trustee}~~ of a trust ~~{created}~~ executed by ~~{the testator and/or some other person or persons}~~ any trustor or testator (including a funded or unfunded life insurance trust, although the trustor has reserved any or all rights of ownership of the insurance contracts) ~~{established by written instrument executed before or concurrently with the execution of such will.}~~ if (a) the trust is identified in the testator's will and (b) its terms are evidenced either (i) in a written instrument (other than a will) executed by the trustor prior to or concurrently with the execution of the testator's will or (ii) in the will of a person who has predeceased the testator, regardless of when executed. The existence, size, or character of the corpus of the trust is immaterial to the validity of the gift. Such ~~{devise or bequest}~~ gift shall not be invalid because the trust is amendable or revocable, or both, or because the trust was amended after the execution of the testator's will or after the testator's death. Unless the will provides otherwise, the property ~~so {devised or bequeathed}~~ given shall not be deemed to be held under a testamentary trust of the testator but shall become a part of the trust to which it is given to be administered and disposed of in accordance with the ~~{provisions}~~ terms of the instrument establishing ~~such the~~ trust, including any amendments ~~thereto~~, made prior to the death of the testator, and regardless of whether made before or after the execution of the will. Unless

the will provides otherwise, an express ~~entire~~ revocation of the trust prior to the testator's death shall invalidate the ~~devise or bequest~~ gift. Any termination of the trust other than by express revocation does not invalidate the gift. For purposes of this section, the term "gift" includes an exercise of any testamentary power of appointment. [1965 c 145 §11.12.250.

Prior: 1959 c 116 §1.]

Comment: This revised statute is based on both the Uniform Probate Code and Uniform Testamentary Additions to Trust Act. The revised statute allows "pour-overs" from the testamentary estate to an unfunded trust. The reason for these changes is to protect "pour-overs" when the lawyer failed to use the technique of incorporating the terms of a trust by incorporation by reference. (See RCW 11.12.255.)

Changing the phrase "trust executed by any testator" clarifies the moment of execution and eliminates the signature of the trustee as the moment of execution.

Sec. 6 11.12.255 [New Section] Incorporation by reference. A will may incorporate by reference any writing in existence when the will is executed if the will itself manifests the testator's intent to incorporate the writing and describes the writing sufficiently to permit its identification. In the case of any inconsistency between the writing and the will, the will shall control.

Comment: This section is intended to codify the requirements for incorporation by reference as discussed in Baarslag v. Hawkins, 12 Wn. App. 756, 531 P.2d 1283 (1975); except the requirement that the will itself refer to the writing to be incorporated "as being in existence" has been omitted. The committee felt that this requirement was vague and served little, if any, useful purpose. Thus, incorporation by reference is accomplished if the will shows the testator's intent to make the incorporation and sufficiently identifies the writing to be incorporated for purposes of identification. The statute requires the writing to be in existence in fact at the time the will is executed, which is consistent with Baarslag v. Hawkins. See RCW 11.12.260 for different rules applying to incorporation of writings dealing with tangible personal property.

- Sec. 7 11.12.260 [New section] Separate Writing Identifies Bequest of Tangible Personalty. (1) A will may refer to a writing that directs disposition of tangible personal property not otherwise specifically disposed of by the will, other than property used primarily in trade or business. Such a writing shall not be effective unless: (a) an unrevoked will refers to such writing, (b) the writing is either in the handwriting of, or signed by, the testator, and (c) the writing describes the items and the recipients of the property with reasonable certainty.
- (2) The writing may be written or signed before or after the execution of the will and need not have significance apart

from its effect upon the dispositions of property made by the will. A writing that meets the requirements of this section shall be given effect as if it were actually contained in the will itself, except, that if any person designated to receive property in the writing dies before the testator, the property shall pass as further directed in the writing and in the absence of any further directions, the disposition shall lapse and RCW 11.12.110 shall not apply to such lapse.

(3) The testator may make subsequent handwritten or signed changes to any writing. If there is an inconsistent disposition of tangible personal property as between writings, the most recent shall control.

(4) As used in this section "tangible personal property" means articles of personal or household use or ornament, for example, furniture, furnishings, automobiles, boats, airplanes, and jewelry, as well as precious metal in any tangible form, for example, bullion or coins. The term includes articles even if held for investment purposes and encompasses tangible property that is not real property. The term does not include mobile homes or intangible property, for example, money that is normal currency or normal legal tender, evidences of indebtedness, bank accounts or other monetary deposits, documents of title, or securities.

Comment: This section is patterned after Section 2-513 of the Uniform Probate Code. It is designed to apply clearly, however, to all tangible personal property (even if held as an

investment), except property primarily used in a trade or business. The committee felt the statute should apply as broadly as possible, with the exception that property primarily used in a trade or business should require disposition by will. In spite of changes from Section 2-513 of the Uniform Probate Code, "tangible personal proeprty" is intended to have its usual meaning. That is, the term does not include intangibles such as money that is normal currency or normal legal tender, evidences of indebtedness, bank accounts or other monetary deposits, documents of title, or securities. The term is, however, intended to include precious metals in any tangible form, including bullion or coins.

The section applies only if a will has been made, thus initially providing the protections of the formalities of making a testamentary disposition. Like UPC Section 2-513, it does not require that the writing be dated, although the writing must be either in the handwriting of or signed by the testator. The committee felt that requiring a writing to be dated would result in many attempts to utilize the procedure not being validly completed and that the handwriting or signature requirement was sufficient to provide evidence of the writing's authenticity. Of course, a writing may be dated and such a date would be evidence of the time the writing was prepared. In any dispute over the time at which a writing has been prepared, the issue would be determined in court based on all relevant evidence.

The section also provides that if a person named to receive property in a writing has died before the testator, the item of property passes under the testator's will unless an alternate disposition is made in the writing itself. The committee felt this result would be the one most testators would want.

Finally, the section provides for the validity of more than one writing, with the only limitation being that the most recent writing shall control as to inconsistent dispositions in the writings, but a will specifically disposing of property will always control.

~~11.16.050 Venue. Wills shall be proved and letters testamentary or of administration shall be granted:~~

~~(1) In the county of which deceased was a resident at the time of his death.~~

~~(2) In the county in which he may have died, or in which any part of his estate may be, he not being a resident of the state.~~

~~(3) In the county in which any part of his estate may be, he having died out of the state, and not having been a resident thereof at the time of his death. [1967 c 168 § 4, 1965 c 145 § 11.16.050. Prior: 1917 c 156 § 6, RRS § 1376, prior Code 1981 § 1340, 1963 p 210 § 76, 1960 p 173 § 43.]~~

Comment: Revoked, See RCW 11.96.030.

Sec. 8 11.28.240 Request for special notice of proceedings in probate. At any time after the issuance of letters testamentary or of administration or certificate of qualification upon the estate of any decedent, any person interested in ~~said~~ the estate as an heir, devisee, distributee, legatee or creditor whose claim has been duly served and filed, or the lawyer attorney for such the heir, devisee, distributee, legatee, or creditor may serve upon the personal representative (~~or upon the attorney lawyer for such the personal representative~~) and file with the clerk of the court wherein the administration of ~~such~~ the estate is pending, a written request stating that he desires special notice of any or all of the following named matters, steps or proceedings in the administration of ~~said~~ the estate, to wit:

(1) Filing of petitions for sales, leases, exchanges or mortgages of any property of the estate.

(2) Petitions for any order of solvency or for nonintervention powers.

(3) Filing of accounts.

(4) Filing of petitions for distribution.

(5) Petitions by the personal representative for family allowances and homesteads.

(6) The filing of a declaration of completion.

(7) The filing of the inventory.

(8) Notice of presentation of personal representative's claim against the estate.

(9) Petition to continue a going business.

(10) Petition to borrow upon the general credit of the estate.

(11) Petition for judicial proceeding under chapter 11.96 RCW.

(12) Petition to reopen an estate.

(13) Intent to distribute estate assets (other than distributions in satisfaction of specific bequests or legacies of specific dollar amounts).

(14) Intent to pay attorney's or personal representative's fees.

~~Such~~ The requests shall state the post office address of ~~such the~~ heir, devisee, distributee, legatee or creditor, or his attorney or her lawyer, and thereafter a brief notice of the filing of any of ~~such the~~ petitions, accounts, declaration, inventory or claim, except petitions for sale of perishable property, or other tangible personal property which will incur expense or loss by keeping, shall be addressed to ~~such the~~ heir, devisee, distributee, legatee or creditor, or his or her attorney-lawyer, at the ~~his-stated~~ post office address stated in the request, and deposited in the United States post office, with ~~the prepaid postage thereon-prepaid~~ at least ten days before the date of the hearing of such the petition, account or claim or of the proposed distribution or payment of fees; or personal service of ~~such the~~ notices may be made on ~~such the~~ heir, devisee, distributee, legatee, or creditor, or attorney, not less than five days before ~~such time hearing~~, and ~~such the~~ personal

service shall ~~be equivalent to such~~ have the same effect as deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the date of the hearing of such the petition, account or claim or of the proposed distribution or payment of fees. ~~If upon the hearing it shall appear to the satisfaction of the court that the said~~ the notice has been regularly given, any distribution or payment of fees and the court shall so find in its any order or judgment made in accord therewith, ~~and such judgment~~ shall be final and conclusive. [1965 c 145 §11.28.240. Prior: 1941 c 206 §1; 1939 c 132 §1; 1917 c 156 §64; Rem. Supp. 1941 §1434.]

Comment: These changes were made to include judicial proceedings under chapter 11.96, distributions of estate assets (other than distributions in satisfaction of specific bequests or legacies of specific dollar amounts), and the payment of fees amongst the proceedings subject to the special notice requirements of this section.

Sec. 9 11.36.021 Trustees.

(a) The following may serve as trustees:

- (i) Any suitable persons over the age of eighteen years, if not otherwise disqualified;
- (ii) Any trust company regularly organized under the laws of this state and national banks when authorized to do so;
- (iii) Any nonprofit corporation, if the articles of incorporation or bylaws of that corporation permit the action and the corporation is in compliance with all applicable provisions of Title 24 RCW;
- (iv) Any professional service corporations regularly organized under the laws of this state whose shareholder or shareholders are exclusively attorneys; and
- (v) Any other entity so authorized under the laws of the state of Washington.

(b) The following are disqualified to serve as trustees:

- (i) Minors, persons of unsound mind, or persons who have been convicted of any felony or a misdemeanor involving moral turpitude;
- (ii) A corporation organized under Title 23A RCW that is not authorized under the laws of the state of Washington to act as a fiduciary.

Sec. 10 11.68.090 Powers of personal representative ~~under~~ with nonintervention ~~will~~ powers - Scope - Presumption of necessity. Any personal representative acting under nonintervention powers ~~((,))~~ may borrow money on the general credit of the estate and may mortgage, encumber, lease, sell, exchange, ~~((and))~~ convey, ~~((the real and personal property of the decedent, and borrow money on the general credit of the estate,))~~ and otherwise do anything a trustee may do under Chapters 11.98, 11.100 and 11.102 RCW with regard to the assets of the estate, both real and personal, all without an order of the court ~~((that))~~ and without notice, approval, or confirmation, and in all other respects administer and settle the estate of the decedent without intervention of court. Any ~~((other))~~ party to any such transaction and his successors in interest shall be entitled to have it conclusively presumed that such transaction is necessary for the administration of the decedent's estate.

Comment: This change removes any doubt as to whether the nonintervention personal representative's fiduciary powers are more restrictive than the fiduciary powers of a trustee. As changed, the nonintervention personal representative has the same powers as a trustee in the administration of the estate.

Sec. 11 11.68.110 Declaration of completion of probate - Contents - Filing - Form - Notice - Waiver of notice. If a personal representative who has acquired nonintervention powers shall does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration to that effect, which declaration shall state as follows:

(1) The date of the decedent's death, and his residence at the time of death, whether or not the decedent died testate or intestate, and if testate, the date of his last will and testament and the date of the order admitting said the will to probate;

(2) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of state inheritance and federal estate tax due as the result of the decedent's death has been determined, settled, and paid;

(3) The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(4) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each said heir; and

(5) The amount of fees paid or to be paid to each of the following: (a) Personal representative or representatives, (b)

~~attorney lawyer~~ or ~~attorneys lawyers~~, (c) appraiser or appraisers, and (d) accountant or accountants; and that the personal representative believes ~~said~~ the fees to be reasonable and does not intend to obtain court approval of the amount of ~~said~~ the fees or to submit an estate accounting to the court for approval.

Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent ~~shall~~ petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, ~~his attorneys lawyers~~ appraisers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and his powers will cease thirty days after the filing of ~~said~~ the declaration of completion of probate, and ~~said~~ the declaration of completion of probate shall, at said time, be the equivalent of the entry of a decree of distribution in accordance with the provisions of chapter 11.76 RCW for all legal intents and purposes.

Within five days of the date of the filing of the declaration of completion, the personal representative or his attorney shall mail a copy of ~~said~~ the declaration of completion to each heir, legatee, or devisee of the decedent (who has not waived notice of said filing, in writing, filed, in the cause) together

with a notice which shall be substantially as follows:

CAPTION
OF
CASE

NOTICE OF FILING OF
DECLARATION OF COMPLETION
OF PROBATE

NOTICE IS ~~HEREBY~~ GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the ____ day of _____, 19____; unless you ~~shall~~ file a petition in the above-entitled court requesting the court to approve the reasonableness of ~~said~~ the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or his attorney or her lawyer, within thirty days after the date of the ~~said~~ filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, and the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, the undersigned will request the court to fix a time and place for the hearing of ~~said~~ your petition, and you will be notified of the time and place thereof, by mail, or personal service, not less than ten days before the hearing on ~~said~~ the petition.

Dated this ____ day of _____, 19__.

Personal Representative

If all heirs, devisees, and legatees of the decedent ~~shall~~ waive, in writing, the notice required by this section, the personal representative ~~shall~~ will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion ~~shall have been~~ is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative. [1977 ex.s. c 234 §26; 1974 ex.s. c 117 §23.]

Comment: Amendments to this section simply clarify that the personal representative is automatically discharged in 30 days if no person objects to the Declaration of Completion.

Sec. 12 11.92.040 Duties of guardian or limited guardian in general. It shall be the duty of the guardian or limited guardian:

(1) To make out and file within three months after his or her appointment a verified inventory of all the property of the incompetent or disabled person which ~~((shall))~~ comes to his or her possession or knowledge, including a statement of all encumbrances, liens, and other secured charges on any item;

(2) To file annually, within thirty days after the anniversary date of ~~((his))~~ the guardian's or limited guardian's appointment, and also within thirty days after termination of ~~((his))~~ the appointment, a written verified account of ~~((his))~~ the administration: PROVIDED, That the court in its discretion may allow ~~((such))~~ reports at intervals of up to thirty-six months, with instruction to the guardian or limited guardian that any substantial increase in income or assets or substantial change in the incompetent's or disabled person's condition shall be reported within thirty days of ~~((such))~~ the substantial increase or change;

(3) Consistent with the powers granted by the court, if he or she is a guardian or limited guardian of the person, to care for and maintain the incompetent or disabled person, assert his or her rights and best interests, and provide timely, informed consent to necessary medical procedures, and if the incompetent or disabled person is a minor, to see that the incompetent or disabled person is properly trained and educated and that the

incompetent or disabled person has the opportunity to learn a trade, occupation, or profession. As provided in RCW 11.88.125 as now or hereafter amended, the standby guardian may provide timely, informed consent to necessary medical procedures if the guardian or limited guardian cannot be located within four hours after the need for such consent arises. The guardian or limited guardian of the person may be required to report the condition of his or her incompetent or disabled person to the court, at regular intervals or otherwise as the court may direct:

PROVIDED, That no guardian, limited guardian, or standby guardian may involuntarily commit for mental health treatment, observation, or evaluation an alleged incompetent or disabled person who is, himself or herself, unable or unwilling to give informed consent to such commitment unless the procedures for involuntary commitment set forth in chapters 71.05 or 72.23 RCW are followed: PROVIDED FURTHER, That nothing in this section shall be construed to allow a guardian, limited guardian, or standby guardian to consent to:

- (a) Therapy or other procedure which induces convulsion;
- (b) Surgery solely for the purpose of psychosurgery;
- (c) Amputation;
- (d) Other psychiatric or mental health procedures which are intrusive on the person's body integrity, physical freedom of movement, or the rights set forth in RCW 71.05.370.

A guardian, limited guardian, or standby guardian who believes such procedures to be necessary for the proper care and maintenance of the incompetent or disabled person shall petition the court for an order unless the court has previously approved ~~((such))~~ that procedure within thirty days immediately past. The court may make such order only after an attorney is appointed in accordance with RCW 11.88.045, as now or hereafter amended, if none has heretofore appeared, notice is given, and a hearing is held in accordance with RCW 11.88.040, as now or hereafter amended;

(4) If he or she is a guardian or limited guardian of the estate, to protect and preserve it, to apply it as provided in this chapter, to account for it faithfully, to perform all of the duties required ~~((of him))~~ by law, and at the termination of the guardianship or limited guardianship, to deliver the assets of the incompetent or disabled person to the persons entitled thereto. Except as provided to the contrary herein, the court may authorize a guardian or limited guardian to do anything that a trustee can do under the provisions of RCW ~~((30.99.070))~~ 11.98.070 for a period not exceeding one year from the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer;

(5) To invest and reinvest the property of the incompetent or disabled person in accordance with the rules applicable to

investment of trust estates by trustees as provided in chapter ~~((30-24))~~ 11.100 RCW, except that:

(a) No investments shall be made without prior order of the court in any property other than unconditional interest bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States, and in share accounts or deposits which are insured by an agency of the United States government. Such prior order of the court may authorize specific investments, or, in the discretion of the court, may authorize the guardian or limited guardian during a period not exceeding one year following the date of the order or for a period corresponding to the interval in which the guardian's or limited guardian's report is required to be filed by the court pursuant to subsection (2) of this section, whichever period is longer, to invest and reinvest as provided in chapter ~~((30-24))~~ 11.100 RCW without further order of the court;

(b) If it is for the best interests of the incompetent or disabled person that a specific property be used by the incompetent or disabled person rather than sold and the proceeds invested, the court may so order:

(6) To apply to the court for an order authorizing any disbursement on behalf of the incompetent or disabled person: PROVIDED, HOWEVER, That the guardian or limited guardian of the estate, or the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or

disabled person, may apply to the court for an order directing the guardian or limited guardian of the estate to pay to the person, department, bureau, agency, or charitable organization having the care and custody of an incompetent or disabled person, or if the guardian or limited guardian of the estate has the care and custody of the incompetent or disabled person, directing the guardian or limited guardian of the estate to apply an amount weekly, monthly, quarterly, semi-annually, or annually, as the court may direct, to be expended in the care, maintenance, and education of the incompetent or disabled person and of his or her dependents. In proper cases, the court may order payment of amounts directly to the incompetent or disabled person for his or her maintenance or incidental expenses. The amounts authorized under this section may be decreased or increased from time to time by direction of the court. If payments are made to another under ~~(such)~~ an order of the court, the guardian or limited guardian of the estate is not bound to see to the application thereof.

Comment: revised by Code revisor's office.

Sec. 13 11.92.140 Gifts from Guardianship Funds. The court, upon the petition of a guardian of the estate of an incompetent or disabled person (collectively hereafter referred to in this section as "incompetent"), other than the guardian of a minor, and after such notice as the court directs and other notice to all persons interested as required by Chapter 11.96 RCW, may authorize the guardian to take any action, or to apply funds not required for the incompetent's own maintenance and support, in any fashion the court approves as being in keeping with the incompetent's wishes so far as they can be ascertained and as designed to minimize insofar as possible current or prospective state or federal income and estate taxes, and to provide for gifts to such charities, relatives and friends as would be likely recipients of donations from the incompetent.

The action or application of funds may include but shall not be limited to the making of gifts, to the conveyance or release of the incompetent's contingent and expectant interests in property including marital property rights and any right of survivorship incident to joint tenancy or tenancy by the entirety, to the exercise or release of the incompetent's powers as donee of a power of appointment, the making of contracts, the creation of revocable or irrevocable trusts of property of the incompetent's estate which may extend beyond the incompetent's disability or life, the exercise of options of the incompetent to purchase securities or other property, the exercise of the incompetent's right to elect options and to change beneficiaries

under insurance and annuity policies, and the surrendering of policies for their cash value, the exercise of the incompetent's right to any elective share in the estate of the incompetent's deceased spouse, and the renunciation or disclaimer of any interest acquired by testate or intestate succession or by inter-vivos transfer.

The guardian in the petition shall briefly outline the action or application of funds for which approval is sought, the results expected to be accomplished thereby and the tax savings expected to accrue. The proposed action or application of funds may include gifts of the incompetent's personal or real property. Gifts may be for the benefit of prospective legatees, devisees or heirs apparent of the incompetent or may be made to individuals or charities in which the incompetent is believed to have an interest. Gifts may or may not, in the discretion of the court, be treated as advancements to donees who would otherwise inherit property from the incompetent under the incompetent's will or under the laws of descent and distribution. The guardian shall also indicate in the petition that any planned disposition is consistent with the intentions of the incompetent insofar as they can be ascertained, and if the incompetent's intentions cannot be ascertained, the incompetent will be presumed to favor reduction in the incidence of the various forms of taxation and the partial distribution of the incompetent's estate as provided in this section. The guardian shall not, however, be required to include

as a beneficiary any person whom there is reason to believe would be excluded by the incompetent.

No guardian may be required to file a petition as provided in this section, and a failure or refusal to so petition the court does not constitute a breach of the guardian's fiduciary duties.

Comment: This statute is modeled after a 1982 Rhode Island statute. Similar, but less specific authority for making gifts from incompetent's estates is found in Section 5-408 of the Uniform Probate Code. At this time, 32 states have either adopted the Uniform Probate Code or have statutes which specifically authorize gifts from guardianships for reasons other than support. Adding to these states the number of states which have adopted the doctrine of substituted judgment in their common law clearly shows that the doctrine of substituted judgment is the majority rule in the United States today.

Sec. 14 11.92.150 Request for special notice of proceedings. At any time after the issuance of letters of guardianship in the estate of any incompetent or disabled person, any person interested in ~~said~~ the estate, or in ~~such~~ the incompetent or disabled person, or any relative of ~~such~~ the incompetent or disabled person, or any authorized representative of any agency, bureau, or department of the United States government from or through which any compensation, insurance, pension or other benefit is being paid, or is payable, may serve upon ~~such~~ the guardian or

limited guardian, and file with the clerk of the court in which ~~wherein~~ the administration of ~~such~~ the guardianship or limited guardianship estate is pending, a written request stating that special notice is desired of any or all of the following matters, steps or proceedings in the administration of such estate:

(1) Filing of petition for sales, exchanges, leases, mortgages, or grants of easements, licenses or similar interests in any property of the estate.

(2) Filing of all intermediate or final accountings or accountings of any nature whatsoever.

(3) Petitions by the guardian or limited guardian for family allowances or allowances for the incompetent or disabled person or any other allowance of every nature from the funds of the estate.

(4) Petition for the investment of the funds of the estate.

(5) Petition to terminate guardianship or limited guardianship or petition for adjudication of competency.

(6) Petition for judicial proceedings under chapter 11.96 RCW.

~~Such~~ The request for special written notice shall designate the name, address and post office address of the person upon whom ~~such~~ the notice is to be served and no service shall be required under this section and RCW 11.96.160 as now or hereafter amended other than in accordance with ~~such~~ the designation unless and until a new designation shall have been made.

When any account, petition, or proceeding is filed in ~~such~~ the estate of which special written notice is requested ~~as herein~~ ~~provided,~~ the court shall fix a time for hearing thereon which shall allow at least ten days for service of ~~such~~ the notice before ~~such~~ the hearing; and notice of ~~such~~ the hearing shall be served upon the person designated in such written request at least ten days before the date fixed for ~~such~~ the hearing. The service may be made by leaving a copy with the person designated, or his or her authorized representative, or by mailing through the United States mail, with postage prepaid to the person and place designated. [1975 1st ex.s. c 96, §30; 1969 c 18 §1; 1965 c 145 §11.92.150. Prior: 1925 ex.s. c 104 §1; RRS §1586-1.]

Comment: This is a housekeeping change to include judicial proceedings under chapter 11.96 in the list of requested notices.

CHAPTER 11.93

UNIFORM GIFTS TO MINORS ACT

- 11.93.010 Definitions
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Bond -- Appointment of successor custodian
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Sec. 16 11.93.010 Definitions. In this chapter, unless the context otherwise requires:

~~(1) An "adult" is a person who has attained the age of eighteen years.~~

Comment: This change is designed to make gifts to minors under Washington law parallel to federal tax law.

(1) A "bank" is a bank, trust company, national banking association, or mutual savings bank.

(2) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his or her own account, through a broker or otherwise, as a part of a regular business.

(3) "Court" means the superior courts of the state of Washington.

(4) The "custodial property" includes:

(a) Any property transferred to ~~All securities, life insurance policies, annuity contracts and money under the supervision of~~ the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this chapter.

(b) the income from the custodial property; and

(c) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment, surrender or

other disposition of such custodial property. ~~securities, money, life insurance policies, annuity contracts and income.~~

(5) A "custodian" is a person who is eighteen years or older and is so designated as custodian in a manner prescribed in this chapter; the term includes a successor custodian.

Comment: This change allows a person eighteen or older to be a custodian, even though the new changes to RCW 11.93.040(4) require the custodianship to continue to age twenty-one.

(6) A "financial institution" is a bank, a federal savings and loan association, a savings institution chartered and supervised as a savings and loan or similar institution under federal law or the laws of a state or a federal credit union or credit union chartered and supervised under the laws of a state; and "insured financial institution" is one, deposits (including a savings, share, certificate or deposit account) in which are, in whole or in part, insured by the federal deposit insurance corporation, or by the federal savings and loan insurance corporation, or by a deposit insurance fund approved by this state.

(7) A "guardian" of a minor means the general guardian, guardian, tutor or curator of the minor's ~~his~~ property, or estate appointed or qualified by a court of this state or another state.

(8) An "issuer" is a person who places or authorizes the placing of his or her name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his or her property or in an enterprise or to evidence his or her duty or undertaking to

perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

(9) A "legal representative" of a person is his or her personal representative, executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his or her property or estate.

Comment: "Personal representative" was added to parallel RCW 11.02.005(1).

(10) A "life insurance policy or annuity contract" means a life insurance policy or annuity contract issued by an insurance company authorized to do business in this state on the life of a minor to whom a gift of the policy or contract is made in the manner prescribed in this chapter or on the life of a member of the minor's family.

(11) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption, a step parent or person who has raised a child without the formality of a guardianship or a close family friend.

Comment: This change is to increase the class of permitted successor custodians under RCW 11.93.020.

(12) A "minor" is a person who has not attained the age of ~~eighteen~~ twenty-one years.

Comment: This change is designed to make gifts to minors under Washington law parallel to federal tax law.

(13) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease or in payments out of production under such a title or lease, any interest in a general or limited partnership, collateral trust certificate, transferable share, voting trust certificate, or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may be registered upon books maintained for that purpose by or on behalf of the issuer.

Comment: The additional language in this section specifies that partnership interests may be the subject of gifts to minors under this chapter.

(14) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities or in the cancellation of surrendered securities.

(15) A "trust company" is a bank or corporation organized under the laws of the State of Washington which is authorized to engage in trust business.

(16) A "real property interest" includes any note, mortgage, contract to purchase or sell real property, option to purchase or to sell real property, deed evidencing any title to or interest in real property, or, in general, any interest or instrument commonly recognized as evidencing or purporting to evidence an interest in real property, however minimal. The term does not include a "security" within the definition set forth in subsection (12).

Comment: Formerly RCW 21.25.010(12).

Severability -- 1971 ex.s. c 292; See note following RCW 26.28.010.

Effective date -- 1967 ex.s. c 88; "The effective date of this 1967 act is July 1, 1967." [1967 ex.s. c 88 §20.] This applies to RCW 21.24.010-21.24.040, 21.24.060, 21.24.070, 21.24.091 and 21.25.010-21.25.900.

Severability -- 1967 ex.s. c 88; See RCW 21.24.900.

Comment: This chapter was formerly RCW Chapter 21.24 Uniform Gifts to Minors Act and RCW Chapter 21.25 Gifts of Realty to Minors Act. The latter chapter (RCW Chapter 21.25) has been eliminated as unnecessary and now RCW 11.93 provides for gifts of personal property and real property to a minor. The age of majority for RCW 11.93 has been returned to twenty-one to parallel federal tax law.

Sec. 17 11.93.020 Manner of Making Gift. (1) ~~An adult person who~~ is eighteen years or older may, outright or by a trust agreement executed during his or her lifetime or by will ~~testamentary disposition,~~ make or provide for a gift of tangible or intangible personal property, including securities, money, life insurance policies, annuity contracts, or real property interests ~~or security or money or a life insurance policy or annuity contract or money~~ to a person who is a minor on the date of the gift or distribution:

(a) If the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person who is eighteen years or older or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act,"

(b) If the subject of the gift is a security not in registered form, by delivering it to an ~~adult~~ person who is eighteen years or older other than the donor or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

"GIFTS UNDER THE WASHINGTON UNIFORM GIFTS TO MINORS ACT

I, (name of donor) hereby deliver to (name of custodian) as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act, the following ~~security(ies)~~ property: (Insert an appropriate description of the tangible or intangible property

~~security or securities~~ delivered sufficient to identify it or them).

Dated: _____
(Signature of donor)

(Name of custodian) hereby acknowledges receipt of the above described ~~security(ies)~~ property as custodian for the above minor under the Washington Uniform Gifts to Minors Act.

Dated: _____
(Signature of custodian)

(c) If the subject of the gift is money, by paying or delivering it to a broker or domestic financial institution for credit to an account in the name of the donor, another ~~adult~~ person who is eighteen years or older or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act."

(d) If the subject of the gift is a real property interest, and constitutes a recordable interest or charge in or against real property in the records of the county auditor or recorder, by registering it in the name of the donor, another person who is eighteen years or older or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act."

Comment: Formerly RCW 21.25.020.

(e) If the subject of the gift is a life insurance policy or annuity contract, by causing the ownership of the policy or contract to be registered with the issuing insurance

company in the name of the donor, another adult person who is eighteen years or older, or a trust company, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act."

(f) If the gift is by will or as a distribution pursuant to a trust agreement, by the legal representative or trustee delivering the subject of the gift to the person, who is eighteen years or older, or a trust company designated by the decedent or settlor to serve as custodian for the minor under the Washington Uniform Gifts to Minors Act or similar Uniform Act of the domicile of the designated custodian and causing the subject of such gift to be registered in the name of that custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington (or, alternatively, state of the custodian's domicile) Uniform Gifts to Minor's Act." If the decedent or settlor fails to designate a specific custodian or if the designated custodian dies or is unable or unwilling to serve, the legal representative, with the approval of the court having jurisdiction over the decedent's estate, or the trustee may designate a member of the minor's family, who is eighteen years or older, a guardian of the minor, or a trust company as custodian. The legal representative or trustee may designate himself or herself as custodian, provided he or she falls within the class of persons or entities described in the foregoing sentence. The receipt of the custodian shall constitute a sufficient release and discharge of further accountability by the

legal representative or trustee for the gift and acceptance of the custodianship by the custodian.

Comment: This section confirms that a decedent or settlor has the right to direct distribution of property in a will or trust to a minor in the form of a gift under this chapter.

(2) Each gift made in a manner prescribed in subsection (1) may be made to only one minor and only one person may be a custodian.

(3) A donor who makes a gift to a minor in a manner prescribed in subsection (1) shall promptly do all things within his or her power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his or her designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift.

(4) The legal representative of an estate to whom a certificate of qualification, or letters testamentary or of administration are issued may, with the approval of the court having jurisdiction over the decedent's estate, or the trustee of a trust of which a minor is a distributee or beneficiary may pay or transfer to a custodian for the minor under this Act or a similar Uniform Act of the jurisdiction in which the minor may be domiciled, in the form and manner prescribed in paragraphs (a) through (e) of subsection (1) or comparable provisions of the Uniform Act of the other jurisdiction, any money, security or other property qualifying for custodial gifts which is

distributable to the minor. The legal representative or trustee may make distribution in this manner if the legal representative or the trustee deems it to be in the best interests of the minor, except where the decedent, settlor or court authorizing the distribution has expressly directed that distribution of the property due such minor shall not be made in the manner provided for in this subsection. The legal representative, with the approval of the court having jurisdiction over the decedent's estate, or the trustee shall designate a member of the minor's family, who is eighteen years or older, a guardian of the minor, or a trust company as custodian. The legal representative or trustee may designate himself or herself as custodian, provided he or she falls within the class of persons or entities described in the prior sentence. The provisions of this Chapter shall govern the custodianship in the same manner as though the legal representative or trustee were the donor. The receipt of the custodian shall constitute a sufficient release of the transferor and discharge of further accountability by the legal representative or trustee for the property distributed and acceptance of the custodianship by the custodian.

Comment: This section gives a personal representative or trustee the right to direct distribution of property due a minor in the form of a gift under this chapter, even if the controlling instrument does not expressly so empower the personal representative or trustee.

(5) Only property that could be the subject of a lifetime gift pursuant to this Chapter may be distributed under subsections (1)(f) and (4) of this section.

(6) This section is applicable to gifts made before or after the effective date of this 1984 Act and regardless of whether the persons who made the gifts are alive on that date.

Comment: Formerly RCW 21.24.020.

Sec. 18 11.93,030 Effect of gift. (1) A gift made in a manner prescribed in this chapter is irrevocable and conveys to the minor indefeasibly vested legal title to the security, real property, life insurance policy, annuity contract or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this chapter.

Comment: To add real estate from former RCW Chapter 21.25.

(2) By making a gift in a manner prescribed in this chapter, the donor incorporates in ~~his~~ the gift all the provisions of this chapter and grants to the custodian, and to any issuer, transfer agent, bank, financial institution, life insurance company, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this chapter. [1967 ex.s. c 88 §3; 1959 c 202 §3.]

Comment: Formerly RCW 21.24.030.

Sec. 19 11.93.040 Duties and powers of custodian. (1) The custodian shall collect, hold, manage, invest and reinvest the custodial property.

(2) The custodian shall pay over to the minor for expenditure by the minor ~~him~~, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or times, and to the extent that the custodian in his or her discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or herself or of any other person to support the minor or his or her ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

(3) The court, on the petition of a parent or guardian of the minor or of the minor, if ~~he~~ the minor has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by ~~him~~ the minor or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

(4) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on ~~his~~ attaining the age of ~~eighteen~~ twenty-one years, or, if the minor dies before attaining the age of ~~eighteen~~ twenty-one years, ~~he~~ shall thereupon deliver or pay it over to the estate of the minor.

Comment: This provision is changed to twenty-one years to parallel federal tax law.

(5) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent person ~~man~~ of discretion and intelligence who is seeking a reasonable income and the preservation of ~~his~~ capital, except that he or she may, in his or her discretion and without liability to the minor or his or her estate, retain a security given to the minor in a manner prescribed in this chapter or hold money so given in an account in a financial institution to which it was paid or delivered by the donor.

(6) The custodian may sell, exchange, convert, surrender or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. The custodian ~~He~~ may vote in person or by general or limited proxy a security which is custodial property. ~~He~~ The custodian may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge or mortgage of any property by or to such an issuer, and to any other action by such an issuer. ~~He~~ The custodian may execute and deliver any and all instruments in writing which ~~he~~ the custodian deems advisable to carry out any ~~of his~~ power as custodian.

(7) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act." The custodian shall hold all money which is custodial property in an account with a broker or in an insured financial institution in the name of the custodian, followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act." The custodian shall keep all other custodial property separate and distinct from ~~his~~ the custodian's own property in a manner to identify it clearly as custodial property.

(8) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if ~~he~~ the minor has attained the age of fourteen years.

(9) A custodian has, with respect to the custodial property, in addition to the rights and powers provided in this chapter, all the rights and powers which a guardian has with respect to property not held as custodial property, and all the rights and powers of a trustee under RCW 11.98.070.

(10) If the subject of the gift is a life insurance policy or annuity contract, the custodian:

(a) in ~~his~~ the capacity as custodian, has all the incidents of ownership in the policy or contract to the same

extent as if ~~he~~ the custodian were the owner, except that the designated beneficiary of any policy or contract on the life of the minor shall be the minor's estate and the designated beneficiary of any policy or contract on the life of a person other than the minor shall be the custodian as custodian for the minor for whom ~~he~~ the custodian is acting; and

(b) may pay premiums on the policy or contract out of the custodial property. [1971 ex.s. c 292 §31; 1967 ex.s. c 88 §4; 1959 c 202 §4.]

Severability -- 1971 ex.s. c 292: See note following RCW 26.28.010.

Comment: Formerly RCW 21.24.040. This change gives the custodian the powers of a trustee under new RCW 11.98.070 and thus, among other things, clarifies that the custodian can borrow and receive interest free loans.

Sec. 20 11.93.050 Custodian's expenses, compensation, bond, and liabilities.

(1) A custodian is entitled to reimbursement from the custodial property for ~~his~~ reasonable expenses incurred in the performance of ~~his~~ custodial duties.

(2) A custodian may act without compensation for ~~his~~ services.

(3) Unless ~~he~~ he or she is a donor, a custodian may receive from the custodial property reasonable compensation for his or her services determined by one of the following standards in the order stated:

- (a) A direction by the donor when the gift is made;
- (b) An order of the court.

(4) Except as otherwise provided in this chapter, a custodian shall not be required to give a bond for the performance of his or her duties.

(5) A custodian not compensated for ~~his~~ services is not liable for losses to the custodial property unless they result from ~~his~~ bad faith, intentional wrongdoing or gross negligence or from ~~his~~ failure to maintain the standard of prudence in investing the custodial property provided in this chapter. [1959 c 202 §5.]

Comment: Formerly RCW 21.24.030.

Sec. 21 11.93.060 Exemption of third persons from liability. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated as custodian by the purported donor or by the custodian or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian in accordance with or authorized by this chapter, or is obliged to inquire into the validity or propriety under this chapter of any instrument of instructions executed or given by a person purporting to act as a donor or in

the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to ~~him~~ the custodian. No issuer, transfer agent, bank, life insurance company, broker or other person or financial institution acting on any instrument of designation of a successor custodian, executed as provided in subsection (1) of RCW 11.93.070, as now or hereafter amended, by a minor to whom a gift has been made in a manner prescribed in this chapter, and who has attained the age of fourteen years, is responsible for determining whether the person designated by the minor as successor custodian has been duly designated, or is obliged to inquire into the validity or propriety under this chapter of the instrument of designation. [1967 ex.s. c 88 §5; 1959 c 202 §6.]

Comment: Formerly RCW 21.24.060.

Sec. 22 11.93.070 Resignation, death, or removal of custodian -- Bond -- Appointment of successor custodian. (1) Only an ~~adult~~ member of the minor's family who is eighteen years or older, a guardian of the minor or a trust company is eligible to become successor custodian. A custodian may designate ~~his~~ a successor by executing and dating an instrument of designation before a subscribing witness other than the successor; the instrument of designation may but need not contain the resignation of the custodian. If the custodian does not so designate ~~his~~ a

successor before ~~he~~ the custodian dies or becomes legally incapacitated, and the minor has attained the age of fourteen years, the minor may designate a successor custodian by executing an instrument of designation before a subscribing witness other than the successor. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this chapter.

(2) The designation of a successor custodian as provided in subsection (1) takes effect as to each item of the custodial property when the custodian resigns, dies or becomes legally incapacitated and the custodian or his or her legal representative:

(a) causes the item if it is a security in registered form or a life insurance policy or annuity contract, to be registered, with the issuing insurance company in the case of a life insurance policy or annuity contract, in the name of the successor custodian followed, in substance, by the words: "as custodian for (name of minor) under the Washington Uniform Gifts to Minors Act"; and

(b) delivers or causes to be delivered to the successor custodian any other item of the custodial property, together with the instrument of designation of the successor custodian or a true copy thereof and any additional instruments required for the transfer thereof to the successor custodian.

(3) A custodian who executes an instrument of designation of ~~his~~ a successor containing the custodian's resignation as provided in subsection (1) shall promptly do all things within his or her power to put each item of the custodial property in the possession and control of the successor custodian named in the instrument. The legal representative of a custodian who dies or becomes legally incapacitated shall promptly do all things within his or her power to put each item of the custodial property in the possession and control of the successor custodian named in an instrument of designation executed as provided in subsection (1) by the custodian or, if none, by the minor if ~~he~~ the minor has no guardian and has attained the age of fourteen years, or in the possession and control of the guardian of the minor if ~~he~~ the minor has a guardian. If the custodian has executed as provided in subsection (1) more than one instrument of designation, ~~his~~ the custodian's legal representative shall treat the instrument dated on an earlier date as having been revoked by the instrument dated on a later date.

(4) If a person designated as custodian or as successor custodian by the custodian as provided in subsection (1) is not eligible, dies or becomes legally incapacitated before the minor attains the age of ~~eighteen~~ twenty-one years and if the minor has a guardian, the guardian of the minor shall be successor custodian. If the minor has no guardian and if no successor custodian who is eligible and has not died or become legally incapacitated has been designated as provided in subsection (1),

a donor, his or her legal representative, the legal representative of the custodian or an adult member of the minor's family may petition the court for the designation of a successor custodian.

(5) A donor, the legal representative of a donor, a successor custodian, ~~an adult~~ member of the minor's family who is eighteen years or older, a guardian of the minor or the minor, if ~~he~~ the minor has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his or her duties.

(6) Upon the filing of a petition as provided in this section, the court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor. [1971 ex.s. c 292 §32; 1967 ex.s. c 88 §6; 1959 c 202 §7.]

Severability -- 1971 ex.s. c 292: See note following RCW 26.28.010.

Comment: Formerly RCW 21.24.070.

Sec. 23 11.93.080 Accounting by custodian. (1) The minor, if ~~he~~ the minor has attained the age of fourteen years, or the legal representative of the minor, ~~an adult~~ member of the minor's

family who is eighteen years or older, or a donor or his or her legal representative may petition the court for an accounting by the custodian or his legal representative.

(2) The court, in a proceeding under this chapter or otherwise, may require or permit the custodian or his or her legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof. [1959 c 202 §8.]

Comment: Formerly RCW 21.24.080.

Sec. 24 11.93.900 Short title. This chapter may be cited as the "Washington Uniform Gifts to Minors Act." [1959 c 202 §10.]

Comment: Formerly RCW 21.24.100.

Sec. 24 11.93.910 Construction -- 1959 c 202. (1) This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

(2) This chapter shall not be construed as providing an exclusive method for making gifts to minors. [1959 c 202 §9.]

Comment: Formerly RCW 21.24.090.

Sec. 24 11.93.911 Construction -- 1967 ex.s. c 88. The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended shall be construed as a continuation of chapter 202, Laws of 1959 hereby amended according to the language employed and not as a

new enactment. This amendment of chapter 202, Laws of 1959 hereby amended does not affect gifts made in the manner prescribed therein nor the powers, duties or immunities conferred by gifts in such manner upon custodians and persons dealing with custodians. The provisions of chapter 202, Laws of 1959 hereby amended as hereby amended henceforth apply, however, to all gifts made in a manner and form prescribed in chapter 202, Laws of 1959 hereby amended except insofar as such application impairs constitutionally vested rights. [1967 ex.s. c 88 §7.]

Comment: Formerly RCW 21.24.091.

Sec. 25 11.93.912 Construction -- 1984. All custodianships established prior to the effective date of these 1984 amendments which have not been fully distributed as of such date shall not terminate upon the minor attaining the age of eighteen (18), but such custodianships shall remain operative until the minor reaches the age of twenty-one (21) or sooner dies, except that, as to any custodianship established after August 9, 1971, but before the date of this 1984 act, a minor shall have the right after attaining the age of eighteen (18) to demand delivery of all or any portion of the custodianship property.

Sec. 24 11.93.920 Severability - 1959 c 202. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the chapter which can be

given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. [1959 c 202 §11.].

Comment: Formerly RCW 11.93.920.

All of RCW 21.25 is repealed.

Comment: The amendment to RCW 21.24 allowing gifts of real estate eliminate the necessity of a separate section on gifts of realty to minors.

CHAPTER 11.94

POWER OF ATTORNEY

- 11.94.010 Designation - Authority
- 11.94.020 Effect of death, disability or incompetence of principal
- 11.94.030 Banking transactions
- 11.94.040 Release from liability
- 11.94.050 Exempted matters
- 11.94.060 Homesteads

Sec. 26 11.94.010 Designation - Authority - Effect of acts done - appointment of guardian, effect - Accounting. Whenever a principal designates another ~~his~~ the attorney in fact or agent by a power of attorney in writing and the writing contains the words "This power of attorney shall not be affected by disability of the principal," or "This power of attorney shall become effective upon the disability of the principal," or similar words showing the intent of the principal that the authority conferred shall be exercisable notwithstanding ~~his~~ the principal's disability, the authority of the attorney in fact or agent is exercisable ~~by him~~ as provided in the power on behalf of the principal notwithstanding later disability or incapacity of the principal at law or later uncertainty as to whether the principal is dead or alive. All acts done by the attorney in fact or agent pursuant to the power during any period of disability or incompetence or uncertainty as to whether the principal is dead or alive have the same effect and inure to the benefit of and bind the principal or ~~his~~ the principal's guardian or heirs, devisees and personal representatives as if the principal were alive, competent and not disabled. A principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a durable power of attorney except for good cause or

disqualification. If a guardian thereafter is appointed for the principal, the attorney in fact or agent, during the continuance of the appointment, shall account to the guardian rather than the principal. The guardian has the same power the principal would have had if ~~he~~ the principal were not disabled or incompetent, to revoke, suspend or terminate all or any part of the power of attorney or agency. [1974 ex.s. c 117 §52.]

Comment: The added material comes from the Uniform Durable Power of Attorney Act (§3(b)), and allows the principal to designate his guardian in advance and thus allows the guardian to be the same person as the attorney-in-fact. The court is directed to follow the nomination except for good cause or disqualification of the nominee. A similar change has been made to RCW 11.88.010.

Sec. 27 11.94.020 Effect of death, disability or incompetence of principal - Acts without knowledge. (1) The death, disability, or incompetence of any principal who has executed a power of attorney in writing other than a power as described by RCW 11.94.010, does not revoke or terminate the agency as to the attorney in fact, agent, or other person who, without actual knowledge of the death, disability, or incompetence of the principal, acts in good faith under the power of attorney or agency. Any action so taken, unless otherwise invalid or unenforceable, binds the principal and ~~his~~ the principal's heirs, devisees, and personal representatives.

(2) An affidavit, executed by the attorney in fact, or agent, stating that he or she did not have, at the time of doing an act pursuant to the power of attorney, actual knowledge of the revocation or termination of the power of attorney by death, disability, or incompetence, is, in the absence of a showing of fraud or bad faith, conclusive proof of the nonrevocation or nontermination of the power at that time. If the exercise of the power requires execution and delivery of any instrument which is recordable, the affidavit when authenticated for record is likewise recordable.

(3) This section shall not be construed to alter or affect any provision for revocation or termination contained in the power of attorney.

(4) Any person may place reasonable reliance on any determination of disability or incompetence as provided in the instrument which specifies the time and the circumstances under which the power of attorney document becomes effective. [1977 ex.s. c 234 §27; 1974 ex.s. c 117 §53.]

Comment: Various documents provide various manners in which disability or incompetence may be determined. Some require the statement of a doctor or doctors, some require only a letter from someone with knowledge, some require a court determination, etc. The purpose of this statute is to allow the third party relying on the power of attorney to rely on the manner of determining disability or incompetence provided for in the instrument. This will leave such determination up to the individual drafting of

the draftsman and does not require uniformity in how a determination is to be made.

Sec. 28 11.94.030 Banking Transactions. Whenever a principal, pursuant to RCW 11.94.010, has given a designated attorney in fact or agent all his or her powers of absolute ownership or has used language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, then such language, notwithstanding any statutory language found in RCW 30.22 or elsewhere, shall include the authority (1) to deposit and to make payments from any account in a financial institution, as defined in RCW 30.22.040, in the name of the principal, and (2) to enter any safe deposit box to which the principal has a right of access, subject to any contrary provision in any agreement governing the safe deposit box.

Comment: The purpose of RCW 11.94 in its original enactment was to enable a person to name someone as attorney in fact for him or her in order to transact all business of whatever kind or nature, which the principal could do if alive and competent. RCW 30.22.170 was intended to protect financial institutions in allowing an agent to deposit and make payments from a principal's account. The definition of "agent" in RCW 30.22.040(4) is a person with "authority to deposit and to make payments from an account in the name of the depositor or depositors." Such language left uncertain whether such authority to the agent needed to be specifically stated in a power of attorney or

whether simple reference by the principal to "all powers which I might have," or something similar, would be sufficient. The purpose of this statute is to clarify that the use of the term "all" when referring to all powers that the principal might have, or all authority the principal might have, is intended to be all inclusive, notwithstanding any ambiguity that specific wording in any other statutes might raise.

Sec. 29 11.94.040 Release from liability. Any person acting without negligence and in good faith in reasonable reliance on a power of attorney shall not incur any liability thereby. Unless the document contains a time limit, the length of time which has elapsed from its date of execution shall not prevent a party from reasonably relying on the document. Unless the document contains a requirement that it be filed for record to be effective, a person may place reasonable reliance on it whether or not it is so filed.

Comment: To enable the purpose of RCW 11.94 to be fully carried out, and to encourage third parties to be willing to deal in good faith and in reliance on powers of attorney, this section provides a defense of reasonable reliance. Because many powers of attorney are executed well in advance of the time they are actually needed, it is the intent of this statute to indicate that documents whenever executed can be relied upon so that the fact that the document was executed well in the past, and was not

needed until the present, will not be a reason for a third party to refuse to rely on the document.

Sec. 30 11.94.050. Exempted Matters. (1) Except as provided in subsection (2) of this section, even though a designated attorney in fact or agent has all powers of absolute ownership of the principal, or the document has language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, the attorney in fact or agent shall not have the power, unless specifically provided otherwise in the document: To make, amend, alter, or revoke any of the principal's wills, codicils, life insurance beneficiary designations, trust agreements, community property agreements; to make any gifts of property owned by the principal; to make transfers of property to any trust (whether or not created by the principal) unless the trust benefits the principal alone and does not have dispositive provisions which are different from those which would have governed the property had it not been transferred into the trust, or to disclaim the property.

(2) Nothing in subsection (1) of this section prohibits a spouse of a principal from acting as an attorney in fact or as an agent to make any transfer of resources not prohibited under RCW 74.09.532 when the transfer is for the purpose of qualifying the principal for medical assistance or the limited casualty program for the medically needy.

Comment: This is further refinement of the term "all." It is anticipated that certain non-cash assets which are liquid and easily reducible to cash may be expended by the attorney in fact,

Bank accounts or stocks which are held as joint tenants with right of survivorship, may need to be cashed to provide for the principal. But to the extent possible, estate planning and testamentary documents should not be altered and, specifically, none of the above specified documents should be changed.

Sec. 31 11.94.060 Homesteads. If a principal, pursuant to 11.94.010, has given a designated attorney in fact or agent all the principal's powers of absolute ownership or has used language to indicate that the attorney in fact or agent shall have all the powers the principal would have if alive and competent, then such powers shall include the right to convey or encumber the principal's homestead.

Comment: The purpose of RCW 11.94 in its original enactment was to enable a person to name someone as attorney in fact for him or her in order to transact all business of whatever kind and nature which the principal could do if alive and competent. Senate Bill No. 3426 provided the homestead of a married person could be conveyed or encumbered if a husband or wife or both jointly make and execute powers of attorney for that purpose. The question again arises as to whether reference to that specific power must be specified in the power of attorney. The purpose of this statute is to clarify that the use of the term "all" when referring to all powers that the principal might have, or all authority that the principal might have, is intended to be all inclusive notwithstanding any ambiguity that specific wording in the Senate Bill might raise. It is believed that this bill was an amendment to RCW 6.12.110.

CHAPTER 11.95
POWERS OF APPOINTMENT

11.95.010 Releases

11.95.020 Partial releases

11.95.030 Form and substance - delivery

11.95.040 Effect on prior releases

11.95.050 Filing with Secretary of State

11.95.060 Exercise of powers of appointment

11.95.070 Application

CHAPTER 11.95

POWERS OF APPOINTMENT

Sec. 33 11.95.010 Releases. Any power ~~which is~~ exercisable by ~~deed, by will,~~ by deed or by will, or otherwise, ~~whether general or special,~~ other than a power in trust which is imperative, is releasable, either with or without consideration, by written instrument signed by the holder ~~thereof~~ and delivered as herein-after provided. ~~unless the instrument creating the power provides otherwise.~~

Comment: Former RCW 64.24.010. Powers covered by new RCW 11.98.019 dealing with relinquishment of tax sensitive trustee attributes have been excluded from the general provisions of Ch. 11.95.

Sec. 34 11.95.020 Partial releases. A power which is releasable may be released with respect to the whole or any part of the property subject to such power and may also be released in such manner as to reduce or limit the persons or objects, or classes ~~or~~ of persons or objects, in whose favor the ~~such~~ powers would otherwise be exercisable. No release of a power shall be deemed to make imperative a power which was not imperative prior to the ~~such~~ release, unless the instrument of release expressly so provides.

Comment: Former RCW 64.24.020.

Sec. 35 11.95.030 Form and substance - Delivery. In order to be effective as a release of a power, the instrument of release must, ~~as to form and substance, comply with the requirements therefor, if any, set forth in the instrument creating the power, and must be delivered to the person or persons designated in any one or more of the following:~~

~~(1) Each person specified for such purpose in the instrument creating the power, and,~~

~~(2) any trustee or cotrustee of the property, and the person holding the property, to which the power relates, and, Delivery of a copy of the instrument of release may be made to~~

~~(3) the office of the secretary of state, and such delivery which shall from the time thereof of delivery constitute notice of such the release to all other persons, other than those specified in subdivisions (1) and (2) above.~~

Comment: former RCW 64.24.030. The requirement to file with the Secretary of State has been eliminated because the Committee felt such filing should not be necessary for a release to be effective. A copy of the release may be filed with the Secretary of State in order to give notice to third parties. Requirements in the instrument will be imposed by virtue of new Chapter 11.97 and thus the provisions referencing the instrument in this section can be deleted.

Sec. 36 11.95.040 Effect on prior releases. The enactment of RCW 11.95.64-24-010 through 11.95.64-24-050 shall not be construed to impair the validity of any release heretofore made which was otherwise valid when executed.

Comment: Former RCW 64.24.040.

Sec. 37 11.95.050 Filing with secretary of state - Fee. It shall be the duty of the secretary of state to mark such instrument of release filed in his office with a consecutive file number and with the date and hour of filing, and to note and index the filing in a suitable alphabetical index according to the name or names of the person or persons signing the same and containing a notation of the address or addresses of the signer or signers, if given in the instrument. The fee for filing is one dollar. The secretary of state shall deliver or mail to the person filing the instrument a receipt showing the filing number and date and hour of filing.

Comment: Former RCW 64.24.050. Unchanged.

Sec. 38 11.95.060 Exercise of Powers of Appointment.

(1) Type of Appointment. The holder of any testamentary or lifetime power of appointment may exercise the power by appointing property outright or in trust and may grant further powers to appoint. The powerholder may designate the trustee, powers, situs, and governing law for any property appointed in trust.

(2) Method of Exercising Testamentary Power. The holder of a testamentary power may exercise the power only by the powerholder's last will (signed before or after the effective date of the instrument granting the power) that manifests an intent to exercise the power and that identifies the instrument granting the power and its date. Unless the person holding the property subject to the power has within six (6) months after the holder's death received written notice that the powerholder's last will has been admitted to probate or an adjudication of testacy has been entered with respect to the powerholder's last will in some jurisdiction, the person may, until the time the notice is received, transfer the property subject to appointment on the basis that the power has not been effectively exercised. The person holding the property shall not incur liability to anyone for transfers so made. A testamentary residuary clause shall not be deemed the exercise of a testamentary power.

(3) Method of Exercising Lifetime Power. The holder of a lifetime power of appointment shall exercise that power only by delivering a written instrument, signed by the holder, to the person holding the property subject to the power. If the holder conditions the distribution of the appointed property on a future event, the written instrument may be made revocable until the event specified has occurred and shall specify the method of its revocation. If the written instrument is revoked, the holder of the power may reappoint the property that was appointed in the instrument. In the absence of signing and delivery of such a

written instrument, a lifetime power shall not be deemed exercised.

Comment: The guidelines specify ways in which a power of appointment must be exercised in the absence of specific instructions in an instrument. It gives a power holder the ability to appoint broadly and requires that the power be clearly exercised in order to be effective. It also protects the holder of property subject to a power of appointment from liability in making an alternate distribution of property unless notice of a Will admitted to probate or processed under an adjudication of testacy is received within a certain time.

Sec. 39 11.95.070 Application. This chapter does not apply to any power as trustee described in and subject to RCW 11.98.019.

CHAPTER 11.96
DISPUTE RESOLUTION

- 11.96.009 Jurisdiction in probate and trust matters
- 11.96.020 Power of courts when law inapplicable, insufficient, or doubtful.
- 11.96.030 Exercise of power -- orders, writs, process, etc.
- 11.96.040 Situs of trust
- 11.96.050 Venue - proceedings involving probate or trust
- 11.96.060 Statutes of limitations - proceedings involving trusts and estates
- 11.96.070 Petition for judicial proceedings
- 11.96.080 Hearing and form of notice
- 11.96.090 Power of clerk to fix dates of hearings
- 11.96.100 Notice for judicial proceedings
- 11.96.110 Constructive notice
- 11.96.120 Special notice
- 11.96.130 Trial rules; judgments
- 11.96.140 Costs, discretion to order payment by parties or from estate
- 11.96.150 Execution upon trust income or vested remainder
- 11.96.160 Appeals to Supreme Court or Court of Appeals
- 11.96.170 Nonjudicial resolution of disputes
- 11.96.180 Appointment of guardians ad litem

Sec. 41 11.96.009 Jurisdiction in probate and trust matters -
Powers of courts.

(1) The superior court shall have original jurisdiction over probates in the following instances:

(a) When a resident of the state dies; or

(b) When a non-resident of the state dies in the state;

or

(c) When a non-resident of the state dies outside the state.

(2) The superior court shall have original jurisdiction over trusts and trust matters.

(3) The superior courts in the exercise of their jurisdiction of matters of probate and trusts shall have power to probate or refuse to probate wills, appoint personal representatives of deceased, ~~or~~ incompetent, or disabled persons and administer and settle all such estates, and administer and settle all trusts and trust matters, award processes and cause to come before them all persons whom they may deem it necessary to examine, and order and cause to be issued all such writs as may be proper or necessary, and do all things proper or incident to the exercise of such jurisdiction. [1965 c 145 § 11.02.010. Prior: 1917 c 156 § 1; RRS § 1371; prior 1891 c 155 §1; Code 1881 § 1299; 1873 p 253 § 3; 1863 p 199 § 3; 1860 p 167 § 3; 1854 p 309 § 3. Formerly RCW 11.16.010.]

Comment: Formerly RCW 11.02.010. New language clarifies that superior courts have jurisdiction over trusts.

Sec. 42 11.96.020 Powers of courts when law inapplicable, insufficient, or doubtful. It is the intention of this title that the courts mentioned shall have full and ample power and authority to administer and settle all estates of decedents, and incompetent and disabled persons in this title mentioned and to administer and settle all trusts and trust matters. If the provisions of this title with reference to the administration and settlement of such estates or trusts should in any cases and under any circumstances be inapplicable or insufficient or doubtful, the court shall nevertheless have full power and authority to proceed with such administration and settlement in any manner and way which to the court seems right and proper, all to the end such estates or trusts may be by the court administered upon and settled. [1965 c 145 § 11.02.020. Prior: 1917 c 156 § 219; RRS § 1589. Formerly RCW 11.16.020.]

Comment: Formerly RCW 11.02.020

Sec. 43 11.96.030 Exercise of powers -- Orders, writs, process, etc. In exercising any of the jurisdiction or powers by this title given or intended to be given, the court is authorized to make, issue and cause to be filed or served, any and all manner and kinds of orders, judgments, citations, notices, summons, and other writs and processes not inconsistent with the provisions of this title, which may be considered proper or necessary in the

exercise of such jurisdiction. [1965 c 145 § 11.01.030. Prior: 1917 c 156 § 220; RRS § 1590. Formerly RCW 11.16.030.]

Comment: Formerly RCW 11.02.030

Sec. 45 11.96.040 Situs of Trust. Unless otherwise provided in the instrument creating the trust, the situs of a trust is the place in which is located the principal place of administration of the trust. As used in this section, the "principal place of administration of the trust" is the trustee's usual place of business where the day-to-day records pertaining to the trust are kept or the trustee's residence if it has no such place of business.

Comment: Cal. Code - Probate §1138.3 as modified by draftsman. The California statute deals only with inter vivos trusts. This statute covers all trusts.

Sec. 46 11.96.050 Venue - proceedings involving probate or trust. For purposes of venue in proceedings involving probate or trusts and trust matters, the following shall apply:

(1) Proceedings under Title 11 RCW pertaining to trusts shall be commenced either:

(a) In the superior court of the county in which the situs of the trust is located as provided in RCW 11.96.040;

(b) In the superior court of the county in which a trustee resides or has its principal place of business; or

(c) As respects testamentary trusts, in the superior court of the county where letters testamentary were granted to a personal representative, and in the absence of such letters, then in any county where letters testamentary could have been granted in subsection (2) below.

(2) Wills shall be proven, letters testamentary or of administration granted, and other proceedings under Title 11 RCW pertaining to probate commenced, either:

(a) In the county in which the decedent was a resident at the time of death;

(b) In the county in which the decedent may have died, or in which any part of the estate may be, if the decedent was not a resident of this state; or

(c) In the county in which any part of the estate may be, the decedent having died out of state, and not having been resident in this state at the time of death.

(3) No action undertaken is defective or invalid because of improper venue if the court has jurisdiction of the matter.

Comment: The above statute specifies the county where legal proceedings must be commenced if they involve probate or trust. The portion of the statute dealing with probate was formerly RCW 11.16.050.

Sec. 47 11.96.060 Statutes of limitations - proceedings involving trusts and estates.

(1) Any action against the trustee of an express trust (excluding those trusts excluded from the definition of express trusts under RCW 11.98.009, but including all express trusts, whenever executed), for any breach of fiduciary duty, must be brought within three years from the earlier of (a) the time the alleged breach was discovered or reasonably should have been discovered or (b) the time of termination of the trust or the trustee's repudiation of the trust.

(2) Any action by an heir, legatee, or other interested party, to whom proper notice was given if required, against a personal representative for alleged breach of fiduciary duty must be brought prior to discharge of the personal representative.

(3) The tolling provisions of RCW 4.16.190 shall apply to this statute, except that the running of the statute of limitations stated in subsection (2) above is not tolled if the minor, incompetent or disabled person had a guardian to represent the person during the probate proceeding or had a guardian ad litem or a limited guardian to represent such person with respect to the matter.

(4) Notwithstanding subsections (2) and (3), any cause of action against a trustee of an express trust, as provided for in subsection (1) is not barred by the statute of limitations if it is brought within three years from the date of enactment of this

statute. In addition, any action as specified in subsection (2) against the personal representative is not barred by this statute of limitations if it is brought within one year from the date of enactment of this statute.

Comment:

(1) The general rule in Washington as stated in Hotchkin v. McHaught - Collins Improvement Co., 102 Wash. 161, 172 Pac. 864 (1918) appears to be that the statute of limitations against the trustee of an express trust does not begin to run until the trust is repudiated by the trustee or terminated. There appears to be no exception if the beneficiary had knowledge of the alleged wrongdoing but made no effort to bring suit within a reasonable time from the alleged wrongdoing. There is further confusion as to which statute of limitation period applies upon the termination or repudiation of a trust. The possible statutes of limitations run between 3 and 10 years, depending on the type of wrongdoing alleged. It is believed that uniformity in this area is necessary and that the 3 year statute of limitation period is sufficiently long and should begin to run from the earlier of the termination or repudiation of the trust, or the time the alleged breach was or should have been discovered.

(2) This portion of the statute replaces former RCW 4.16.110(2) providing for a one-year statute of limitation from the time of final settlement or the discovery of the alleged misconduct. This revision was made to conform with the rule that

closure of an estate and discharge of a personal representative is res judicata and is a final adjudication which, although appealable, cannot be subsequently attacked. Henrickson v. Baker - Boyer Nat. Bank, 139 F.2d 877 (1944), Alaska Banking and Safe Co. v. Noyes, 64 Wash. 672, 117 Pac. 492 (1911); Laack v. Hawkins, 155 Wash. 308, 284 Pac. 89 (1930).

Sec. 48 11.96.070 Petition for judicial proceedings. A personal representative, trustee, or other fiduciary, creditor, devisee, legatee, heir, or trust beneficiary interested in the administration of a trust, or the attorney general in the case of a charitable trust under RCW 11.119.020, or of the estate of a decedent, incompetent or disabled person, may have a judicial proceeding for the declaration of rights or legal relations in respect to the trust or estate:

(1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or

(2) To direct the personal representatives or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings; or

(4) To confer upon the personal representatives or trustees any necessary or desirable powers not otherwise granted in the

instrument or given by law that the court determines are not inconsistent with the provisions or purposes of the will or trust; or

(5) To amend or conform the will or the trust instrument in the manner required to qualify the gift thereunder for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust as required by final regulations and rulings of the United States Internal Revenue Service, in any case in which all parties interested in the trust have submitted written agreements to the proposed changes or written disclaimer of interest; or

(6) To resolve any other matter in this title referencing this judicial proceedings section.

The provisions of this chapter shall apply to disputes arising in connection with estates of incompetents, or disabled persons unless otherwise covered by the provisions of chapters 11.88 and 11.92 RCW.

Comment: Formerly 7.24.040. Subsections (4), (5) and (6) are designed to provide more remedial authority in the courts.

Sec. 49 11.96.080 Hearing and form of notice. The court shall make an order fixing the time and place for hearing the petition. The court shall approve the form and content of the notice. Notice of hearing shall be signed by the clerk of the court.

Sec. 51 11.96.090 Power of clerk to fix dates of hearings. The clerk of each of the superior courts is authorized to fix the time of hearing of all applications, petitions and reports in probate and guardianship proceedings, except the time for hearings upon show cause orders and citations and except for the time of hearings set under RCW 11.96.080. The authority herein granted is in addition to the authority vested in the superior courts and superior court commissioners.

Comment: Formerly RCW 11.02.060.

Sec. 53 11.96.100 Notice for judicial proceedings under RCW Title 11. Subject to RCW 11.96.110, notice shall be personally served or mailed to each trustee, personal representative, heir, beneficiary (which includes devisees, legatees, and heirs), guardian ad litem and person having an interest in the trust or estate whose name and address are known to the petitioner in all proceedings under title 11, at least twenty days prior to the hearing on the petition (unless otherwise ordered by the court under RCW 11.96.080). Proof of such service or mailing shall be made by affidavit which shall be filed at or before the hearing. Further, notice shall also be given to the attorney general if required under RCW 11.110.120.

Comment: This new section 11.96.100 is based upon the California statutory notice provisions which are set forth in §1215 of the California Probate Code.

Sec. 54 11.96.110 Constructive Notice. Notwithstanding other provisions of this Chapter to the contrary, it is a sufficient compliance with Title 11 RCW insofar as it requires notice to be given to the beneficiaries of, or persons interested in an estate or a trust, or to beneficiaries or remaindermen, including all living persons who may participate in the corpus or income of the trust or estate, to give notice as follows:

(1) When an interest in an estate or trust has been given to persons who compose a certain class upon the happening of a certain event, notice shall be given to the living persons who would constitute the class if such event had happened immediately before the commencement of the proceeding requiring notice.

(2) When an interest in an estate or trust has been given to a living person, and the same interest, or a share in it, is to pass to the surviving spouse or to persons who are, or may be, the distributees, heirs, issue or other kindred of such living person upon the happening of a future event, notice shall be given to such living person.

(3) Except as otherwise provided in section (2), if an interest in an estate or trust has been given to a person, or a class of persons, or both, upon the happening of any future

event, and the same interest, or a share of such interest, is to pass to another person, or class of persons, or both, upon the happening of an additional future event, notice shall be given to the living person or persons who would take the interest upon the happening of the first such event.

(4) Notice shall be given to persons who would not otherwise be entitled to notice by law if a conflict of interest involving the subject matter of the trust or estate proceeding exists between a person to whom notice is given and a person to whom notice need not be given under Title 11 RCW.

Any action taken by the court shall be conclusive and binding upon each person receiving actual or constructive notice in the manner provided herein.

Comment: This new section 11.96.110 gives statutory recognition to the doctrine of virtual representation and is designed to eliminate the expense associated with requiring the appointment of guardians ad litem to represent the interests of minor, unborn or unascertained beneficiaries under certain limited circumstances.

Sec. 55 11.96.120 Special notice. Nothing in this chapter eliminates the requirement to give notice to a person who has requested special notice pursuant to RCW 11.28.240 or RCW 11.92.150.

Sec. 56 11.96.130 Trial rules; judgments. All issues of fact joined in probate or trust proceedings shall be tried in conformity with the requirements of the rules of practice in civil actions. The probate or trust proceeding may be commenced as a new action, or as an action incidental to an existing probate or trust proceeding. Once commenced, the action may be consolidated with an existing probate or trust proceeding, or converted to a separate action, upon the motion of any party, for good cause shown, or by the court on its own motion. If the action is incidental to an existing proceeding, all pleadings shall set forth the caption of the existing proceeding followed by an appropriate caption designating the parties to the new proceeding. The party affirming is plaintiff, and the one denying or avoiding is defendant. When a party is entitled to a trial by jury and a jury is demanded, and the issues are not sufficiently made up by the written pleadings on file, the court, on due notice, must settle and frame the issues to be tried. If no jury is demanded, the court must try the issues joined, and sign and file its findings and decision in writing, as provided in civil actions. Judgment on the issue joined, as well as for costs, may be entered and enforced by execution or otherwise by the court as in civil actions.

Comment: Portions of this statute come from §1230 of the California Probate Code. This statute is intended to permit a probate or trust proceeding to be filed either under the probate

cause number or as an independent action under a new cause number.

Sec. 57 11.96.140 Costs; discretion to order payment by parties or from estate. Either the superior court or the court on appeal, may, in its discretion, order costs, including attorneys fees, to be paid by any party to the proceedings, or out of the assets of the estate, as justice may require.

Comment: This statute comes from part of §1232 of the California Code.

Sec. 58 11.96.150 Execution upon trust income or vested remainder -- Permitted, when. Nothing in RCW 6.32.250 shall forbid execution upon the income of any trust created by a person other than the judgment debtor for debt arising through the furnishing of the necessities of life to the beneficiary of such trust; or as to such income forbid the enforcement of any order of the superior court requiring the payment of support for the children under the age of eighteen of any beneficiary; or forbid the enforcement of any order of the superior court subjecting the vested remainder of any such trust upon its expiration to execution for the debts of the remainderman.

Comment: This section, formerly RCW 30.30.120 of the Trustee's Accounting Act, was more appropriately placed in this dispute resolution portion of Title 11. See also RCW 19.36.020

providing that certain conveyances in trust for the grantor's use are void as against existing or subsequent creditors of the grantor.

Sec. 59 11.96.160 Appeals to supreme court or court of appeals. Any interested-party may appeal to the supreme court or the court of appeals from any final order, judgment or decree of the court, and such appeals shall be in the manner and way provided by law for appeals in civil actions. [1971 c 81 §53; 1965 c 145 §11.96.010. Prior: 1917 c 156 §221; RRS §1591. Formerly RCW 11.16.040.]

Comment: Formerly RCW 11.96.010.

Sec. 61 11.96.170 Nonjudicial resolution of disputes. (1) If the persons listed in RCW 11.96.070 and those entitled to notice under RCW 11.96.100 and 11.96.110 can agree on any matter listed in RCW 11.96.070 or any other matter in Title 11 RCW referencing this nonjudicial resolution procedure, then the agreement shall be evidenced by a written agreement executed by all necessary persons as provided in this section.

(2) If necessary, the personal representative or trustee may petition the court for the appointment of a special representative to represent a person interested in the estate or trust who is a minor, incompetent, disabled or who is yet unborn or unascertained, or a person whose identity or address is

unknown. The special representative has authority to enter into a binding agreement on behalf of the person or beneficiary. The special representative may be appointed for more than one person or class of persons if the interests of such persons or class are not in conflict. Those entitled to receive notice for persons or beneficiaries described in RCW 11.96.110 may enter into a binding agreement on behalf of such persons or beneficiaries.

(3) The special representative shall be a lawyer duly licensed to practice before the courts of this state, or an individual with special skill or training in the administration of estates or trusts. The special representative shall have no interest in any affected estate or trust, and shall not be related to any personal representative, trustee, beneficiary or other person interested in the estate or trust. The special representative is entitled to reasonable compensation for services which shall be paid from the principal of the estate or trust whose beneficiaries are represented. Upon execution of the written agreement the special representative shall be discharged of any further responsibility with respect to the estate or trust.

(4) The written agreement or a memorandum summarizing the provisions of the written agreement may at the option of any person interested in the estate or trust, be filed with the court having jurisdiction over the estate or trust.

The person filing the agreement or memorandum shall within five days thereof mail a copy of the agreement and a notice of the filing to each person interested in the estate or trust whose address is known. Notice shall be in substantially the following form:

CAPTION
OF CASE

NOTICE OF FILING OF AGREEMENT
OR MEMORANDUM OF AGREEMENT

Notice is hereby given that the attached document was filed by the undersigned in the above entitled court on the ___ day of _____, 19___. Unless you file a petition objecting to the agreement within 30 days of the above specified date the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust.

If you file and serve a petition within the period specified, you should ask the court to fix a time and place for the hearing on the petition and provide for at least a ten days notice to all persons interested in the estate or trust.

DATED this ___ day of _____, 19__.

(party to the agreement)

Unless a person interested in the estate or trust files a petition objecting to the agreement within thirty days of the filing of the agreement or the memorandum, the agreement will be

deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust. If all persons interested in the estate or trust waive the notice required by this section, the agreement will be deemed approved and will be equivalent to a final order binding on all persons interested in the estate or trust effective upon the date of filing.

Comment. This section permits interested parties in a trust or estate to enter into a binding agreement if there is an issue or dispute pertaining to the administration of a trust or estate. A "special representative" may be appointed by the court if the personal representative or trustee requests that one be named for any incompetent, unborn or unknown beneficiary. The special representative once appointed has authority to enter into a binding agreement on behalf of those for whom he or she is appointed. The special representative is to be a lawyer or an individual having special skill or training in trust administration. If a special representative is not appropriate, the agreement can also be approved by an individual who represents others in a representative class as provided at RCW 11.96.110 which codifies the doctrine of virtual representation. The agreement or a memorandum of its terms can be filed with the court if any interested party elects to do so. Unless the agreement is objected to within thirty days after the parties have been notified of its filing, it will have the effect of a

final order binding on all persons interested in the estate or trust.

Sec. 62 11.96.180 Appointment of guardians ad litem.

(1) The court, upon its own motion or on request of a person interested in the trust or estate, at any stage of a judicial proceeding or at any time in a nonjudicial resolution procedure, may appoint a guardian ad litem to represent the interests of a minor, incapacitated, unborn, or unascertained person, or person whose identity and address are unknown, or a designated class of persons who are not ascertained or are not in being. When not precluded by a conflict of interest, a guardian ad litem may be appointed to represent several persons or interests.

(2) For the purposes of this section, a trustee is a person interested in the trust and a personal representative is a person interested in an estate.

(3) The court appointed guardian ad litem supersedes the special representative if so provided in the court order.

(4) The court may appoint the guardian ad litem at an ex parte hearing, or the court may order a hearing as provided in RCW 11.96.070 with notice as provided in RCW 11.96.080, 11.96.100 and 11.96.110.

Comment: This section allows the court to appoint a guardian ad litem at any time (including during an effort at non-judicial resolution of a dispute) to represent incompetent parties.

CHAPTER 11.97

EFFECT OF TRUST INSTRUMENT

- 11.97.010 Power of trustor
- 11.97.900 Application of chapter

Chapter 11.97

EFFECT OF TRUST INSTRUMENT

Sec. 64 11.97.010 Power of Trustor -- Trust provisions control chapter provisions. The trustor of a trust may by the provisions of the trust thereof relieve the trustee from any or all of the duties, restrictions and liabilities which would otherwise be imposed by Chapters 11.95, 11.98, 11.100, and 11.104 RCW and RCW 11.106.020 this chapter; or may alter or deny any or all of the privileges and powers conferred by such this chapters; or may add duties, restrictions, liabilities, privileges, or powers to those imposed or granted by such this chapters. If any specific provision of such this chapters is in conflict with or inconsistent with the provisions of a trust, the provisions of the trust shall control whether or not specific reference is made therein in the trust to any of such this chapters. In no event may any trustee be relieved of the duty to act in good faith and with honest judgment. [1959 c 124 § 2.]

Sec. 65 11.97.900 Application of Chapter. This chapter shall apply to the provisions of Chapters 11.95, 11.98, 11.100, and 11.104 RCW and RCW 11.106.020 ("such chapters").

Comment: Section 11.97.010 was formerly RCW 30.99.020. The purpose of this section is to put in one place the principle that the trust provisions will govern any statutory requirements rather than having language to that effect contained in numerous provisions throughout new Title 11. The last sentence was added to make clear that a trustee cannot be exonerated for failing to

act in good faith and with honest judgment. The committee feels that this requirement is probably stated in case law and should, as a matter of public policy, be stated specifically in a statute.

CHAPTER 11.98

TRUSTS

- 11.98.009 Application of chapter
- 11.98.016 Exercise of power by cotrustees
- 11.98.019 Release of powers by cotrustees
- 11.98.029 Resignation of trustee
- 11.98.039 Changing Trustee
- 11.98.045 Criteria for transfer of trust administration
- 11.98.051 Non-judicial transfer of trust administration
- 11.98.052 Judicial transfer of trust administration
- 11.98.060 Power of successor trustee
- 11.98.065 Change in form of corporate trustee
- 11.98.070 Power of trustee
- 11.98.080 Consolidation of trusts
- 11.98.090 Nonliability of third persons without knowledge of breach
- 11.98.100 Nonliability for action or inaction based on lack of knowledge of events
- 11.98.110 Contract and tort liability
- 11.98.130 Violation of rule against perpetuities by instrument -- Periods during which trust not invalid
- 11.98.140 Distribution of assets and vesting of interest during period trust not invalid
- 11.98.150 Distribution of assets at expiration period

11.98.160	Effective date of creation of trust
11.98.170	Trustee or custodian named as beneficiary of life insurance policy or retirement plan
11.98.900	Application of chapter
11.98.910	Severability -- 1959 c 124
11.98.920	Short title

Sec. 67 11.98.009 Application of chapter. Except as provided in this section, this chapter ~~shall apply~~ to express trusts, except as hereinafter limited, which are executed by the trustor after June 10, 1959, ~~the effective date hereof. This chapter shall~~ and does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiary, investment trusts, voting trusts, trusts in the nature of mortgages or pledges, trusts created by the judgment or decree of a court not sitting in probate, liquidation trusts, or trusts for the sole purpose of paying dividends, interest, interest coupons, salaries, wages, pensions or profits, trusts created in deposits in any ~~banking~~ financial institution pursuant to Chapter 30.22 RCW ~~RCW 30.20-035 or RCW 32.12.030~~, or in accounts in savings and loan associations pursuant to ~~RCW 33.20-070~~, unless any such trust which is created in writing incorporates this chapter in whole or in part. [1959 c 124 §1.]

Comment: Formerly RCW 30.99.010.

Sec. 68 11.98.016 Exercise of powers by cotrustees.

(1) Action by Majority. Any power vested in three or more trustees jointly may be exercised by a majority of such trustees; but no trustee who has not joined in exercising a power ~~shall be~~ is liable to the beneficiaries or to others for the consequences of such exercise; nor ~~shall~~ is a dissenting trustee ~~be~~ liable for the consequences of an act in which he joins at the direction of

the majority of the trustees, if he expressed his dissent in writing to each of his cotrustees at or before the time of such joinder.

(2) Failure of cotrustees to Serve. Where two or more trustees are appointed to execute a trust and one or more of them for any reason does not accept the appointment or having accepted ceases to be a trustee, the survivor or survivors shall execute the trust and shall succeed to all the powers, duties and discretionary authority given to the trustees jointly.

(3) Delegation by Individual Trustee. Any individual trustee, with a cotrustee's consent, may, by a signed, written instrument, delegate any power, duty, or authority as trustee to such cotrustee. Such delegation shall be effective upon delivery of the instrument to such cotrustee and may be revoked at any time by delivery of a similar signed, written instrument to such cotrustee. However, if a power, duty, or authority is expressly conferred upon only one trustee, it shall not be delegated to a cotrustee, if it is expressly excluded from exercise by a trustee, it shall not be delegated to such excluded trustee.

(4) Approval Through Notice to All cotrustees. If one trustee gives written notice to all other cotrustees of an action that such trustee proposes be taken, then the failure of any such cotrustee to deliver a written objection to the proposal to such trustee, at the trustee's then address of record and within fifteen (15) days from the date such cotrustee actually receives the notice, shall constitute formal approval by such cotrustee,

cotrustee had previously given written notice (then unrevoked) to such trustee that this 15-day notice provision is inoperative.

(5) Liability of Cotrustee for Failure to Act. As to any effective delegation made under Subsection (3) a cotrustee has no liability for failure to participate in the administration of the trust. Nothing in this section, however, shall otherwise excuse a cotrustee from liability for failure ~~either~~ to participate in the administration of the trust ~~or~~ and nothing in this section, including subsection (3) above, excuses a cotrustee from liability for the failure to attempt to prevent a breach of trust. [1959 c 124 §3.]

Comment: Subsections (1) and (2) and portions of subsection (5) were formerly RCW 30.99.030.

Subsection (3) provides authority for an individual cotrustee to delegate any of his or her powers, duties, or authorities to a cotrustee, if the cotrustee consents. The purpose of this subsection is to specifically permit an individual cotrustee to delegate any or all of the trustee's responsibilities to another cotrustee and should be particularly helpful in delegating an individual trustee's responsibilities to a corporate cotrustee where that is desirable. Subsection (5) states that such a delegation will not give rise to liability for failure to participate in trust administration.

Subsection (4) provides a method for a single trustee to obtain approval of a proposed action in a situation where the other cotrustees are unwilling to participate. If cotrustees are

in disagreement, then this subsection would have no applicability. Its main purpose is to provide a method for a trustee to obtain authority without resort to court or other dispute resolution procedures in a situation where a cotrustee or cotrustees are refusing to approve or disapprove a proposed action.

Sec. 69 11.98.019 Release of powers by cotrustee. Any individual cotrustee may, by written instrument delivered to a then acting cotrustee and to the current adult income beneficiaries of the trust, relinquish to any extent and upon any terms any or all of the trustee's powers, rights, authorities, or discretions that are or may be tax sensitive in that they cause or may cause adverse tax consequences to the trustee or the trust. Any trustee not relinquishing such a relinquished power, right, authority, or discretion and upon whom it is conferred continues to have full power to exercise it.

Comment: This section deals with the ability of an individual cotrustee to relinquish a power, right, authorization, or discretion conferred upon a cotrustee if it is a tax sensitive one that causes or may cause adverse tax consequences to the trustee or the trust. It provides a method of relinquishing attributes of being a trustee that is less detailed and less limited than would be available under chapter RCW 11.86, which permits disclaimers generally. For example, under this section a cotrustee may relinquish a power simply by a written instrument

delivered to a then acting cotrustee and to the current adult income beneficiaries of the trust.

The purpose of the section is to clearly permit the relinquishment of a tax sensitive power, right, authorization, or discretion in any manner to a cotrustee. That is, relinquishment in whole or in-part, temporarily or permanently, and revocably or irrevocably would be permitted. The relinquishment would be important where a cotrustee wanted to relinquish part or all of a power, right, authorization, or discretion that results in an adverse tax consequence to the trustee or trust.

In the event of a relinquishment, the attribute relinquished will continue to be exercisable by the other trustees upon whom it is conferred. The section does not provide authority for exercise of an attribute by a trustee who is expressly excluded from exercising it.

Sec. 70 11.98.029 Resignation of trustee. Upon petition of the trustee of a trust, the superior court having jurisdiction may accept ~~his~~ its resignation and discharge ~~him~~ it from the trust upon such notice, if any, and upon such terms as ~~each~~ the court may require. [1959 c 124 §4.]

Comment: Formerly RCW 30.99.040.

Sec. 72 11.98.039 Changing Trustee.

(1) Nonjudicial change of trustee. The beneficiaries and trustee of a trust may agree for the non-judicial change of the

trustee under RCW 11.96.170 where the governing instrument does not name a successor trustee who is willing to serve. The trustee shall give written notice of the proposed change in trustee to every beneficiary or special representative, and the trustor if alive. The notice shall: (a) state the name and mailing address of the trustee; (b) include a copy of the governing instrument; and (c) the name and mailing address of the successor trustee. The notice shall advise the recipient of the right to petition for the judicial determination of the proposed change in trustee as provided in subsection (2) of this section. The notice shall include a form on which consent or objection to the proposed changes in trustee may be indicated.

(2) Judicial change of trustee. Any beneficiary of a trust, the trustor if alive, or the trustee may in writing petition the superior court having jurisdiction for the appointment or change of a trustee as provided in chapter 11.96 RCW (a) whenever the office of trustee becomes vacant, or (b) upon filing of a petition of resignation by a trustee, or (c) for any other reasonable cause. ~~The court shall make an order fixing the time and place for hearing the petition and the notice thereof shall be signed by the clerk of said court. Petitioner shall cause a copy of the notice to be mailed to each beneficiary, the trustor if alive, and to the incumbent trustee, if any, whose names and addresses are known to him, not less than ten days before the date of the hearing. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the~~

~~hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing. Upon conclusion of the hearing the court shall appoint a successor trustee after giving due consideration to the individual or corporate character of trustor's original trustee, any nominations by those entitled to petition for the appointment or by the guardian ad litem, and all other relevant and material facts.~~
~~[1959 c 124 §5.]~~

(3) Liability of successor fiduciary for acts or omissions of predecessor fiduciary. For purposes of this section, the term fiduciary shall include both trustee and personal representative

(a) Except as otherwise provided in the governing instrument, a successor fiduciary, absent actual knowledge of a breach of fiduciary duty: (i) is not liable for any act or omission of a predecessor fiduciary and is not obligated to inquire into the validity or propriety of any such act or omission; (ii) is authorized to accept as conclusively accurate any accounting or statement of assets tendered to the successor fiduciary by a predecessor fiduciary; (iii) is authorized to receipt only for assets actually delivered and has no duty to make further inquiry as to undisclosed assets of the trust or estate.

(b) Nothing contained in this section relieves any successor fiduciary from liability for retaining improper

investments, nor does this section in any way bar the successor fiduciary, trust beneficiaries or any other party in interest from bringing any action against any predecessor fiduciary arising out of the acts or omissions of the predecessor fiduciary, nor does it relieve the successor fiduciary of any liability for its own acts or omissions except as specifically stated or authorized in this section.

Comment: Formerly RCW 30.99.050. The new provisions of section (1) and (2) are designed to allow the non-judicial appointment of a successor trustee under new non-judicial resolution of dispute section of RCW 11.96.140, while preserving the right of the named parties to judicial review. Subsection (3) limits the liability of a successor fiduciary, modifying the common law rule that a successor trustee is liable for breach of trust if the successor neglects to take steps necessary to compel the predecessor trustee to redress a breach of trust.

Sec. 74 11.98.045 Criteria for transfer of trust administration.

(1) A trustee may transfer trust assets to a trustee in another jurisdiction or may transfer the place of administration of a trust to another jurisdiction if the trust instrument so provides or in accordance with RCW 11.98.052 or RCW 11.98.053.

(2) Transfer pursuant to this section shall be permitted only if:

(a) The transfer would facilitate the economic and convenient administration of the trust;

(b) The transfer would not materially impair the interests of the beneficiaries or others interested in the trust;

(c) The transfer does not violate the terms of the trust; and

(d) The new trustee is qualified and able to administer the trust or such assets on the terms set forth in the trust.

(3) Acceptance of such transfer by a foreign corporate trustee or trust company pursuant to this section, RCW 11.98.052 and RCW 11.98.053 shall not be construed to be doing a "trust business" within the meaning of RCW 30.08.150(9).

Sec. 75 11.98.051 Nonjudicial transfer of trust administration.

(1) The trustee may transfer trust assets or the place of administration in accordance with the provisions of RCW 11.96.170. In addition, the trustee shall give written notice to those persons entitled to notice as provided for under RCW 11.96.100 and RCW 11.96.110 and to the attorney general in the case of a charitable trust subject to chapter 11.110 RCW. The notice shall:

(a) State the name and mailing address of the trustee;

(b) Include a copy of the governing instrument of the trust;

(c) Include a statement of assets and liabilities of the trust dated within 90 days of the notice;

(d) State the name and mailing address of the trustee to whom the assets or administration will be transferred together with evidence that such trustee has agreed to accept the assets or trust administration in the manner provided by law of the new place of administration. The notice shall also contain a statement of the trustee's qualifications and the name of the court, if any, having jurisdiction of such trustee or in which a proceeding with respect to the administration of the trust may be heard;

(e) State the facts supporting the requirements of RCW 11.98.045(2);

(f) Advise the beneficiaries of the right to petition for judicial determination of the proposed transfer as provided in RCW 11.98.055; and

(g) Include a form on which the recipient may indicate consent or objection to the proposed transfer.

(2) If the trustee receives written consent to the proposed transfer from all persons entitled to notice the trustee may transfer the trust assets or place of administration as provided in the notice. Transfer in accordance with the notice is a full discharge of the trustee in relation to all property referred to therein. Any person dealing with the trustee is entitled to rely on the authority of the trustee to act and is not obliged to inquire into the validity or propriety of the transfer.

Sec. 76 11.98.055 Judicial transfer of trust administration.

(1) Any trustee, beneficiary, or beneficiary representative may petition the superior court of the county of the situs of the trust for a transfer of trust assets or transfer of the place of administration in accordance with the provisions of Chapter 11.96 RCW.

(2) At the conclusion of the hearing, if the court finds the requirements of RCW 11.98.045(2) have been satisfied, it may direct the transfer of trust assets or the place of trust administration on such terms and conditions as it shall deem appropriate. The court in its discretion may provide for payment from the trust of reasonable fees and expenses for any party to such proceeding. Delivery of trust assets in accordance with the court's order is a full discharge of the trustee in relation to all transferred property.

Comment: This statute is based primarily on a similar transfer statute contained in Cal. Prob. Code §1139 et seq. It provides for nonjudicial transfer of trust assets and trust administration similar to the nonjudicial dispute resolution statute. The statute also makes clear that a transfer of trust assets pursuant to these sections will not create problems for the new foreign corporate trustee or trust company insofar as it may then be considered as doing a "trust business" within the State of Washington.

Sec. 77 11.98.060 Power of successor trustee. A successor trustee of a trust shall succeed to all the powers, duties and discretionary authority of the original trustee. [1959 c 124 §6.]

Comment: Formerly RCW 30.99.060.

Sec. 78 11.98.065 Change in form of corporate trustee. Any appointment of a specific bank, trust company, or corporation as trustee shall be conclusively presumed to authorize the appointment or continued service of such entity's successor in interest in the event of a merger, acquisition, or reorganization, and no court proceeding shall be necessary to affirm such appointment or continuance of service.

Comment. This section has been added to clarify the status of a corporate fiduciary who is appointed trustee in the event of a merger, acquisition or corporate reorganization. Under this statute, the successor organization shall serve or continue to serve barring contrary direction in the instrument.

Sec. 80 11.98.070 Power of trustee. A trustee, or the trustees jointly, of a trust shall, in addition to the authority otherwise given by law, have the discretionary power, and the exercise of discretion in the application thereof, to acquire, invest, reinvest, exchange, sell, convey, control, divide, partition, and manage the trust property in accordance with the standards provided by law, and in so doing may:

Comment: Additional powers added to preamble.

(1) Receive property from any source as additions to the trust or any fund ~~thereof~~ of the trust to be held and administered under the provisions ~~thereof~~ of the trust;

(2) Sell on credit; ~~((and grant, purchase or exercise options;))~~

Comment: Options transactions separated from credit transactions. Deleted portion of subsection (2) appears in subsection (3) below.

(3) Grant, purchase, or exercise options;

~~((3))~~(4) Sell or exercise subscriptions to stock or other corporate securities and to exercise conversion rights; ~~((deposit stock or other corporate securities with any protective or other similar committee, and assent to corporate sales, leases and encumbrances;))~~

Comment: Powers regarding securities separated into three subsections: (4), (5), and (6).

(5) Deposit stock or other corporate securities with any protective or other similar committee;

(6) Assent to corporate sales, leases, and encumbrances;

~~((4))~~(7) Vote trust securities in person or by proxy with power of substitution; and enter into voting trusts;

~~((5))~~(8) Register and hold any stocks, securities or other property in the name of a nominee or nominees without mention of the trust relationship, provided the trustee or trustees ~~shall be~~ are liable for any loss occasioned by the acts of any ~~such~~ nominee;

~~((6))~~(9) Grant leases of trust property, with or without options to purchase or renew, to begin within a reasonable period and for terms within or extending beyond the duration of the trust, for any purpose, including exploration for and removal of oil, gas and other minerals; enter into community oil leases, pooling, and unitization agreements; ~~((create restrictions, easements, and other servitudes, alter, renovate, add to or demolish any building, subdivide, develop, improve, dedicate to public use, make or obtain the vacation of public plats, adjust boundaries, partition real property and on exchange or partition to adjust differences in valuation by giving or receiving money or money's worth,))~~

Comment: See subsection (20) regarding easements and servitudes. See §(19) regarding renovation and demolition of buildings. See subsection (10) for remaining portion of subsection (9) deleted above. Subsection (9) has been divided in order to separate trustee's powers regarding leasing, creation of restrictions, renovation of structures, and development of real property.

(10) Subdivide, develop, dedicate to public use, make or obtain the vacation of public plats, adjust boundaries, partition real property, and on exchange or partition to adjust differences in valuation by giving or receiving money or money's worth;

~~((7))~~ (Section moved to subsection (23) below.)

~~((8))~~(11) Compromise or submit claims to arbitration;
~~((advance funds and borrow money, secured or unsecured, from any~~

~~source, including a corporate trustee's banking department, and mortgage, pledge the assets or credit of the trust estate or otherwise encumber trust property, including future income.)~~

Comment: See subsection (12) regarding advancing and borrowing money. See (18) regarding mortgaging trust property.

(12) Borrow money, secured or unsecured, from any source, including a corporate trustee's banking department, or from the individual trustee's own funds.

Comment: From RCW 30.99.070(8). Strikes "advance funds and" as unnecessary. Clause after "department" is new to show an intent that the borrowing of money from the individual trustee would not, per se, be a breach of the trustee's duty against self-dealing. See also RCW 11.99.090.

(13) Make loans, either secured or unsecured, at such interest as the trustee may determine to any person, including any beneficiary of a trust, except that no trustee who is a beneficiary of any trust may participate in decisions regarding loans to such beneficiary from the trust;

~~((9))~~ (14) Determine the hazards to be insured against and maintain insurance ~~therefor~~ for them;

~~((10))~~ (15) Select any part of the trust estate in satisfaction of any partition or distribution, in kind, in money, or both; ~~((pay any income or principal distributable to or for the use of any beneficiary, whether or not such beneficiary is under legal disability, to him or his use to his parent, guardian, person with whom he resides or third persons.))~~ make non-pro

rata distributions of property in kind; allocate particular assets or portions of them or undivided interests in them to any one or more of the beneficiaries without regard to the income tax basis of specific property allocated to any beneficiary and without any obligation to make an equitable adjustment;

Comment:

1. Power to pay over to beneficiary separated from distributions in kind. See subsection (16) regarding payments for beneficiary.

2. Comment per J. Cunningham regarding addition to above section: "As revised, the above statute would avoid the difficulties described in Priv. Ltr. Ruling 8119040 and Rev. Rul. 69-486, 1969-2 C.B. 159 where a non-pro rata distribution of trust assets not authorized by the trust instrument or local law was treated for federal income tax purposes as a non-pro rata distribution followed by an exchange between the beneficiaries resulting in the realization of gain or loss by the beneficiaries."

(16) Pay any income or principal distributable to or for the use of any beneficiary, whether or not such beneficiary is under legal disability, to him or for his use to his parent, guardian, custodian under the uniform gifts to minors act of any state, person with whom he resides or third person;

Comment: This section formerly appeared as a part of RCW 30.99.070(10). It has been expanded to allow the trustee also to make a distribution to the custodian for a minor. This change is

consistent with the provision regarding distributions from an estate or trust which appear in RCW 11.93.020(f).

(17) Change the character of or abandon a trust asset or any interest in it;

Comment: From §3(c)(7) UTPA and CPC §1120.2(5).

(18) Mortgage, pledge the assets or the credit of the trust estate, or otherwise encumber trust property, including future income, *whether an initial encumbrance or a renewal or extension of it, *for a term within or extending beyond the term of the trust, in connection with the exercise of any power vested in the trustee;

Comment: Beginning portion of section to first * is from RCW 30.99.070(8). Balance of section from second * to end is from §3(c)(7) UTPA. Words between each * are new.

(19) Make ordinary or extraordinary repairs or alterations in buildings or other trust property, to demolish any improvements, to raze existing structures, and to make any improvements to trust property;

Comment: From §3(c)(8) UTPA and CPC §1120.2(6). (19) changes RCW 30.99.070(6) to allow extraordinary repairs of buildings, extraordinary repairs or alterations of trust property other than buildings, demolition of party walls and improvements to personal property.

(20) Create restrictions, easements, *including easements to public use without consideration,* and other servitudes;

Comment: From RCW 30.99.070(6), §3(c)(9) UTPA, and CPC §1120.2(7). Words between asterisks are from UTPA and CPC.

(21) Manage any business interest, regardless of form, received by the trustee from the trustor of the trust, as a result of the death of a person, or by gratuitous transfer from any other transferor; and in respect to it, to have the following powers:

Comment: This preamble is intended to include the receipt by the trustee of a trust of any business interest to be held pursuant to the terms of the trust, including any gratuitous transfer to the trustee by the trustor or another, or a receipt of such business interest by the trustee arising out of the termination of a prior estate.

(a) To hold, retain and continue to operate such business interest solely at the risk of the trust, without need to diversify and without liability on the part of the trustee for any resulting losses;

(b) To enlarge or diminish the scope or nature or the activities of any business;

(c) To authorize the participation and contribution by the business to any employee benefit plan, whether or not qualified as being tax deductible, as may be desirable from time to time;

(d) To use the general assets of the trust for the purpose of the business and to invest additional capital in or make loans to such business;

(e) To endorse or guarantee on behalf of the trust any loan made to the business and to secure the loan by the trust's interest in the business or any other property of the trust;

(f) To leave to the discretion of the trustee the manner and degree of the trustee's active participation in the management of the business, and the trustee is authorized to delegate all or any part of the trustee's power to supervise, manage, or operate to such persons as the trustee may select, including any partner, associate, director, officer, or employee of the business; and also including electing or employing directors, officers, or employees of the trustee to take part in the management of such business as directors or officers or otherwise, and to pay any such person reasonable compensation for his services without regard to the fees payable to the trustee;

(g) To engage, compensate, and discharge or to vote for the engaging, compensating, and discharging of such managers, employees, agents, lawyers, accountants, consultants, or other representatives, including anyone who may be a beneficiary of the trust or any trustee;

(h) To cause or agree that surplus be accumulated or that dividends be paid;

(i) To accept as correct financial or other statements rendered by any accountant for any sole proprietorship or by any partnership or corporation as to matters pertaining to the business except upon actual notice to the contrary;

(j) To treat the business as an entity separate from the trust, and in any accounting by the trustee, it shall be sufficient if the trustee reports the earning and condition of the business in a manner conforming to standard business accounting practice;

(k) To exercise with respect to the retention, continuance, or disposition of any such business all the rights and powers which the trustor of the trust would have if alive at the time of such exercise, including all powers as are conferred on the trustee by law or as are necessary to enable the trustee to administer the trust in accordance with the provisions of the instrument governing the trust, subject to any limitations provided for in the instrument; and

(l) To satisfy contractual and tort liabilities arising out of an unincorporated business, first out of the business and second out of the estate or trust, but in no event shall there be a liability of the trustee, and if the trustee shall be liable, the trustee shall be entitled to indemnification from the business and the trust, respectively;

(22) Participate in the establishment of, and thereafter in the operation of, any business or other enterprise according to the provisions set forth in the preceding §(21) and all the subparagraphs thereof except that the trustee shall not be relieved of the duty to diversify;

Comment: From §3(c)(3) UTPA which reads in part: "to continue or participate in the operation of any business or other

enterprise. . . ." Also follows §1120.2(17) Cal. Probate Code except "the operation of" does not appear in the Cal. Code. This section is intended to relate to a new business or other enterprise started by the trustee which did not constitute original property of the trust that was either delivered by the trustor to the trustee or received by the trustee from the trustor's estate.

~~((7))~~ (23) Cause or participate in, directly or indirectly, the formation, reorganization, merger, consolidation, ~~((and))~~ dissolution ~~((of))~~, or other change in the form of any corporate or other business undertaking((s) where trust property may be affected and retain any property received pursuant thereto to the change; ~~((limit management participation in any partnership and to act as a limited partner; charge profits and losses of any business or farm operation to the trust estate as a whole and not to the trustee; and make available to or invest in any business or farm operation additional moneys from the trust estate or other sources.))~~

Comment: Powers regarding partnerships and business operations separated into subsections (22) and (23). Deletions and additions to subsection (23) above are based on §(3)(c)(3) and (15) of the Uniform Trustees' Powers Act set forth in 41 Wash. Law Rev. 1 at 41.

(24) Limit participation in the management of any partnership and act as a limited or general partner;

Comment: The first clause in subsection (24) formerly appeared in RCW 30.99.070(7) and read as follows: ". . . limit

management participation in any partnership. . . ." The change has been made to more clearly reflect the trustee's power to take less than a full time management role in a partnership which forms a part of the trust. The second clause also appears in RCW 30.99.070(7), but "or general" has been added to subsection (24) to broaden the trustee's powers. This change regarding a trustee's powers in a partnership is the result of work by B. Flynn.

(25) Charge profits and losses of any business or farm operation to the trust estate as a whole and not to the trustee; make available to or invest in any business or farm operation additional moneys from the trust estate or other sources;

(26) Pay reasonable compensation to the trustee or cotrustees considering all circumstances including the time, effort, skill, and responsibility involved in the performance of services by the trustee;

Comment: From §3(c)(20) UTPA up to "commensurate." Balance of section reflects the general standards upon which the compensation to the trustee is to be based, which are, among other things: the time involved, the difficulty of the services performed, the responsibilities imposed on the trustee, and the skill of the trustee in administering the trust.

(27) Employ persons, including lawyers, accountants, investment advisors, or agents, even if they are associated with the trustee, to advise or assist the trustee in the performance of the trustee's duties or to perform any act, regardless of

whether any such act is discretionary, and to act without independent investigation upon their recommendations, except a trustee may not delegate all of the trustee's duties and responsibilities, and except that such employment does not relieve the trustee of liability for the discretionary acts of any such person, which if done by the trustee, would result in liability to the trustee, or of the duty to select and retain any such person with reasonable care.

Comment: In part from section 3(c)(24) UTPA. This section expands the power of the trustee to employ others, even if associated with the trustee, and to delegate discretionary acts to agents. The section changes the common law by relieving the trustee of the duty to make an independent investigation or an independent judgment regarding recommendations made by the agent. Further, the trustee has the right under this section to delegate the performance of a discretionary act to another without incurring any liability to the beneficiary of the trust merely because the act was delegated or the delegate performed the act without the prior approval of or consultation with the trustee. The foregoing comments are restricted to the extent that the trustee has the duty to hire and retain the agent with reasonable care and is liable to the beneficiary of the trust for the negligence or intentional misconduct of the agent as to the delegated discretionary acts. There may be an additional restriction that the reasonable care standard for the selection and retention of the

agent includes the requirement that any delegation, or the continuation of any delegation, to an agent represent prudent conduct of the trustee under the circumstances.

The authority to delegate in this section does not extend to the power of the trustee to delegate the trustee's entire administration to another. The trustee commits a breach of trust in delegating the whole management of the trust to another without the consent of the trust beneficiary or without being permitted to do so by the trust instrument. In such an instance the trustee is liable not only for the negligence or other improper conduct of the delegate but also for any losses occasioned by acts of the delegate regardless of the degree of care exercised by the delegate.

(28) Appoint an ancillary trustee or agent to facilitate management of assets located in another state or foreign country;

(29) Retain and store such items of tangible personal property as the trustee shall select and pay reasonable storage charges thereon from the trust estate;

(30) Issue proxies to any adult beneficiary of a trust for the purpose of voting stock of a corporation acting as the trustee of the trust;

(31) Place all or any part of the securities at any time held by the trustee in the care and custody of any bank, trust company, or member firm of the New York Stock Exchange with no obligation while the securities are so deposited to inspect or

verify the same and with no responsibility for any loss or misapplication by the bank, trust company, or firm, so long as the bank, trust company, or firm was selected and retained with reasonable care, and have all stocks and registered securities placed in the name of the bank, trust company, or firm, or in the name of its nominee, and to appoint such bank, trust company, or firm agent as attorney to collect, receive, receipt for, and disburse any income, and generally may perform, but is under no requirement to perform, the duties and services incident to a so-called "custodian" account;

(32) Determine at any time that the corpus of any trust is insufficient to implement the intent of the trust, and upon such determination by the trustee, terminate the trust by distribution of the trust to the current income beneficiary or beneficiaries of the trust or their legal representatives, except that such determination may only be made by the trustee if the trustee is neither the grantor nor the beneficiary of the trust, and if the trust has no charitable beneficiary;

(33) Rely with acquittance on advice of counsel on questions of law; and

(34) Continue to be a party to any existing voting trust agreement or enter into any new voting trust agreement or renew an existing voting trust agreement with respect to any assets contained in trust.

Sec. 81 11.98.080 Consolidation of Trusts.

(1) Criteria. Two or more trusts may be consolidated if:

(a) The trusts so provide; or

(b) Whether provided in the trusts or not, in accordance with subsection (2) if all interested persons consent as provided in subsection (2)(c) and the requirements of subsection (1)(d) are satisfied; or

(c) Whether provided in the trusts or not, in accordance with subsection (3) if the requirements of subsection (1)(d) are satisfied.

(d) Consolidation pursuant to subsection (2) or subsection (3) is permitted only if:

(1) The dispositive provisions of each trust to be consolidated are substantially similar;

(ii) Consolidation is not inconsistent with the intent of the trustor of any trust to be consolidated; and

(iii) Consolidation would facilitate administration of the trusts and would not materially impair the interests of the beneficiaries.

(e) Trusts may be consolidated whether created inter vivos or by will, by the same or different instruments, by the same or different trustors, whether or not the trustees are the same, and regardless of where the trusts were created or administered.

Comment: This is a new statute providing for non-judicial and judicial consolidation of trusts. The purpose of this

subsection (1) is to address some of the issues that could be raised in litigation and to provide general guidelines for determining whether consolidation is appropriate.

(2) Nonjudicial Consolidation. The trustees of any two or more trusts may consolidate the trusts on such terms and conditions as they deem appropriate without court approval as provided in RCW 11.96.170.

(a) The trustee shall give written notice of proposed consolidation by personal service or by certified mail to the beneficiaries of every trust affected by the consolidation as provided in RCW 11.96.100 and RCW 11.96.110 and to any trustee of such trusts who does not join in the notice. The notice shall:

- (i) state the name and mailing address of the trustee;
- (ii) include a copy of the governing instrument of each trust to be consolidated;
- (iii) include a statement of assets and liabilities of each trust to be consolidated, dated within 90 days of the notice;
- (iv) fully describe the terms and manner of consolidation; and
- (v) state the reasons supporting the requirements of subsection (1)(d).

The notice shall advise the recipient of the right to petition for a judicial determination of the proposed consolidation as provided in subsection 3. The notice shall include a form on which consent or objection to the proposed consolidation may be indicated.

(b) If the trustee receives written consent to the proposed consolidation from all persons entitled to notice as provided in RCW 11.96.100 and RCW 11.96.110, the trustee may consolidate the

trusts as provided in the notice. Any person dealing with the trustee of the resulting consolidated trust shall be entitled to rely on the authority of such trustee to act and shall not be obliged to inquire into the validity or propriety of the consolidation pursuant to this section.

(3) Judicial Consolidation.

(a) Any trustee, beneficiary, or special representative may petition the superior court of the county in which the principal place of administration of a trust is located for an order consolidating two or more trusts under RCW Chapter 11.96. If non-judicial consolidation has been commenced pursuant to Section 2, a petition may be filed under this section unless the trustee has received all necessary consents. The principal place of administration of the trust shall be the trustee's usual place of business where the records pertaining to the trust are kept, or the trustee's residence if he has no such place of business.

(b) At the conclusion of the hearing, if the court finds that the requirements of subsection (1)(d) have been satisfied, it may direct consolidation of two or more trusts on such terms and conditions as it shall deem appropriate. The court in its discretion may provide for payment from one or more of the trusts of reasonable fees and expenses for any party to such proceeding.

(4) Effective Date. This section applies to all trusts whenever created.

Comment: This is different from the effective date of RCW 30.99.010. It is appropriate, however, since the consolidation cannot proceed unless the court or trustee determines that the standards set forth in Section 1(d) are satisfied.

Sec. 83 11.98.090 Nonliability of third persons without knowledge of breach. In the absence of knowledge of a breach of trust, no party dealing with a trustee ~~shall be~~ is required to see to the application of any moneys or other properties delivered to the trustee. [1959 c 124 §8.]

Comment: Formerly RCW 30.99.080.

Sec. 84 11.98.100 Nonliability for action or inaction based on lack of knowledge of events. When the happening of any event, including but not limited to events such as marriage, divorce, performance of educational requirements or death, affects the administration or distribution of the trust then a trustee who has exercised reasonable care to ascertain the happening of ~~such~~ the event shall not be liable for any action or inaction based on lack of knowledge of ~~such~~ the event. A corporate trustee ~~shall not be~~ is not liable prior to receiving such knowledge or notice in its trust department office where the trust is being administered.

[1959 c 124 §9.]

Comment: Formerly RCW 30.99.090.

Sec. 85 11.98.110 Contract and tort liability. Actions on contracts which have been transferred to a trust and on contracts made by a trustee, and actions in tort for personal liability incurred by a trustee in the course of his administration may be maintained by the party in whose favor the cause of action has accrued as follows:

(1) The plaintiff may sue the trustee in his representative capacity and any judgment rendered in favor of the plaintiff ~~shall be~~ is collectible by execution out of the trust property; except if the action is in tort, collection shall not be had from the trust property unless the court shall determine in ~~such~~ the action that (a) the tort was a common incident of the kind of business activity in which the trustee or his predecessor was properly engaged for the trust; or (b) that, although the tort was not a common incident of such activity, neither the trustee nor his predecessor, nor any officer or employee of the trustee or his predecessor, was guilty of personal fault in incurring the liability; or (c) that, although the tort did not fall within classes (a) or (b) above, it increased the value of the trust property. If the tort is within classes (a) or (b) above, collection may be had of the full amount of damage proved, and if the tort is within class (c) above, collection may be had only to the extent of the increase in the value of the trust property.

(2) If the action is on a contract made by the trustee, the trustee may be held personally liable on ~~such~~ the contract, if personal liability is not excluded. Either the addition by the trustee of the words "trustee" or "as trustee" after the signature of a trustee to a contract or the transaction of business as trustee under an assumed name in compliance with RCW 19.80.010 to *19.80.050 inclusive shall exclude the trustee from personal liability. If the action is on a contract transferred to the trust or trustee, subject to any rights therein vested at time of such transfer, the trustee shall be personally liable only if he has in writing assumed such liability.

(3) In any action under this section against the trustee in his representative capacity the plaintiff need not prove that the trustee could have secured reimbursement from the trust fund if he had paid the plaintiff's claim.

(4) The trustee may also be held personally liable for any tort committed by him, or by his agents or employees in the course of their employments, subject to the rights of exoneration or reimbursement:

(a) A trustee who has incurred personal liability for a tort committed in the administration of the trust is entitled to exoneration therefor from the trust property if (i) the tort was a common incident of the kind of business activity in which the trustee was properly engaged for the trust, or (ii) although the tort was not a common incident of such activity, if neither

the trustee nor any officer or employee of the trustee was guilty of personal fault in incurring the liability;

(b) A trustee who commits a tort which increases the value of the trust property ~~shall be~~ is entitled to exoneration or reimbursement with respect thereto to the extent of such increase in value, even though he would not otherwise be entitled to exoneration or reimbursement.

(5) The procedure for all actions provided in this section shall be as provided in Chapter 11.96 RCW. ~~No judgment shall be rendered in favor of the plaintiff in any such action unless the plaintiff shall cause a copy of the notice of the hearing on such action to be mailed not less than twenty days before the date therefor to the trustor, if living, the trustee and to each beneficiary whose name and address is known to him. Proof of the mailing of such notice shall be made by affidavit which shall be filed at or before the hearing. All those whose names or addresses are not known or are not legally competent and any beneficiary who is not ascertained shall be represented at the hearing by a guardian ad litem appointed by the court when it sets the time of hearing.~~

Comment: This change allows use of the non-judicial and judicial resolution of disputes under new chapter 11.96 RCW.

(6) Nothing in this section shall be construed to change the existing law with regard to the liability of the trustee of a charitable trust for the torts of the trustee. [1959 c 124 §10.]

*Reviser's note: RCW 19.80.050 is now codified in RCW 19.80.040.

Comment: Formerly RCW 30.99.100. The revised proposed addition to the Washington Uniform Partnership Act includes the terms "trustees and personal representatives" within the definition of the word "person." Also, as an additional consideration, the provision of the Uniform Partnership Act which deals with a partner's liability to third persons is amended to refer to the contract and tort liability section (RCW 11.98.110(2)) of the Washington Trust Act.

Sec. 87 11.98.130 Violation of rule against perpetuities by instrument -- Periods during which trust not invalid. If any provision of an instrument creating a trust, including the provisions of any further trust created, or any other disposition of property made pursuant to exercise of a power of appointment granted in or created through authority under such instrument shall violates the rule against perpetuities, neither such provision nor any other provisions of the trust, or such further trust or other disposition, shall is thereby be rendered invalid during any of the following periods:

(1) The twenty-one years following the effective date of the instrument.

(2) The period measured by any life or lives in being or conceived at the effective date of the instrument if by the

terms of the instrument the trust is to continue for such life or lives.

(3) The period measured by any portion of any life or lives in being or conceived at the effective date of the instrument if by the terms of the instrument the trust is to continue for such portion of such life or lives; and

(4) The twenty-one years following the expiration of the periods specified in subsections (2) and (3) above. [1969 c 145 §11.98.010. Prior: 1959 c 146 §1.]

Comment: Formerly RCW 11.98.010.

Sec. 88 11.98.140 Distribution of assets and vesting of interest during period trust not invalid. If, during any period in which an instrument creating a trust, as described in RCW 11.98.130, or any provision thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets should by the terms of the instrument, or pursuant to any further trust or other disposition resulting from exercise of a power of appointment granted in or created through authority under such instrument, become distributable or any beneficial interest ~~therein~~ in any of the trust assets should by the terms of the instrument, or such further trust or other disposition become vested, such assets shall be distributed and such beneficial interest shall validly vest in accordance with the instrument, or such further trust or

other disposition. [1965 c 145 §11.98.020. Prior 1959 c 146 §2.]

Comment: Formerly RCW 11.98.020.

Sec. 89 11.98.150 Distribution of assets at expiration period. If, at the expiration of any period in which an instrument creating a trust (as described in RCW 11.98.009) or any portion thereof, is not to be rendered invalid by the rule against perpetuities, any of the trust assets have not by the terms of the trust instrument become distributable or vested, then ~~such~~ the assets shall be ~~then~~ distributed as the superior court having jurisdiction shall direct, giving effect to the general intent of the creator of the trust or person exercising a power of appointment in the case of any further trust or other disposition of property made pursuant to exercise of a power of appointment. [1965 c 145 §11.98.030. Prior: 1959 c 146 §3.]

Comment: Formerly RCW 11.98.030.

Comments for 11.98.130, 140 and 150 changes. A power of appointment could be exercised under new Section 11.95.060(1) to postpone vesting beyond the period permitted under the rule against perpetuities. These amendments will apply the existing "wait and see rule" that applies to trusts to property dispositions made pursuant to the exercise of powers of appointment. Thus, exercise of a power in a way that would violate the rule against perpetuities will be prevented. If a

power of appointment could be so exercised, adverse estate tax consequences could result under Treasury Regulation §20.2041-3(3)(1) in certain circumstances.

Sec. 90 11.98.160 Effective Date of Creation of Trust. For the purposes of this chapter the effective date of an instrument purporting to create an irrevocable inter vivos trust ~~shall be its~~ is the date of delivery on which it is executed by the trustor, and the effective date of an instrument purporting to create either a revocable inter vivos trust or a testamentary trust shall be the date of the trustor's or testator's death. [1965 c 145 §11.98.040. Prior: 1959 c 146 §4.]

Comment: Formerly RCW 11.98.040. Changes creation of an irrevocable inter vivos trust from an ambiguous "date of delivery" to a definite date on which the trust was executed. This change impacts the rule against perpetuities in that the rule can run from either execution and/or delivery of assets to the trust.

Sec. 91 11.98.170 Trustee or Custodian Named as Beneficiary of Life Insurance Policy or Retirement Plan.

(1) Trustee named by will or under trust agreement. Any life insurance policy or retirement plan payment provision may designate as beneficiary

(a) a trustee named or to be named by will, and immediately after the proving of the will, the proceeds of such

insurance or of such plan designated as payable to such trustee (in part or in whole) shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of under the terms of the will governing the testamentary trust ~~created therein~~; or

(b) a trustee named or to be named under a trust agreement executed by the insured, the plan participant, or any other person, and the proceeds of such insurance or retirement plan designated as payable to such trustee (in part or in whole) shall be paid to the trustee in accordance with the beneficiary designation, to be held and disposed of by the trustee as provided in such trust agreement; a trust ~~shall be~~ is valid even if the only corpus consists of the right, of the trustee to receive as beneficiary such insurance or retirement plan proceeds; any such trustee may also receive assets, other than insurance or retirement plan proceeds, by testamentary disposition or otherwise and, unless directed otherwise by the transferor of the assets, shall administer all property of the trust according to the terms of the trust agreement.

(2) Procedure if no qualified trustee. - If no qualified trustee makes claim to the insurance policy or retirement plan proceeds from the insurance company or the plan administrator within twelve months after the death of the insured or plan participant, determination of the proper recipient of the proceeds shall be made pursuant to the judicial or non-judicial dispute

resolution procedures of RCW Chapter 11.96, unless prior to the institution of such judicial procedures, or qualified trustee makes claim to such proceeds, ~~provided, however, except~~ that (a) if satisfactory evidence is furnished the insurance company or plan administrator within such twelve-month period showing that no trustee can or will qualify to receive such proceeds, payment shall be made to those otherwise entitled to the proceeds under the terms of the policy or retirement plan, including the terms of the beneficiary designation, ~~and, provided, further, except~~ that (b) if there is any dispute as to the proper recipient of insurance policy or retirement plan proceeds, the dispute shall be resolved pursuant to the judicial or non-judicial resolution procedures in RCW Chapter 11.96.

(3) Proceeds not subject to debts or claims. The proceeds of ~~such~~ insurance or retirement plan as collected by the trustee ~~shall~~ are not ~~be~~ subject to debts of the insured or the plan participant to any greater extent than if ~~such~~ the proceeds were payable to any named beneficiary other than the personal representative or the estate of the insured or of the plan participant.

(4) Custodian considered as trustee. For purposes of this section, the term "trustee" includes any custodian under RCW Chapter 11.93 or any similar statutory provisions of any other state and the terms "trust agreement" and "will" refer to the provisions of RCW Chapter 11.93 or such similar statutory provisions of any other state.

(5) Other definitions. For purposes of this section the following definitions shall apply:

(a) "Retirement plan" means any plan, account, deposit, annuity, or benefit (other than a life insurance policy) that provides for payment to a beneficiary designated by the plan participant for whom the plan is established. The term includes, without limitation, such plans regardless of source of funding, and, for example, includes pensions, annuities, stock bonus plans, employee stock ownership plans, profit sharing plans, self-employed retirement plans, individual retirement accounts, individual retirement annuities, and retirement bonds, as well as any other retirement plan or program.

(b) "Plan administrator" means the person upon whom claim must be made in order for retirement plan proceeds to be paid upon the death of the plan participant.

(6) Current designations not affected. Enactment of this section ~~shall~~ does not invalidate ~~previous~~ life insurance policy or retirement plan beneficiary designations executed prior to the effective date of this 1984 Act naming a trustee established by will or by trust agreement.

Comment: This section combines into one place the provisions under prior RCW 48.18.450 and prior RCW 48.18.452 and also specifically authorizes payment of life insurance or retirement plan proceeds to a custodian under the Uniform Gifts to Minors Act of any state. The section is intended to authorize the

naming of trustees or custodians to receive insurance policy or retirement plan benefits, but to leave the mechanics of such designations to the requirements established by individual insurance companies, subject to normal contract law principles. However, the section provides that disputes over payment of proceeds to a named trustee are to be resolved under the dispute resolution procedures of Chapter 11.96 generally applicable to disputes arising in probate or under a trust.

The section is intended to permit payment to trustees generally, regardless of whether or not a trust is funded or unfunded or by whom the trust was created. It requires only an executed trust agreement, even though the trust might otherwise be invalid, since the committee felt that the statute should carry out the intent of an insurance policy owner or retirement plan participant in naming a trustee to receive the proceeds.

The savings clause is included to make clear that any prior designations of trustees are not to be considered invalid under prior law simply on account of enactment of this new section.

Sec. 93 11.98.900 Application of chapter. The provisions hereof ~~shall be~~ of this chapter are applicable to any instrument purporting to create a trust regardless of the date such instrument shall bear, unless it has been previously adjudicated in the courts of this state. [1971 ex.s. c 229 §1; 1965 c 145 §11.98.050. Prior 1959 c 146 §5.]

Effective date -- 1959 c 146: The effective date of 1959 c 146, herein reenacted by 1965 c 145 §11.98.050, was midnight June 10, 1959, see preface 1959 session laws.

Comment: Formerly RCW 11.98.050.

Sec. 94 11.98.910 Severability -- 1959 c 124. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are declared to be severable. [1959 c 124 §11.]

Comment: Formerly RCW 30.99.900.

Sec. 94 11.98.920 Short title. This act shall be known as the "Washington Trust Act." [1959 c 124 §12.]

Comment: Formerly RCW 30.99.910.

CHAPTER 11.100

INVESTMENT OF TRUST FUNDS

- 11.100.010 Provisions of chapter to control
- 11.100.015 Guardians, guardianships and funds are subject to chapter
- 11.100.020 General specifications
- 11.100.023 Investments in certain enterprises
- 11.100.025 Marital deduction interests
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- 11.100.035 Investment in securities of certain investment trusts
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- 11.100.040 Court may permit deviation from terms of trust instrument
- 11.100.050 Scope of chapter
- 11.100.060 Liability of a fiduciary holding trust property
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- 11.100.090 Dealings with self or affiliate
- 11.100.120 Investments in policies of life insurance

- 11.100.130 Person to whom power or authority to direct or control acts of trustee or investments of a trust are conferred deemed a fiduciary -- Liability
- 11.100.140 Notice and procedure for non-routine transaction

Sec. 95 11.100.010 Provisions of chapter to control. Any corporation, association, or person handling or investing trust funds as a fiduciary shall be governed in the handling and investment of such funds as in this chapter specified. [1955 c.33 §30.24.010. Prior: 1947 c 100 §1; Rem. Supp. 1947 §3255-10a.]

Comment: Formerly RCW 30.24.010.

Sec. 95 11.100.015 Guardians, guardianships and funds are subject to chapter. In addition to other fiduciaries, a guardian of any estate is a fiduciary within the meaning of this chapter; and in addition to other trusts, a guardianship of any estate is a trust within the meaning of this chapter; and in addition to other trust funds, guardianship funds are trust funds within the meaning of this chapter. [1955 c 33 §30.24.015. Prior: 1951 c 218 §1.]

Comment: Formerly RCW 30.24.015.

Sec. 97 11.100.020 General specifications.

(1) A fiduciary is authorized to acquire and retain every kind of property. In acquiring, investing, reinvesting, exchanging, selling and managing property for the benefit of another, a fiduciary, in determining the prudence of a particular investment, shall give due consideration to the role that the proposed investment or investment course of action plays within the overall portfolio of assets. In applying such total asset management approach, a fiduciary shall exercise the judgment and

care under the circumstances then prevailing, which ~~are~~ persons of prudence, discretion and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of their funds; and if the fiduciary has special skills or is named trustee on the basis of representations of special skills or expertise, the fiduciary is under a duty to use those skills.

(2) Except as may be provided to the contrary in the instrument, the following are among the factors that should be considered by a fiduciary in applying such total asset management approach:

- (a) probable income as well as the probable safety of their capital,
- (b) marketability of investments,
- (c) length of the term of the investments,
- (d) duration of the trust,
- (e) liquidity needs,
- (f) requirements of the beneficiary or beneficiaries,
- (g) other assets of the beneficiary or beneficiaries, including earning capacity, and
- (h) effect of investments in increasing or diminishing liability for taxes.

Within the limitations of the foregoing standard, a fiduciary is authorized to acquire and retain every kind of property, real, personal or mixed, and every kind of investment specifically including but not by way of limitation, debentures and other

corporate obligations, and stocks, preferred or common, which ~~men~~ persons of prudence, discretion and intelligence acquire for their own account.

Comment: The revisions to the statute, formerly RCW 30.24.020, were made to give statutory recognition to the more modern total asset approach to investment management in contrast to the old rule that each individual asset had to satisfy the prudent man rule on its own merits. The Uniform Probate Code concept of requiring a higher standard of care for fiduciaries with special skills has been included and the statute has been broadened to provide an internal checklist of some of the more important factors which should be considered in applying the total asset management approach.

Sec. 98 11.100.023 Investments in certain enterprises. Subject to the standards of 11.99.020, a fiduciary is authorized to invest in new, unproven, untried, or other enterprises with a potential for significant growth whether or not producing a current return, either by investing directly therein or by investing as a limited partner or otherwise in one or more commingled funds which in turn invest primarily in such enterprises. The aggregate amount of investments made by a fiduciary under the authority of this section shall not exceed ten percent (10%) of the net fair market value of the trust corpus at the time any such investment is made. Any investment which would have been authorized by this

section if in force at the time the investment was made is hereby authorized.

Comment: This is a new statute to affirm that in certain situations it may be prudent for a fiduciary to invest in new untried enterprises. Repeals RCW 30.24.080.

Sec. 99 11.100.025 Marital Deduction Interests. With respect to trusts for which a federal estate or gift tax marital deduction is taken, any investment in or retention of unproductive property shall be subject to a power in the spouse of the trust's creator to require either that any such asset be made productive, or that it be converted to productive assets within a reasonable period of time unless the instrument creating the interest provides otherwise.

Comment: This provision is intended to preserve a federal estate or gift tax marital deduction in the event the trust holds unproductive property. The retention of such assets can cause a marital deduction to be denied. However, giving the spouse a power to require that the assets be made productive, or that they be converted to productive assets, will save the deduction. Treas. Reg. §20.2056(b)-5(f)(4).

Sec. 101 11.100.030 Investment in savings accounts -- Requirements. A corporation doing a trust business may invest trust funds in savings accounts with itself to the extent that such deposits are insured by the Federal Deposit Insurance Corporation-- an agency

of the federal government. ~~The~~ Additional trust funds may be so invested by the corporation only if it first sets aside under the control of its trust department as collateral security:

(1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or

(2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of such funds so deposited. [1967 c 133 §3; 1955 c 33 §3024.030. Prior: 1947 c 100 §3; Rem. Supp. 1947 §3255-10c.]

Comment: Formerly RCW 30.24.030.

Sec. 102 11.100.035 Investments in securities of certain investment trusts. Within the standards of judgment and care established by law, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are authorized to acquire and retain securities of any open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company act of 1940 as now or hereafter amended. [1955 c 33 §30.24.035. Prior: 1951 c 132 §1.]

Comment: Formerly RCW 30.24.035.

Sec. 104 11.100.037 Investment or distribution of funds held in fiduciary capacity -- Deposit in other departments authorized -- Collateral security required, exception. Funds held by a bank or trust company in a fiduciary capacity awaiting investment or distribution shall not be held uninvested or undistributed any longer than is reasonable for the proper management of the account. Such funds, including managing agency accounts, may, unless prohibited by the instrument creating the trust or by other statutes of this state, be deposited in the commercial or savings or other department of the bank or trust company, ~~pre-~~vided that only if the bank or trust company ~~shall~~ first sets aside under control of the trust department as collateral security:

(1) Direct obligations of the United States or other obligations fully guaranteed by the United States as to principal and interest; or

(2) Bonds or other obligations which constitute general obligations of any state of the United States or municipal subdivision thereof.

The securities so deposited or securities substituted therefor as collateral shall at all times be at least equal in market value to the amount of such funds so deposited, but such security shall not be required to the extent that the funds so deposited

are insured by the Federal Deposit Insurance Corporation an agency of the federal government. [1967 c 133 §4.]

Comment: Formerly RCW 30.24.037.

Sec. 105 11.100.040 Court may permit deviation from terms of trust instrument. Nothing contained in this chapter shall be construed as restricting the power of a court of proper jurisdiction to permit a fiduciary to deviate from the terms of any will, agreement, or other instrument relating to the acquisition, investment, reinvestment, exchange, retention, sale, or management of fiduciary property. [1955 c 33 §30.24.040. Prior: 1947 c 100 §4; Rem. Supp. 1947 §3255-10d.]

Comment: Formerly RCW 30.24.040.

Sec. 107 11.100.050 Scope of chapter. The provisions of this chapter shall govern fiduciaries acting under wills, trusts, agreements, court orders, and other instruments now or hereafter in force effective before or after the effective date of this 1984 Act. [1955 c 33 §30.24.050. Prior: 1947 c 100 §5; Rem. Sup. 1947 §3255-10e.]

Comment: Formerly RCW 30.24.050. The amendment is designed to make sure that this chapter applies to all trusts now in existence or hereafter created.

Sec. 108 11.100.060 Liability of a Fiduciary Holding Trust Property. Any fiduciary may hold during the life of the trust all securi-

ties or other property, real or personal, received into or acquired by the trust from any source, excepting such as are purchased by the fiduciary in administering the trust, unless there are express provisions to the contrary in the instrument.

Any fiduciary may invest funds held in trust under an instrument creating such trust, in any manner and in any investment and in any class of investments authorized by the instrument.

The investments described in this section are permissible even though such securities or other property are not permitted under other provisions of this Chapter, and even though such securities may be securities issued by the corporation which is the fiduciary.

A fiduciary is not liable for any loss incurred with respect to any investment held under the authority of or pursuant to this section if such investment was permitted when received, or when the investment was made by the fiduciary, and if such fiduciary exercises due care and prudence in the disposition or retention of any such investment.

Comment: This statute which was formerly RCW 30.24.060 and 070 was drafted to codify the case of Baldus v. Bank of California, 12 Wn. App. 621 (1975), regarding the question of fiduciary liability where assets are held in trust by a fiduciary pursuant to the authority of RCW 11.99.060. The statute is patterned after Cal. Code §2261(2) and New York Code Article 11, Section 2.2.

Sec. 110 11.100.070 Terms of trust instrument defining permitted investments controlling. ~~Any fiduciary may invest funds held in trust under an instrument creating such trust, in any manner and/or in any investment and/or in any class of investments authorized by such instrument, whether or not the same is otherwise qualified for the investment of trust funds. The term "legal investment" or "authorized investment" or words of similar import, as used in any such instrument, shall be taken to mean any investment which is permitted by the terms of Chapter 11.99~~ RCW. [1955 c 33 §30.24.070. Prior: 1947 c 100 §7; 1941 c 41 §13; Rem Supp. 1947 §3255-13.]

Comment: Formerly RCW 30.24.070. The omitted portion of the above section is now covered by 11.99.060 and new Chapter 11.97, which states simply that the terms of the trust instrument shall govern all provisions of Chapter 11.99.

Sec. 111 11.100.090 Dealings with self or affiliate. Unless the instrument creating the trust expressly provides to the contrary, any fiduciary in carrying out the obligations of the trust, may not buy or sell investments from or to himself or itself or any affiliated or subsidiary company or association. This section shall not be construed as prohibiting the trustee's powers authorized under RCW 11.98.070(12). [1955 c 33 §30.24.090. Prior: 1947 c 100 §9; 1941 c 41 §17; Rem. Supp. 1947 §3255-17.]

Comment: Formerly RCW 30.24.090 with the exception of the last sentence which was added for clarification regarding a trustee's power to advance or borrow money from the trustee's own funds.

Sec. 112 11.100.120 Investments in policies of life insurance.

~~Within Subject to the standards of judgment and care established by law, RCW 11.100.020, and subject to any express provisions or limitations contained in any particular trust instrument, guardians, trustees and other fiduciaries, whether individual or corporate, are a fiduciary is authorized to invest the principal of use trust funds to acquire and retain policies of life insurance made upon the life of any person for whose benefit the fiduciary holds property or made beneficiary or upon the life of another in whose life such person beneficiary has an insurable interest. the policy and the proceeds or avails thereof to be the property of the fiduciary.~~

~~The purpose of this section is to affirm that certain policies of life insurance are among the investments authorized for fiduciaries, but without creating any inference that a policy of life insurance is preferable to other authorized investments in a particular instance. [1973 1st ex. s. c 89 §1.]~~

Comment: Formerly RCW 30.24.120. This statute was revised to refer specifically to the new Prudent Person Rule as set forth in RCW 11.100.020 and to make other clarifying changes. The revisions are not intended to make any substantive changes in the

law with regard to the appropriateness by fiduciaries of investments in life insurance.

Sec. 113 11.100.130 Person to whom power or authority to direct or control acts of trustee or investments of a trust are conferred deemed a fiduciary -- Liability. Whenever power or authority to direct or control the acts of a trustee or the investment of a trust is conferred directly or indirectly upon any person other than the designated trustee of the trust, such person shall be deemed to be a fiduciary and shall be liable to the beneficiaries of said trust and to the designated trustee to the same extent as if he were a designated trustee in relation to the exercise or nonexercise of such power or authority. [1973 1st ex.s. c 89 §2.]

Comment: Formerly RCW 30.24.130.

Sec. 114 11.100.140 Notice and procedure for non-routine transactions. (1) A trustee shall not enter into a significant non-routine transaction in the absence of a compelling circumstance without:

(a) Providing the written notice called for by subsection (3); and

(b) If the significant non-routine transaction is of the type described in subsection (2)(a) below, obtaining an independent appraisal, or selling in an open-market transaction.

(2) A "significant non-routine transaction" for the purpose of this section is defined as any of the following:

(a) any sale, option, lease or other agreement, binding for a period of ten years or more, dealing with any interest in real estate (other than real estate purchased by the trustee or a vendor's interest in a real estate contract) the value of which constitutes twenty-five percent (25%) or more of the net fair market value of trust principal at the time of the transaction; or

(b) the sale of any item or items of tangible personal property, including a sale of precious metals or investment gems, (other than precious metals or investment gems purchased by the trustee) the value of which constitutes twenty-five percent (25%) or more of the net fair market value of trust principal at the time of the transaction; or

(c) the sale of shares of stock in a corporation whose stock is not traded on the open market, if the stock in question constitutes more than twenty-five percent (25%) of the corporation's outstanding shares; or

(d) the sale of shares of stock in any corporation where the stock to be sold constitutes a controlling interest, or would cause the trust to no longer own a controlling interest, in the corporation.

(3) A "compelling circumstance" for the purpose of this section is defined as a condition, fact or event which the trustee believes necessitates action without compliance with this

section in order to avoid immediate and significant detriment to the trust. If faced with a compelling circumstance, the trustee shall give the notice called for by Paragraph (3) and may thereafter enter into the significant non-routine transaction without waiting for the expiration of the twenty-day period.

(4) The written notice required by this section shall set forth such material facts as necessary to properly advise the recipient of such notice of the nature and terms of the intended transaction. Such notice shall be given to the trustor, if living, to each person who is 18 years old or older and to whom income is presently payable or for whom income is presently being accumulated for distribution as income and for whom an address is known to the trustee, and to the attorney general if the trust is a charitable trust under RCW 11.110.020. The notice shall be mailed by U.S. certified mail, postage prepaid, return receipt requested, to the recipient's last-known address, or may be personally served, at least 20 days prior to the trustee entering into any binding agreements.

(5) The trustor, if living, or persons entitled to notice under this section may, by written instrument, waive any requirement imposed by this section.

(6) Except as required by this section for non-routine transactions defined in subsection (2) of this section, a trustee shall not be required to notify beneficiaries of a trust of the trustee's intended action, to obtain an independent appraisal, or to sell in an open-market transaction.

(7) Any person dealing with a trustee may rely upon the trustee's written statement that the requirements of this section have been met for a particular transaction. If a trustee gives such a statement, the transaction shall be final unless the party relying on the same has actual knowledge that the requirements of this section have not been met.

(8) The requirements of this section, and any similar requirements imposed by prior case law, shall not apply to personal representatives or to those trusts excluded from the definition of express trusts under RCW 11.98.009.

Comment: This statute is intended to provide trustees with specific statutory guidance concerning the notices and procedures to be followed under certain circumstances. The provision permitting a trustee to enter into a significant non-routine transaction without waiting for expiration of the 20-day period in a compelling circumstance is intended to be available for emergency situations where prompt action is necessary to avoid a loss. The statute was drafted to codify the principles of Allard v. Pacific Bank, 99 Wn.2d 394 (1983), and expressly to supersede that decision so it will have no application, except as codified in this section. The section is intended to supersede and overrule the case because of certain uncertainties it created, and to provide workable rules for the beneficial principles expressed in that case.

This section requires that trustees give beneficiaries prior notice of significant non-routine transactions so the benefi-

ciaries can consider, and if appropriate, seek to prevent the occurrence of the proposed transaction. This section makes clear that it (and the Allard case) do not apply to personal representatives (defined in RCW 11.02.005(1)) since their actions are already adequately regulated by existing probate laws.

The section makes clear that a third party dealing with a trustee may rely on the trustee's written statement that all required notices have been given or that this section has otherwise been complied with.

CHAPTER 11.102

COMMON TRUST FUNDS

- 11.102.010 Funds authorized
- 11.102.020 Accounting
- 11.102.030 Applicability of Chapter
- 11.102.040 Interpretation
- 11.102.050 Chapter designated "Uniform Common Trust Fund Act"

Sec. 115 11.102.010 Funds authorized -- Investment -- Rules and regulations -- "Affiliated" defined. Any bank or trust company qualified to act as fiduciary in this state, or in any other state if affiliated with a bank or trust company qualified to act as fiduciary in this state, may establish common trust funds for the purpose of furnishing investments to itself and its affiliated or related bank or trust company as fiduciary, or to itself and its affiliated or related bank or trust company, and others, as cofiduciaries; and may, as such fiduciary or cofiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of cofiduciaries, the bank or trust company procures the consent of its cofiduciary or cofiduciaries to such investment. ~~That~~ Any bank or trust company qualified to act as fiduciary in the state of its charter, which is not a member of the federal reserve system, shall, in the operation of such common trust fund, comply with the rules and regulations as made from time to time by the supervisor of banking in the state where chartered and in Washington the supervisor is hereby authorized and empowered to make such rules and regulations as he may deem necessary and proper in the premises.

"Affiliated" as used in this section means two or more banks or trust companies;

(1) In which twenty-five percent or more of their voting shares, excluding shares owned by the United States or by any company wholly owned by the United States, are directly or indirectly owned or controlled by a holding company; or

(2) In which the election of a majority of the directors is controlled in any manner by a holding company. [1979 c 105 §1; 1955 c 33 §30.28.010. Prior: 1943 c 55 §1; Rem. Supp. 1943 §3388.]

Comment: Formerly RCW 30.28.010.

Sec. 115 11.102.020 Accounting. Unless ordered by a court of competent jurisdiction the bank or trust company operating such common trust funds is not required to render a court accounting with regard to such funds; but it may, by application to the superior court, secure approval of such an accounting on such conditions as the court may establish. [1955 c 33 §30.28.020. Prior: 1943 c 55 §2; Rem. Supp. 1943 §3388-1.]

Comment: Formerly RCW 30.28.020.

Sec. 115 11.102.030 Applicability of chapter. This chapter shall apply to fiduciary relationships in existence on June 11, 1943, or thereafter established. [1955 c 33 §30.28.030. Prior: 1943 c 55 §7; Rem. Supp. 1943 §3388-6.]

Comment: Formerly RCW 30.28.030.

Sec. 115 11.102.040 Interpretation. This chapter shall be so interpreted and construed to effectuate its general purpose to make uniform the laws of those states which enact it. [1955 c 33 §30.28.040. Prior: 1943 c 55 §3; Rem. Supp. 1943 §3388-2.]

Comment: Formerly RCW 30.28.040.

Sec. 115 11.102.050 Chapter designated "uniform common trust fund act." This chapter may be cited as the uniform common trust fund act. [1955 c 33 §30.28.050. Prior: 1943 c 55 §4; Rem. Supp. 1943 §3388-3.]

Comment: Formerly RCW 30.28.050.

CHAPTER 11.104

WASHINGTON PRINCIPAL AND INCOME ACT

- 11.104.010 Definitions
- 11.104.020 Duty of trustee as to receipts and expenditures
- 11.104.030 Income -- principal -- charges
- 11.104.040 When right to income arises -- apportionment of income
- 11.104.050 Income earned during administration of a decedent's estate
- 11.104.060 Corporate distribution
- 11.104.070 Bond premium and discount
- 11.104.080 Trade, business and farming operations
- 11.104.090 Disposition of natural resources
- 11.104.100 Timber
- 11.104.110 Other property subject to depletion
- 11.104.120 Underproductive property
- 11.104.130 Charges against income and principal
- 11.104.900 Application of chapter
- 11.104.910 Short title
- 11.104.920 Severability -- 1971 c 74
- 11.104.930 Section headings not part of law
- 11.104.940 Effective date 1971 c 74

Sec. 116 11.104.010 Definitions. As used in this chapter:

(1) "Income beneficiary" means the person to whom income is presently payable or for whom it is accumulated for distribution as income;

(2) "Inventory value" means the cost of property purchased by the trustee and the cost or adjusted basis for federal income tax purposes of other property at the time it became subject to the trust, but in the case of a ((testamentary)) trust asset that is included on any death tax return, the trustee may, but need not, use the value finally determined for the purposes of the federal estate tax if applicable, otherwise for another estate or inheritance tax;

(3) "Remainderman" means the person entitled to principal, including income which has been accumulated and added to principal. ↗

~~(4) "Trustee" means an original trustee and any successor or added trustee.~~

Comment: The definition of "inventory value" has been expanded to give a trustee the option of using an asset's death tax value if and when such asset is subjected to a death tax reporting requirement. It is to be emphasized that the use of the death tax value is discretionary. No liability will attach to a failure to use such value, whether or not the failure is intentional.

The additional reference to "another estate or" inheritance tax has been added to reflect the recent changes in the Washington death tax statutes.

The change of "an" to "any" in section (4) was made to clarify that "trustee" includes all original cotrustees.

Sec. 117 11.104.020 Duty of trustee as to receipts and expenditures.

(1) A trust shall be administered with due regard to the respective interests of income beneficiaries and remaindermen. A trust is so administered with respect to the allocation of receipts and expenditures if a receipt is credited or an expenditure is charged to income or principal or partly to each:

(a) in accordance with the terms of the trust instrument, notwithstanding contrary provisions of this chapter;

(b) in the absence of any contrary terms of the trust instrument, in accordance with the provisions of this chapter; or

(c) if neither of the preceding rules of administration is applicable, in accordance with what is reasonable and equitable in view of the interests of those entitled to income as well as of those entitled to principal, and in view of the manner in which persons ~~{men}~~ of prudence, discretion and intelligence would act in the management of their own affairs.

(2) If the trust instrument gives the trustee discretion in crediting a receipt or charging an expenditure to income or principal or partly to each, no inference of imprudence or partiality arises from the fact that the trustee has made an allocation consistent with it which is contrary to a provision of this chapter.

Comment: This change is to clarify that a trustee must act either in accord with this chapter or in accord with the trust instrument.

Sec. 118 11.104.030 Income--principal--charges.

(1) Income is the return in money or property derived from the use of principal, including:

(a) rent of real or personal property, including sums received for cancellation or renewal of a lease;

(b) interest on money lent, including sums received as consideration for the privilege of pre-payment of principal except as provided in RCW 11.104.070 on bond premiums and bond discounts;

(c) income earned during administration of a decedent's estate as provided in RCW 11.104.050;

(d) corporate distributions as provided in RCW 11.104.060;

(e) ~~((accrued))~~ increment in value on bonds or other obligations issued at a discount as provided in RCW 11.104.070;

(f) receipts from business and farming operations as provided in RCW 11.104.080;

(g) receipts from disposition of natural resources as provided in RCW 11.104.090 and 11.104.100;

(h) receipts from other principal subject to depletion as provided in RCW 11.104.110; and

(i) receipts from disposition of underproductive property as provided in RCW 11.104.120.

(2) Principal is the property which has been set aside by the owner or the person legally empowered so that it is held in trust eventually to be delivered to a remainderman while the

return on or use of the principal is in the meantime taken or received by or held for accumulation for an income beneficiary. Principal includes:

(a) consideration received by the trustee on the sale or other transfer of principal or on repayment of a loan or as a refund or replacement or change in the form of principal;

(b) proceeds of property taken on eminent domain proceedings;

(c) proceeds of insurance upon property forming part of the principal except proceeds of insurance upon a separate interest of an income beneficiary;

(d) stock dividends, receipts on liquidation of a corporation, and other corporate distributions as provided in RCW 11.104.060;

(e) receipts from the disposition of corporate securities, bonds or other obligations for the payment of money as provided in RCW 11.104.070;

(f) royalties and other receipts from disposition of natural resources as provided in RCW 11.104.090 and 11.104.100;

(g) receipts from other principal subject to depletion as provided in RCW 11.104.110;

(h) any profit resulting from any change in the form of principal except as provided in RCW 11.104.120 on underproductive property;

(i) receipts from disposition of underproductive property as provided in RCW 11.104.120; and

(j) any allowances for depreciation established under RCW 11.104.080 and 11.104.130(1)(b).

(3) After determining income and principal in accordance with the terms of the trust instrument or of this act, the trustee shall charge to income or principal expenses and other charges as provided in RCW 11.104.130.

Comment: Changes were made to clarify the language of the statute.

Sec. 119 11.104.040 When right to income arises--apportionment of income.

(1) An income beneficiary is entitled to income from the date specified in the trust instrument, or, if none is specified, from the date an asset becomes subject to the trust. In the case of an asset becoming subject to a trust by reason of a will, it becomes subject to the trust as of the date of the death of the testator even though there is an intervening period of administration of the testator's estate.

(2) Subject to subparts (a) and (b) below, ~~(In)~~ in the administration of a decedent's estate or of an asset becoming subject to a trust by reason of a will~~(+)~~, all receipts paid on or before the date of death of the testator are principal, and all receipts paid after such date are income.

(a) Notwithstanding the foregoing, receipts due but not paid ~~(at)~~ on or before the date of death of the testator are principal; and

(b) receipts in the form of periodic payments (other than corporate distributions to stockholders), including rent, interest, or annuities, not due ~~(at)~~ on or before the date of death of the testator shall be treated as accruing from day to day. That portion of the receipt accruing before the date of death is principal, and the balance is income.

Comment: Subsection (2) has been changed to clarify the characterization of receipts not specifically enumerated in

subparts (a) and (b). In addition, subparts (a) and (b) have been clarified by referencing receipts received on or before the date of death, instead of receipts received at the date of death. The former reference was ambiguous as to whether or not the phrase "at the date of death" was inclusive or exclusive of the actual day of death. Carl J. Sinder, Revised Uniform Principal and Income Act; progress but not perfection, Law Forum 473, 479 (1963).

(3) In all other cases, any receipt from an income producing asset is income even though the receipt was earned or accrued in whole or in part before the date when the asset became subject to the trust.

(4) On the termination of an income beneficiary's income interest, ~~((income earned but not distributed))~~ if such interest was not subject to any discretion to withhold, accumulate, or distribute income to or for any other beneficiary, then income on hand but undistributed shall belong to such income beneficiary or his estate, except that if the income beneficiary is the surviving spouse of the testator or grantor of the trust and the income interest otherwise qualifies for the marital deduction on any federal estate tax return, then all accrued but undistributed income is subject to a power in such surviving spouse, exercisable by will by specifically referring to this statute, to appoint the same to the testator or grantor or his or her estate. All undistributed income not disposed of under the foregoing

provisions of this subsection shall be held and distributed as part of the next eventual interest or estate in accordance with the provisions of the will or trust relating to such next eventual interest or estate. ~~(, except, this shall not apply to any marital deduction income interest as provided in Section 2056 (and as amended or reenacted) of the Internal Revenue Code of the United States.)~~

Comment: The language referring to Section 2056 of the Internal Revenue Code was deleted to avoid the unconstitutional delegation of legislative authority as outlined in the case of State v. Dougall, 89 Wash. 2d. 118, 570 P. 2d 135 (1977). It was replaced by language making the proper method of allocating accumulated income dependent on whether the income interest was discretionary or not. With the exception of an Estate Trust, all trusts which qualify for the marital deduction must have non-discretionary income interests in favor of the surviving spouse. Under the proposed change, this will result in the disposition of any interest on hand at the time of termination to either the surviving spouse or his estate, avoiding a disqualification of the interest for marital deduction purposes. Other accrued but undistributed income shall pass to the next succeeding interest, subject to a power of appointment in the surviving spouse. The addition of the power of appointment provision is to protect Qualified Terminable Interest Property Trust interests from disqualification for the marital deduction. This is based on

Treasury Regulation 20.2056(b)-5(f)(8), which provides that accrued but undistributed income at the time of the surviving spouse's death can be passed on to third parties so long as it was subject to a general power of appointment in the surviving spouse. The "QTIP" trust is the only marital deduction trust format (other than an Estate Trust) which does not by its nature have such a power in the surviving spouse. With respect to Estate Trusts, all accrued interest will pass to the surviving spouse's estate under the terms of the trust instrument.

The proposed changes will also prevent an inadvertent application of the grantor trust rules of Internal Revenue Code §677. Under that section, all income which may be accumulated for the benefit of the grantor or his spouse will be currently taxed to him. The normal short term, or Clifford, trust provides that trust assets revert to the grantor upon the trust's termination. Under the present statute, if the instrument does not explicitly state that all undistributed income is to be distributed to a person or entity other than the grantor, such income becomes payable to the grantor, causing an application of §677. The new draft provides that undistributed income belongs to the income beneficiary, alleviating this problem.

Finally, the changes allow the trustee to accumulate income for ultimate passage to successors in interest for practical or tax reasons, if the instrument so allows.

(5) Corporate distributions to stockholders shall be treated as due on the day fixed by the corporation for determination of stockholders of record entitled to distribution, or if no date is fixed, on the date of declaration of the distribution by the corporation.

Sec. 120 11.104.050 Income earned during administration of a decedent's estate.

(1) Unless the will or the court otherwise provides and subject to subsection (2), all expenses incurred in connection with the settlement of a decedent's estate, including debts, funeral expenses, estate taxes, interest due at death and penalties concerning taxes, family allowances, fees of attorneys and personal representatives, and court costs shall be charged against the principal of the estate, except that the principal shall be reimbursed from income for any increase in estate taxes due to the use of administration expenses which were paid from principal as deductions for income tax purposes.

(2) Unless the will or the court otherwise provides, income from the assets of a decedent's estate after the death of the testator and before distribution, including income from property used to discharge liabilities, shall be determined in accordance with the rules applicable to a trust under this act and distributed as follows:

(a) to beneficiaries of any specific bequest, legacy, or devise, ~~specific legatees and devisees,~~ the income from the property bequeathed or devised to them respectively, less taxes, ordinary repairs, and other expenses of management and operation of the property, and appropriate portions of interest accrued since the death of the testator and of taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration; and

(b) subject to subpart (c), to all other beneficiaries, including trusts, legatees and devisees, except legatees of pecuniary bequests not in trust, the balance of the income less the balance of taxes, ordinary repairs, and other expenses of management and operation of all property from which the estate is entitled to income, plus the balance of all interest income accrued since the death of the testator, and less the balance of all taxes imposed on income (excluding taxes on capital gains) which accrue during the period of administration, in proportion to their respective interests in the undistributed assets of the estate computed at times of distribution on the basis of the fair value; provided, however, that the amount of such income earned before the date or dates of payment of any estate or inheritance tax shall be distributed to those beneficiaries in proportion to their interests immediately before the making of such payments.

(c) pecuniary bequests not in trust do not receive income, and, subject to the provisions of RCW 11.56.160, all such bequests, are not allocated any share of the expenses identified in subsection (2)(b) of this section.

(3) Any income with respect to which the income taxes have been paid which is payable in whole or in part to one or more charitable or other tax exempt organizations, and for which an income tax charitable deduction was allowable, shall be allocated among the distributees in such manner that the diminution in such taxes resulting from the charitable deduction allowable will

inure to the benefit of the charitable or tax exempt organization giving rise to the deduction.

(3) (4) Income received by a trustee under subsection (2) shall be treated as income of the trust.

Comment: This section has been redrafted to allow the reallocation of estate settlement expenses by the court should sound economic, equitable, or tax reasons for doing so be shown. In addition, the proviso of subsection (1) has been added to statutorily provide for the equitable adjustment required by the courts in Estate of Bixby, 295 P.2d 68 (D.C. Cal. 1956), and Estate of Warms, 140 N.Y.S.2d 169 (N.Y. Co. 1955). As with the other allocations provided in subsection (1), this proviso is subject to contrary provision in the will, and contrary order of court.

Subsection (2)(b) was changed by deleting the reference to legatees of pecuniary bequests not in trust, and making this the subject of new subsection (c). This change was made for clarity. In addition, subsection (2)(b) was expanded to clarify the method for allocating the income amongst the general and residuary beneficiaries. The new language makes clear that the allocation is to be made on a ratable basis according to the fair value of each such beneficiary's interest in the estate immediately before the distribution is made. The proviso is designed to ensure that the income interests of beneficiaries that bear a greater share of

death taxes will not be disproportionately reduced. These provisions are based on section 11-3.1(d)(2) of the New York Estates, Powers and Trusts law.

New subsection (3) is based on §15-1-417(5) of the Colorado Revised Statutes. This provision has been added to ensure that the amount of income to be paid to a charitable or other tax exempt organization is not diminished by income taxes if the amount would have been allowable as a charitable deduction on the fiduciary income tax return.

Sec. 121 11.104.060 Corporate Distribution.

(1) Corporate distributions of shares of the distributing corporation, including distributions in the form of a stock split or stock dividend, are principal. A right to subscribe to shares or other securities issued by the distributing corporation accruing to stockholders on account of their stock ownership and the proceeds of any sale of the right are principal.

(2) Except to the extent that the corporation indicates that some part of a corporate distribution is a settlement of preferred or guaranteed dividends accrued since the ~~(trustee)~~ stock became a (stockholder) part of the trust corpus or is in lieu of an ordinary cash dividend, a corporate distribution is principal if the distribution is pursuant to:

(a) a call of shares;

(b) a merger, consolidation, reorganization, or other plan by which assets of the corporation are acquired by another corporation; or

(c) a total or partial liquidation of the corporation, including any distribution which the corporation indicates is a distribution in total or partial liquidation or any distribution of assets, other than cash, pursuant to a court decree or final administrative order by a government agency ordering distribution of the particular assets.

(3) Distributions made from ordinary income by a regulated investment company or by a trust qualifying and electing to be taxed under federal law as a real estate investment trust are

income. All other distributions made by the company or trust, including distribution from depreciation or depletion, whether in the form of cash or an option to take new stock or cash or an option to purchase additional shares, are principal.

(4) Except as provided in subsections (1), (2), and (3) of this section, all corporate distributions are income, including cash dividends, distributions of or rights to subscribe to shares or securities or obligations of corporations other than the distributing corporation, and the proceeds of the rights or property distributions. Except as provided in subsections (2) and (3) of this section, if the distributing corporation gives a stockholder an option to receive a distribution either in cash or in its own shares, the distribution chosen is income.

(5) The trustee may rely upon any statement of the distributing corporation as to any fact relevant under any provision of this act concerning the source or character of dividends or distributions of corporate assets.

Comment: Subsection (2) has been changed to conform to the allocation rules of RCW 11.104.040.

Sec. 122 11.104.070 Bond premium and discount.

(1) Bonds or other obligations for the payment of money are principal at their inventory value, except as provided in subsection (2) for discount bonds. The trustee shall not make provision for amortization of premiums or accumulation of discount except where the trust instrument provides otherwise. If the instrument provides for amortization of premiums or accumulation of discount, but not both, and is silent as to one, it shall be the duty of the trustee to amortize premiums and accumulate discount. The proceeds of sale, redemption or other disposition of the bonds or obligations are principal.

(2) The increment in value of a bond or other obligation for the payment of money bearing no fixed rate of interest or payable at a future time in accordance with a fixed schedule of appreciation in excess of the price at which it was issued is distributable as income. Except as otherwise provided in RCW 11.104.040(4), the increment in value is distributable to the beneficiary who was the income beneficiary at the time of increment from the first principal cash available or, if none is available, when realized by sale, redemption or other disposition. Whenever unrealized increment is distributed as income but out of principal, the principal shall be reimbursed for the increment when realized.

Comment: Subsection (2) has been changed to include obligations which do not bear a fixed rate of interest. As presently

drafted, the rule of subsection (2) would not apply to most short term obligations which do not have a fixed schedule of appreciation. Without the addition of this language it would appear the earnings on such obligations should be allocated to principal under the rule of subsection (1). Carl J. Sinder, Revised Uniform Principal and Income Act; progress but not perfection, Law Forum 473, 485 (1963); George E. Parker, The New Principal and Income Act, 45 Mich.S.B.J. 24, 26 (1966). This change is similar to Florida Statute §738.07.

Sec. 123 11.104.080 Trade, business and farming operations. If a trustee uses any part of the principal in the operation of a trade, business or farming operation, the proceeds and losses of the business shall be allocated in accordance with what is reasonable and equitable in view of the interest of those entitled to income as well as those entitled to principal, and in view of the manner in which persons ~~(-men-)~~ of prudence, discretion and intelligence would act in the management of their own affairs in accordance with RCW 11.104.020. The operation of real estate for rent is considered a business.

Sec. 124 11.104.090 Disposition of natural resources.

(1) If any part of the principal consists of a right to receive royalties, overriding or limited royalties, working interests, production payments, net profit interests, or other interests in minerals or other natural resources in, on or under the land, the receipts from taking the natural resources from the land shall be allocated as follows:

(a) if received as rent on a lease or extension payments on a lease, the receipts are income;

(b) if received from a production payment, the receipts are income to the extent of any factor for interest or its equivalent provided in the government instrument. There shall be allocated to principal the fraction of the balance of the receipts which the unrecovered cost of the production payment bears to the balance owed on the production payment exclusive of any factor for interest or its equivalent. The receipts not allocated to principal are income; and

(c) if received as a royalty, overriding or limited royalty, or bonus, or from a working, net profit, or any other interest in minerals or other natural resources, receipts not provided for in the preceding paragraphs of this section shall be apportioned on a yearly basis in accordance with this paragraph whether or not any natural resource was being taken from the land at the time the trust was established. ~~((There))~~ Receipts shall be ~~((transferred to principal a))~~ allocated to income or apportioned between income and principal in the discretion of the

trustee, but in no event shall principal be allocated more than that portion of the gross receipts (~~in the amount and to the extent~~) which is deductible (~~from federal taxation~~) for federal income tax purposes during such year. (~~under taxing laws in existence at the time of receipt~~) The balance of the gross receipts, after payment therefrom of all expenses, direct and indirect, is income.

(2) If a trustee, on January 1, 1972, held an item of depletable property of a type specified in this section, ~~he~~ the trustee shall allocate receipts from the property in the manner used before January 1, 1972, but as to all depletable property acquired after January 1, 1972, by an existing or new trust, the method of allocation provided herein shall be used.

(3) This section does not apply to timber, water, soil, sod, dirt, turf, or mosses.

Comment: The language of subsection (1)(c) has been modified to give the trustee greater flexibility in the allocation of receipts from certain natural resources. The former limit on principal allocations has been retained, being dependent on available deductions for income tax purposes. This new rule gives the trustee greater flexibility to weigh the equities of a given situation. The new rule is a variant of California Civil Code §730.09(a)(3).

11.104.100 Timber. If any part of the principal consists of land from which merchantable timber may be removed, the receipts from taking the timber from the land shall be allocated in accordance with RCW 11.104.020.

11.104.110 Other property subject to depletion. Except as provided in RCW 11.104.090 and 11.104.100, if the principal consists of property subject to depletion, including leaseholds, patents, copyrights, royalty rights, and rights to receive payments on a contract for deferred compensation, receipts from the property, not in excess of five percent per year of its inventory value, are income and the balance is principal.

Sec. 125 11.104.120 Underproductive property.

(1) Except as ~~((otherwise provided in this section))~~ provided in subsection (5) below, a portion of the net proceeds of sale of any part of principal which is underproductive ~~((has not produced an average net income of at least one percent per year of its inventory value for more than a year (including as income the value of any beneficial use of the property by the income beneficiary))~~ shall be treated as delayed income to which the income beneficiary is entitled as provided in this section. The net proceeds of sale are the gross proceeds received, including the value of any property received ~~((in substitution for the property disposed of))~~, less ~~((the))~~ expenses, including any capital gains tax~~((, if any,))~~ incurred in the disposition, and less any carrying charges paid while the property was underproductive.

(2) The sum allocated as delayed income is the difference between the net proceeds and the amount which, had it been invested at simple interest at four percent per year while the property was underproductive, would have produced the net proceeds. This sum, plus any carrying charges and expenses previously charged against income while the property was underproductive, less any income received by the income beneficiary from the property, and less the value of any ~~((beneficial))~~ use of the property by the income beneficiary, is income, and the balance is principal.

(3) Except as otherwise provided in RCW 11.104.040(4) an income beneficiary is entitled to delayed income under this section as if it accrued from day to day during the time he was a beneficiary.

(4) If principal subject to this section is disposed of by conversion into property which cannot be apportioned easily, including land or mortgages (for example, realty acquired by or in lieu of foreclosure), the income beneficiary is entitled to the net income from any property or obligation into which the original principal is converted while the substituted property or obligation is held. If within five years after the conversion the substituted property has not been further converted into easily apportionable property, no allocation as provided in this section shall be made.

(5) This section does not apply to underproductive property which the trustee is authorized to retain by the terms of the controlling document or by law, which is received into or acquired by the trust from any source (excepting property which is purchased by the fiduciary in administering the trust), the retention of which has been authorized in writing by the income beneficiaries, or the retention of which would be considered proper under the standard set forth in RCW 11.100.020.

(6) As used in this section, the term "underproductive property" refers to any property which has not produced an average net income of at least one percent per year (simple interest) of its inventory value for more than a year (including

as income the value of any use of the property by the income beneficiary.)

Comment: The definition of "underproductive property" has been taken from subsection (1) and added as new subsection (6) for clarity. New subsection (5) was added to create an exemption from the application of this section where the trustee is specifically authorized to retain underproductive property, where the property was contributed to the trust in its present form, or where the asset's retention would not be considered imprudent under the standards set out in the trustee's investment statute. This is a variant of the New York common law rule that, when dealing with property which was previously owned by the grantor, there is no right to deferred income on its sale unless the trustee was under a duty to make the property productive. 3 A. Scott, Scott on Trusts, §241.2, p.2079 (3rd. ed. 1967).

The subjective requirement that the value of the income beneficiary's "beneficial" use offset the computation of delayed income has been eliminated. The value of any use by the beneficiary will instead be considered, with its beneficial character being one of the factors in determining its value.

All other changes were made for clarity.

Sec. 126 11.104.130 Charges against income and principal.

(1) the following charges shall be made against income:

(a) Ordinary expenses incurred in connection with the administration, management, or preservation of the trust property, including regularly recurring taxes assessed against any portion of the principal, water rates, premiums on insurance taken upon the interests of the income beneficiary, remaindermen, or trustee, interest paid by the trustee, and ordinary repairs;

(b) if the trustee deems the same to be appropriate under the standards set forth at 11.104.020(1)(c), a reasonable allowance for depreciation on property subject to depreciation under generally accepted accounting principles; ~~but~~ no allowance shall be made for depreciation of that portion of any real property used by a beneficiary as a residence or for depreciation of any property held by the trustee on January 1, 1972 for which the trustee is not then making an allowance for depreciation;

(c) one-half of court costs, attorneys fees, and other fees on period ~~((judicial))~~ accountings, unless the court directs otherwise;

(d) court costs, attorneys fees, and other fees on other accountings or judicial proceedings if the matter primarily concerns the income interest, unless the court directs otherwise;

(e) one-half of the trustee's regular compensation, whether based on a percentage of principal or income; ~~and~~

(f) all expenses reasonably incurred for current management of principal and application of income; and

~~(f)~~ (g) any tax levied upon receipts ~~((defined as))~~ allocated to income under this act or the trust instrument and payable by the trustee.

(2) If charges against income are of unusual amount, the trustee may by means of reserves or other reasonable means charge them over a reasonable period of time and withhold from distribution sufficient sums to regularize distributions.

(3) The following charges shall be made against principal:

(a) trustee's compensation not chargeable to income under subsections (1)(d) and (1)(e), special compensation of trustees, expenses reasonably incurred in connection with principal, court costs and attorneys fees primarily concerning matters of principal, and trustee's compensation computed on principal as an acceptance, distribution, or termination fee;

(b) charges not provided for in subsection (1), including the cost of investing and reinvesting principal, the payments on principal of an indebtedness (including a mortgage amortized by periodic payments of principal), expenses for preparation of property for rental or sale, and, unless the court directs otherwise, expenses incurred in maintaining or defending any action to construe the trust or protect it or the property or assure the title of any trust property;

(c) extraordinary repairs or expenses incurred in making a capital improvement to principal, including special assessments, but, a trustee may establish an allowance for

depreciation out of income to the extent permitted by subsection (1)(b) and by RCW 11.104.080;

(d) any tax levied upon profit, gain, or other receipts allocated to principal notwithstanding denomination of the tax as an income tax by the tax authority; and

(e) if an estate or inheritance tax is levied in respect of a trust in which both an income beneficiary and a remainderman have an interest, any amount apportioned to the trust, including interest (whether on account of direct or indirect borrowing for the purpose of paying such taxes) and penalties, even though the income beneficiary also has rights in the principal.

(4) Regularly recurring charges payable from income shall be apportioned to the same extent and in the same manner that income is apportioned under RCW 11.104.040.

Comment: Subsection (1)(b) was changed to give the trustee discretion in establishing reserves for depreciation. The common law rule provided that reserves for depreciation were not permitted without specific authority in the trust instrument. Estate of Shea, 69 Wn.2d 534, 408 P.2d 356 (1966). To require the establishment of a reserve account will often defeat the primary intent of the trustor - to provide the maximum possible benefit for the income beneficiary. It is more equitable not to require the establishment of such a reserve, but rather authorize its

establishment if prudent. See George C. Bogert, The Revised Uniform Principal and Income Act, 38 Notre Dame Lawyer 50, 56 (1962); Allison Dunham, et al., Uniform Revised Principal and Income Act, 101 Trusts & Estates 894, 897 (1962).

Subsection (1)(c) has been changed by deleting the requirement that a periodic accounting be part of a judicial proceeding in order for the allocation rules of that subsection to apply. This was done to ensure a like allocation in the event of a non-judicial periodic accounting. Previously such fees and costs were not specifically addressed.

The language of subsection 1(f) was changed to correspond to the language of subsection 3(d).

Subsection (3)(e) was changed to specify that the interest incurred to pay death taxes may be from direct or indirect borrowing. For example, interest from direct borrowing would be interest charged by the taxing authority when the tax is not timely paid, and interest from indirect borrowing would be interest incurred when money is borrowed from a third party and taxes are paid. Under current law a question could arise where an estate borrows money from a third party in order to pay death taxes. Arguably, the interest thus incurred is not interest on the taxes. This modification makes clear that interest incurred on account of such indirect borrowing should be treated as interest on such taxes under the statute.

11.104.900 Application of chapter. Except as specifically provided in the trust instrument or the will or in this chapter, this chapter shall applyies to any receipt or expense received or incurred on or after January 1, 1972 by the estate of any decedent dying on or after January 1, 1972 or by any trust whether established before or after January 1, 1972 and whether the asset involved was acquired by the trustee before or after January 1, 1972, or after the effective date of this 1984 Act.

11.104.910 Short title. This chapter may be cited as the
Washington Principal and Income Act.

11.104.920 Severability--1971 c 74. If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application and to this end the provisions of this act are severable.

11.104.930 Section headings not part of law. Section headings, as found in this ~~1971-amendatory~~ 1984 act do not constitute any part of the law.

11.104.940 Effective date 1971 c 74. This chapter shall take effect on January 1, 1972, with the amendments of 1984 c -- to take effect on January 1, 1985.

CHAPTER 11.106

TRUSTEES' ACCOUNTING ACT

- 11.106.010 Scope of chapter -- Exceptions
- 11.106.020 Trustee's annual statement
- 11.106.030 Intermediate and final accounts -- Contents --
Filing
- 11.106.040 Account -- Court may require -- Petition
- 11.106.050 Account filed -- Return day -- Notice
- 11.106.060 Account filed -- Objections -- Representation of
beneficiaries
- 11.106.070 Court to determine accuracy, validity -- Decree
- 11.106.080 Effect of decree
- 11.106.090 Appeal from decree
- 11.106.100 Waiver by beneficiary
- 11.106.110 Waiver -- How constituted

Reviser's note: For prior laws on this subject see: 1941 c 229 §§1-28; Rem. Supp. 1941 §§11548-1 --11548-28; 1943 c 152 §1; Rem. Supp. 1943 §§11548-27.

Sec. 128 11.106.010 Scope of chapter -- Exceptions. This chapter ~~shall~~ does not apply to resulting trusts, constructive trusts, business trusts where certificates of beneficial interest are issued to the beneficiaries, investment trusts, voting trusts, insurance trusts prior to the death of the insured, trusts in the nature of mortgages or pledges, trusts created by judgment or decree of a federal court or of the superior court when not sitting in probate, liquidation trusts or trusts for the sole purpose of paying dividends, interest or interest coupons, salaries, wages or pensions; nor ~~shall~~ does this chapter apply to personal representatives. ~~executors, administrators or guardians.~~ [1955 c 33 §30.30.010. Prior: 1951 c 226 §10.]

Comment: Formerly RCW 30.30.010.

Sec. 129 11.106.020 Trustee's annual statement. The trustee or trustees appointed by any will, deed or agreement ~~heretofore or hereafter executed~~ shall mail or deliver at least annually to each adult income trust beneficiary a written itemized statement of all current receipts and disbursements made by the trustee of the funds of the trust both principal and income, and upon the request of any such beneficiary shall furnish him an itemized statement of all property then held by such trustee, and may also file any such statement in the superior court of the county in which the trustee or one of the trustees resides. [1955 c 33 §30.30.020. Prior: 1951 c 226 §2.]

Comment: Formerly RCW 30.30.020.

Sec. 130 11.106.030 Intermediate and final accounts -- Contents -- Filing. In addition ~~thereto~~ to the statement required by RCW 11.106.020, any such trustee or trustees whenever it or they so desire, may file in the superior court of the county in which the trustees or one of the trustees resides an intermediate account under oath showing:

- (1) The period covered by the account;
- (2) The total principal with which the trustee is chargeable according to the last preceding account or the inventory if there is no preceding account;
- (3) An itemized statement of all principal funds received and disbursed during such period;
- (4) An itemized statement of all income received and disbursed during such period, unless waived;
- (5) The balance of such principal and income remaining at the close of such period and how invested;
- (6) The names and addresses of all living beneficiaries, including contingent beneficiaries, of the trust, and a statement as to any such beneficiary known to be under legal disability;
- (7) A description of any possible unborn or unascertained beneficiary and his interest in the trust fund.

~~In addition thereto,~~ After the time for termination of the trust shall have has arrived, the trustee or trustees may also

file a final account in similar manner. [1955 c 33 §30.30.030.
Prior: 1951 c 226 §3.]

Comment: Formerly RCW 30.30.030.

Sec. 131 11.106.040 Account -- Court may require -- Petition. Upon the petition under chapter 11.96 RCW of any settlor or of any beneficiary of such a trust after due notice ~~thereof~~ as provided in chapter 11.96 RCW to the trustee the superior court in the county where the trustee or one of the trustees resides may direct the trustee or trustees ~~thereof~~ to file in ~~said~~ the court an account at any time ~~subsequent to~~ after one year from the day on which such a report was last filed, or if none, then after one year from the inception of the trust. [1955 c 33 §30.30.040.
Prior: 1951 c 226 §4.]

Comment: Formerly RCW 30.30.040. The changes incorporate the judicial resolution procedures of chapter 11.96 RCW for uniformity of procedures.

Sec. 132 11.106.050 Account filed -- Return day -- Notice. When any ~~such~~ account ~~shall have~~ has been filed pursuant to RCW 11.106.040 the clerk of the court where filed shall fix a return day therefor, and issue a notice as provided in RCW 11.96.090. ~~for~~ ~~herein.~~ ~~if each of the beneficiaries and the guardians and~~ ~~guardians ad litem, if any, appointed pursuant to RCW 30.30.060,~~ ~~is personally served with a copy of the notice, whether within or~~

~~outside the state of Washington, at least twenty five days prior to the return day, then no publication of the notice shall be required, otherwise the trustees shall cause notice as provided for herein to be given by publishing the same at least once a week for three successive weeks preceding the return day, the first publication to be at least twenty five days preceding the return day, such publication to be in a newspaper of general circulation in the county, or if none then in an adjoining county. And in any event at least twenty five days prior to the return day a copy of the notice shall be either served upon each beneficiary not represented by guardian or guardian ad litem or mailed to each such beneficiary not so served at such beneficiary's address last known to the trustee, and shall be either served upon each guardian and guardian ad litem appointed pursuant to RCW 30.30.060, or mailed to each such guardian and guardian ad litem not so served at such guardian or guardian ad litem's address last known to the trustee. Proof of service of the notice may be made by affidavit as provided for service of summons in civil actions, or by written admission of service signed by the person served. The notice shall state the time and place for the return day, the name or names of the trustee or trustees who have filed the account, that the account has been filed, that the court is asked to settle such the account, and that any objections or exceptions thereto to the account must be filed~~

with the clerk of ~~said~~ the court on or before ~~such~~ the return day. [1955 c 33 §30.30.050. Prior: 1951 c 226 §5.]

Comment: Formerly RCW 30.30.050. These changes incorporate the judicial resolution procedures of chapter 11.96 RCW for uniformity of procedures.

Sec. 133 11.106.060 Account filed -- Objections -- Representation of beneficiaries. Upon or before the return day any beneficiary of the trust may file his written objections or exceptions to the account filed or to any action of the trustee or trustees set forth ~~therein in the account~~. The court shall appoint ~~{either the legal}~~ guardians ad litem as provided in RCW 11.96.180 and the court may allow representatives to be appointed under RCW 11.96.170 and 11.96.110 to represent the persons listed in those sections. ~~{of a beneficiary, or a guardian ad litem to represent the interests of any such beneficiary who is an infant or incompetent or disabled to such an extent that he or she could not understand the accounting given, or who is yet unborn or unascertained, and such beneficiary shall be bound by any action taken by such representative. Every unborn or unascertained beneficiary shall be concluded by any action taken by the court for or against any living beneficiary of the same class or whose interests are similar to the interests of such unborn or unascertained beneficiary.}~~ [1977 ex.s. c 80 §31; 1955 c 33 §30.30.060. Prior: 1951 c 226 §6.]

Purpose -- Intent -- Severability -- 1977 ex.s. c 80; See notes following RCW 4.16.190.

Comment: Formerly RCW 30.30.060. These changes incorporate the judicial resolution procedures of chapter 11.96 RCW for uniformity of procedures.

sec. 134 11.106.070 Court to determine accuracy, validity -- Decree. ~~At the same time~~ Upon the return date or at some later date fixed by the court if so requested by one or more of the parties, the court without the intervention of a jury and after hearing all the evidence submitted shall determine the correctness of the account and the validity and propriety of all actions of the trustee or trustees set forth ~~therein~~ in the account including the purchase, retention and disposition of any of the property and funds of the trust, and shall render its decree either approving or disapproving the ~~same~~ account or any part ~~thereof~~ of it, and surcharging the trustee or trustees for all losses, if any, caused by negligent or wilful breaches of trust. [1955 c 33 §30.30.070. Prior: 1951 c 226 §7.]

Comment: Formerly RCW 30.30.070.

sec. 135 11.106.080 Effect of decree. The decree ~~so~~ rendered under RCW 11.106.070 shall be deemed final, conclusive and binding upon all the parties interested including all incompetent, unborn and unascertained beneficiaries of the trust subject only to the

right of appeal ~~hereinafter stated~~ under RCW 11.101.090. [1955 c 33 §30.30.080. Prior: 1951 c 226 §8.]

Comment: Formerly RCW 30.30.080.

Sec. 136 11.106.090 Appeal from decree. The decree ~~is~~ rendered under RCW 11.106.070 shall be a final order from which any party in interest may appeal as in civil actions to the supreme court or the court of appeals of the state of Washington. [1971 c 81 §80; 1955 c 33 §30.30.090. Prior: 1951 c 226 §9.]

Comment: Formerly RCW 30.30.090.

Sec. 137 11.106.100 ~~Settlor may waive or increase accounting requirements. Waiver by beneficiary. The settlor of any trust governed by this chapter may waive any or all of the provisions of RCW 30.30.020 requiring periodical statements to beneficiaries, or may add additional duties, in the instrument creating the trust, and Any adult beneficiary entitled to an accounting under either RCW 11.106.020 or 11.106.030 may waive such an accounting by a separate instrument delivered to the trustee.~~ [1955 c 33 §30.30.100. Prior: 1951 c 226 §11.]

Comment: Formerly RCW 30.30.100 and now provided for under new Chapter 11.97.

Sec. 138 11.106.110 Waiver -- How constituted. This chapter is declared to be of similar import to the uniform trustees' accounting act. Any modification under RCW Ch. 11.97 (including a

~~waiver) of the requirements under this chapter, a provision in any will, deed or agreement heretofore or hereafter executed, shall be given effect whether the waiver refers to which provides in substance.~~

~~(1) That the requirements or provisions of the uniform trustees' accounting act whether by name or other reference or to thereto are waived, or that the trustee shall not be required to comply therewith, or~~

~~(2) That the requirements or provisions of any other act of like or similar import, are waived, or that the trustee shall not be required to comply therewith, shall constitute a waiver by the settlor pursuant to RCW 30.30.100. [1955 c 33 §30.30.110.~~

Prior: 1951 c 226 §12.]

Comment: Formerly RCW 30.30.110 reads same as above comment.

CHAPTER 11.108

DISTRIBUTION IN SATISFACTION OF CERTAIN BEQUESTS

- 11.108.010 Definitions
- 11.108.020 Marital deduction gift; Compliance with federal law;
Intent
- 11.108.030 Pecuniary bequests; Valuation of assets if distribu-
tion other than money
- 11.108.040 Construction of certain pre-September 12, 1981,
marital deduction formula bequests
- 11.108.050 Marital deduction gift in trust; Application provi-
sions
- 11.108.060 Marital deduction gift; Six months survivorship
requirement
- 11.108.900 Application of chapter

Sec. 140 11.108.010 Definitions. As used in this chapter:

(1) The term "pecuniary bequest" means a gift in a governing instrument which either is expressly stated as a fixed dollar amount or is a gift of a dollar amount determinable by the provisions of the governing instrument, and a gift expressed in terms of a "sum" or an "amount," unless the context dictates otherwise, shall be deemed to be a gift of a dollar amount.

(2) The term "marital deduction" means the federal estate tax deduction allowed for transfers under Section 2056 of the Internal Revenue Code.

(3) The term "maximum marital deduction" means the maximum amount qualifying for the marital deduction.

(4) The term "marital deduction gift" means a gift intended to qualify for the marital deduction.

(5) The term "governing instrument" includes a will and codicils, irrevocable and revocable trusts.

(6) "Fiduciary" means trustee or personal representative. Reference to a fiduciary in the singular includes the plural where the context requires.

(7) References to the "Internal Revenue Code" are to the United States Internal Revenue Code of 1954, as it is amended from time to time. Each reference to a section of the Internal Revenue Code refers as well to any subsequent provisions of law enacted in its place.

(8) The term "gift" refers to all legacies, devises, and bequests made in a governing instrument.

Comment: In part, from California Probate Code Section 1030.

Sec. 141 11.108.020 Marital deduction gift; Compliance with federal law; Intent. If a governing instrument contains a marital deduction gift, the provisions of the governing instrument, including any power, duty, or discretionary authority given to the fiduciary, shall be construed to comply with the marital deduction provisions of the Internal Revenue Code and the regulations thereunder in order to conform to that intent. Whether the governing instrument contains a marital deduction depends upon the intention of the testator at the time the governing instrument is executed. If the testator has adequately evidenced an intention to make a marital deduction gift, the fiduciary shall not take any action or have any power that may impair that deduction. This section shall neither require nor prohibit a fiduciary making the election referred to in Section 2056(b)(7) of the Internal Revenue Code.

Comment: Essentially from California Probate Code, Section 1032. This provision is designed to permit a fiduciary to construe a gift intended to be a marital deduction gift as fully complying with the provisions of the Internal Revenue Code. The basic focus of this section is that it is the "intent" of the testator as to whether or not there should be a marital deduction.

Sec. 142 11.108.030 Pecuniary bequests; Valuation of assets if distribution other than money.

(1) If a governing instrument authorizes the fiduciary to satisfy a pecuniary bequest wholly or partly by distribution of property other than money, the assets selected for that purpose shall be valued at their respective fair market values on the date or dates of distribution, unless the governing instrument expressly provides otherwise. If the provisions of the governing instrument permit the fiduciary to value the assets selected for such distribution as of a date other than the date or dates of distribution, then, unless the governing instrument expressly provides otherwise, the assets selected by the fiduciary for that purpose shall have an aggregate fair market value on the date or dates of distribution which, when added to any cash distributed, will amount to no less than the amount of such gift as stated in, or determined by, the provisions of the governing instrument.

(2) A marital deduction gift shall be satisfied only with assets which qualify for those deductions.

Comment: Essentially from California Probate Code Section 1033. This section makes it clear that if a governing instrument directs the executor to satisfy a pecuniary bequest from property in kind, the property will be valued as of the date of distribution. The provision goes on to provide that if the governing instrument gives the fiduciary the right to value the assets on a date other than the date of distribution, the fiduciary (unless

the governing instrument provides otherwise) has to value the assets distributed in kind as of their date of distribution value. This section is intended to follow the requirements of Rev. Proc. 64-19 which requires in essence that a pecuniary marital share either (1) receive assets which are fairly representative of all appreciation and depreciation in value prior to the dates of distribution, or (2) be funded with assets having date of distribution values which are at least equal to the amount of the bequest provided for by the instrument.

Sec. 143 11.108.040 Construction of certain pre-September 12, 1981, marital deduction formula bequests.

(1) Whenever a testator, under the terms of a governing instrument executed prior to September 12, 1981, leaves outright to or in trust for the benefit of such testator's surviving spouse an amount or fractional share of such testator's estate or a trust estate expressed in terms of one-half of such testator's Federal adjusted gross estate, or by any other reference to the maximum estate tax marital deduction allowable under Federal law without referring (either in such governing instrument or in any codicil or amendment thereto) specifically to the unlimited Federal estate tax marital deduction enacted as part of the Economic Recovery Tax Act of 1981, such expression shall, unless subsection (1) or (2) applies, be construed as referring to such unlimited Federal estate tax marital deduction, and also as expressing such amount or fractional share, as the case may be, in terms of

the minimum amount which will cause the least possible amount of Federal estate tax to be payable as a result of the testator's death, taking into account other property passing to the surviving spouse which qualifies for such marital deduction (at the value at which it so qualifies), and also taking into account all credits against such Federal estate tax (but only to the extent that the use of such credits does not increase the death tax payable).

(2) If this subsection (2) applies to such testator, such expression shall be construed as referring to the estate tax marital deduction allowed by Federal law immediately prior to the enactment of the unlimited estate tax marital deduction as a part of the Economic Recovery Tax Act of 1981. This subsection (2) shall apply if:

(a) the application of this subsection (2) to the testator will not cause an increase in the Federal estate taxes payable as a result of the testator's death over the amount of such taxes which would be payable if subsection (1) applied; or,

(b) the testator is survived by a descendant (by blood or adoption) who is not also a descendant (by blood or adoption) of the testator's surviving spouse; or

(c) the testator amended the governing instrument containing such expression after December 31, 1981, without

amending such expression to refer expressly to the unlimited Federal estate tax marital deduction;

and subsection (3) does not apply.

(3) If the governing instrument contains language expressly stating that Federal law is of a particular time prior to January 1, 1982 is to govern the construction or interpretation of such expression, the expression shall be construed as referring to the marital deduction allowable under Federal law in force and effect as of that time.

(4) If subsection (2) or (3) applies to the testator and if the expression contains any provision reducing the amount or the fractional share left outright to or in trust for the benefit of the surviving spouse by other property passing to the surviving spouse and qualifying for the Federal estate tax marital deduction, the provision shall not be construed as referring to any property which the personal representative of the testator's estate, or other authorized fiduciary, elects to qualify for the Federal estate tax marital deduction as qualified terminable interest property. If subsection (1) applies to the testator, any such provision shall be construed as referring to any property which the personal representative of the testator's estate, or other authorized fiduciary, elects to qualify for the Federal estate tax marital deduction as qualified terminable interest property, but only to the extent that such construction does not cause the amount or fractional share left to or for the

benefit of the surviving spouse to be reduced below that which is specified in subsection (2) or (3), whichever is applicable.

(5) This section shall be effective with respect to testators dying after December 31, 1982.

Comment: From proposed Missouri statute which has not yet been adopted. The statute effectively will do three things:

1. The normal operative rule will be that the formula provision and reference to a maximum marital deduction in a pre-September 12, 1981 will be deemed to refer to the new unlimited marital deduction.

2. Only the amount of property needed to zero out the tax cost will be placed into the marital gift. Thus, other dispositions would not be completely wiped out. An example would be an estate owner who dies in 1982 when the credit shelter is \$225,000 and the will was a pre-1976 will referring to one-half of the adjusted gross estate reduced by other qualifying property. With an estate of \$600,000, the statute would not increase the amount of property passing into the formula provision to \$600,000 reduced by other qualifying property, but would also reflect a "reduction" for the credit shelter amount of \$225,000. See "Practical Drafting," June 18, 1982 by Richard B. Covey.

3. The old maximum marital deduction law will be given effect when there will be (1) no increase in Federal estate taxes as a result of the testator's death, or (2) the testator is survived by a descendant who is not also a

descendant of the surviving spouse of the testator, or (3) the will was amended after December 31, 1981. It is to be noted that this provision cannot operate to reduce the amount of federal estate tax marital deduction to an amount less than the amount allowed as a marital deduction under federal tax law as it existed prior to the effective date of the Economic Recovery Tax Act of 1981.

4. If a will or trust specifically refers to the marital deduction in effect at a particular time, that provision will prevail. Also, when a formula provision requires a reduction for other qualifying property, the reduction does not take into account any property covered by Internal Revenue Code Section 2056(b)(7) election.

Sec. 144 11.108.050 Marital deduction gift in trust; Applicable provisions. If a governing instrument indicates the testator's intention to make a marital deduction gift in trust, in addition to the other provisions of this section, each of the following provisions also applies to the trust;

(1) The only income beneficiary of a marital deduction trust is the testator's surviving spouse.

(2) The income beneficiary is entitled to all of the trust income until the trust terminates.

(3) The trust income shall be payable to the income beneficiary not less frequently than annually.

(4) Except in the case of qualified terminable interest property resulting from an election pursuant to Section 2056(b)(7) of the Internal Revenue Code, upon termination of the trust, all of the remaining trust assets, including accrued or undistributed income, shall pass either to the income beneficiary or pursuant to the exercise of a general power of appointment granted to the income beneficiary in favor of the income beneficiary's estate or to any other person or entity in trust or outright. The general power of appointment shall be exercisable by the income beneficiary alone and in all events and the income beneficiary, or a fiduciary acting in behalf of the income beneficiary if he or she is then a minor or incompetent, may exercise it in a will or an instrument other than a will unless the instrument creating the power specifically directs otherwise.

The exercise of the general power of appointment provided in this section shall be done only by express written reference to this general power of appointment in a will or inter vivos trust instrument executed by the income beneficiary.

Comment: Essentially from California Probate Code Section 1035. The purpose of this section is to provide corrective guidance to a governing instrument that may qualify for the marital deduction but where there may not be precise instructions as to compliance with Section 2056. This statute would also presumably permit the draftsman to incorporate this section by reference in the governing instrument in order to have a marital deduction trust comply with the requirements at Section 2056(b)(7).

Sec. 145 11.108.060 Marital deduction gift; Six months survivorship requirement. If a governing instrument contains a marital deduction gift, whether outright or in trust and whether or not there is a specific reference to this article, any survivorship requirement expressed in the governing instrument in excess of six months shall not apply to property passing under a marital deduction, but shall be limited to a six month period beginning with the testator's death.

Comment: Essentially from California Probate Code Section 1036. This section is designed again to provide corrective situations where a governing instrument may not vest property in a surviving spouse for a period within six months after the date of death as is the requirement in order to obtain the marital deduction under Section 2056.

Sec. 146 11.108.900 Application of chapter. This chapter applies to any distribution made after the effective date of this chapter, whether the testator died before or after that date. This chapter shall not apply to any governing instrument the terms of which expressly or by necessary implication make this chapter inapplicable. The judicial and nonjudicial dispute resolution procedures of Chapter 11-96, RCW are applicable to this chapter.

Comment: In part, from California Probate Code Section 1031. Any issues or disputes arising under or with reference to the matters contained in this chapter may be resolved pursuant to

the judicial or nonjudicial dispute resolution procedures of
Chapter 11.96 RCW.

CHAPTER 11.110
CHARITABLE TRUSTS

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- 11.110.270 Tax Reform Act of 1969, not for profit corporations

Sec. 147 11.110.010 Purpose. The purpose of this chapter is to facilitate public supervision over the administration of public charitable trusts and similar relationships and to clarify and implement the powers and duties of the attorney general with relation thereto.

Sec. 147 11.110.020 Definitions. When used in this chapter, unless the context otherwise requires:

"Person" means an individual, organization, group, association, partnership, corporation, or any combination of them.

"Trustee" means (1) any person holding property in trust for a public charitable purpose; except the United States, its states, territories, and possessions, the District of Columbia, Puerto Rico, and their agencies and subdivisions; and (2) a corporation formed for the administration of a charitable trust or holding assets subject to limitations permitting their use only for charitable, religious, eleemosynary, benevolent, educational, or similar purposes: Provided, that the term "trustee" does not apply to (a) religious corporations duly organized and operated in good faith as religious organizations, which have received a declaration of current tax exempt status from the government of the United States; their duly organized branches or chapters; and charities, agencies, and organizations affiliated with and forming an integral part of said organization, or operated, supervised, or controlled directly by such

religious corporations nor any officer of any such religious organization who holds property for religious purposes: Provided, that if such organization has not received from the United States government a declaration of current tax exempt status prior to the time it receives property under the terms of a charitable trust, this exemption shall be applicable for two years only from the time of receiving such property, or until such tax exempt status is finally declared, whichever is sooner; or (b) an educational institution which is nonprofit and charitable, having a program of primary, secondary, or collegiate instruction comparable in scope to that of any public school or college operated by the state of Washington or any of its school districts.

Sec. 147 11.110.040 Information, documents and reports are public records -- Inspection -- Publication. All information, documents, and reports filed with the attorney general under this chapter are matters of public record and shall be open to public inspection, subject to reasonable regulation: Provided, that the attorney general shall withhold from public inspection any trust instrument so filed whose content is not exclusively for charitable purposes. The attorney general may publish, on a periodic or other basis, such information as may be necessary or appropriate in the public interest concerning the registration, reports, and information filed with him or any other matters relevant to the administration and enforcement of this chapter.

Sec. 149 11.110.050 Register of trustee -- Establishment and maintenance. The attorney general shall establish and maintain a register of trustees as defined in RCW 11.110.020 and, to that end, shall conduct whatever investigation is necessary, and shall obtain from public records, court officers, taxing authorities, trustees, and other sources whatever information, copies of instruments, reports, and records are needed, for the establishment and maintenance of the register.

Sec. 150 11.110.060 Instrument establishing trust, inventory of assets, tax exempt status or claim, tax return to be filed. Every trustee shall file with the attorney general within two months after receiving possession or control of the trust corpus a copy of the instrument establishing his title, powers, or duties, and an inventory of the assets of such charitable trust. In addition, trustees exempted from the provisions of RCW 11.110.070 by RCW 11.110.073 shall file with the attorney general a copy of the declaration of the tax-exempt status or other basis of the claim for such exemption; a copy of the instrument establishing the trustee's title, powers or duties; an inventory of the assets of such trust; and annually, a copy of each publicly available United States tax or information return or report of the trust which the trustee files with the internal revenue service. The trustees of charitable trusts existing at

the time this chapter takes effect or on August 9, 1971 shall comply with this section within six months thereafter.

Sec. 151 11.110.070 Reports of trustee --Filing.-- Rules and regulations. Except as otherwise provided every trustee subject to this chapter shall file with the attorney general annual reports, under oath, setting forth information as to the nature of the assets held for charitable purposes and the administration thereof by the trustee, in accordance with rules and regulations of the attorney general.

The attorney general shall make rules and regulations as to the time for filing reports, the contents thereof, and the manner of executing and filing them. He may classify trusts and other relationships concerning property held for a charitable purpose as to purpose, nature of assets, duration of the trust or other relationships, amount of assets, amounts to be devoted to charitable purposes, nature of trustee, or otherwise, and may establish different rules for the different classes as to time and nature of the reports required, to the ends (1) that he shall receive reasonably current, periodic reports as to all charitable trusts or other relationships of a similar nature which will enable him to ascertain whether they are being properly administered, and (2) that periodic reports shall not unreasonably add to the expense of the administration of charitable trusts and similar relationships. The attorney general may suspend the filing of reports as to a particular

charitable trust or relationship for a reasonable, specifically designated time upon written application of the trustee filed with the attorney general after the attorney general has filed in the register of charitable trusts a written statement that the interests of the beneficiaries will not be prejudiced thereby and that periodic reports are not required for proper supervision by his office.

A copy of an account filed by the trustee in any court having jurisdiction of the trust or other relationship, if the account substantially complies with the rules and regulations of the attorney general, may be filed as a report required by this section.

The first report for a trust or similar relationship hereafter established, unless the filing thereof is suspended as herein provided, shall be filed not later than one year after any part of the income or principal is authorized or required to be applied to a charitable purpose. If any part of the income or principal of a trust previously established is authorized or required to be applied to a charitable purpose at the time this act takes effect, the first report, unless the filing thereof is suspended, shall be filed within six months after the effective date of this act.

Sec. 153 11.110.073 Reports of trustee -- Trustees exempt from RCW 11.110.070. The following trustees shall be exempt from the

provisions of RCW 11.110.070, but shall file the information required in RCW 11.110.060:

(1) A bank or trust company subject to examination by the supervisor of banking of the state of Washington, the comptroller of the currency of the United States or the board of governors of the federal reserve system; which such bank or trust company is acting as trustee, executor or court-appointed fiduciary: Provided, that a bank or trust company which is a co-fiduciary of a trust shall be deemed to be the sole fiduciary of such trust under this section, if the bank or trust company is custodian of the books and records of the trust and has the responsibility for preparing the reports and returns which are filed with the internal revenue service;

(2) The governing body of a nonprofit community foundation or other nonprofit foundation incorporated for charitable purposes, contributions to which are currently allowed as charitable deductions under the United States income tax laws;

(3) The governing body of a hospital which is nonprofit and charitable, other than a hospital initially formed as a trustee pursuant to or in connection with the terms of a charitable trust.

Sec. 154 11.110.075 Trusts not exclusively for charitable purposes -- Instrument and information not public -- Filings and reporting, when required. A trust is not exclusively for charitable purposes, within the meaning of RCW 11.110.040, when

the instrument creating it contains a trust for several or mixed purposes, and any one or more of such purposes is not charitable within the meaning of RCW 11.110.020, as enacted or hereafter amended. Such instrument shall be withheld from public inspection by the attorney general and no information as to such noncharitable purpose shall be made public.

Annual reporting of such trusts to the attorney general, as required by RCW 11.110.060 or 11.110.070 now or as hereafter amended, shall commence within one year after trust income or principal is authorized or required to be used for a charitable purpose.

When a trust consists of a vested charitable remainder preceded by a life estate, a copy of the instrument shall be filed by the trustee or by the life tenant, within two months after commencement of the life estate.

If the trust instrument contains only contingent gifts or remainders to charitable purposes, no charitable trust shall be deemed created until a charitable gift or remainder is legally vested. The first registration or report of such trust shall be filed within two months after trust income or principal is authorized or required to be used for a charitable purpose.

Sec. 155 11.110.080 Custodian of court records to furnish copies to attorney general -- List of tax exemption applications to be filed. The custodian of the records of a court having jurisdiction of probate matters or of charitable trusts shall

furnish within two months after receiving possession or control thereof such copies of papers, records, and files of his office relating to the subject of this chapter as the attorney general shall require.

Every officer, agency, board or commission of this state receiving applications for exemption from taxation of any charitable trust or similar relationship in which the trustee is subject to this chapter shall annually file with the attorney general a list of all applications received during the year.

Sec. 155 11.110.090 Uniformity of chapter with laws of other states. It is the purpose of this chapter to make uniform the laws of this and other states on the subject of charitable trusts and similar relationships. Recognizing the necessity for uniform application and enforcement of this chapter, its provisions are hereby declared mandatory and they shall not be superseded by the provisions of any trust instrument or similar instrument to the contrary.

Sec. 155 11.110.100 Investigations by attorney general authorized -- Appearance and production of books, papers, documents, etc., may be required. The attorney general may investigate transactions and relationships of trustees and other persons subject to this chapter for the purpose of determining whether the trust or other relationship is administered according to law and the terms and purposes of the trust, or to determine compliance with this

chapter in any other respect. He may require any officer, agent, trustee, fiduciary, beneficiary, or other person, to appear, at a time and place designated by the attorney general in the county where the person resides or is found, to give information under oath and to produce books, memoranda, papers, documents of title, and evidence of assets, liabilities, receipts, or disbursements in the possession or control of the person ordered to appear.

Sec. 157 11.110.110 Order to appear -- Effect -- Enforcement -- Court review. When the attorney general requires the attendance of any person, as provided in RCW 11.110.100, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall

be subject to review by the supreme court or the court of appeals by certiorari or other appropriate proceeding.

Sec. 158 11.110.120 Proceedings to secure compliance and proper trust administration -- Attorney general to be notified of judicial proceedings involving charitable trust -- Powers and duties additional. The attorney general may institute appropriate proceedings to secure compliance with this chapter and to secure the proper administration of any trust or other relationships to which this chapter applies. He shall be notified of all judicial proceedings involving or affecting the charitable trust or its administration in which, at common law, he is a necessary or proper party as representative of the public beneficiaries. The notification shall be given ~~by registered mail to the attorney general at his office in Olympia at least twenty days prior to hearing thereon, except where shorter periods are prescribed by statute or by rules of court~~ as provided in RCW 11.96.100; provided, this notice requirement may be waived at the discretion of the attorney general. The powers and duties of the attorney general provided in this chapter are in addition to his existing powers and duties, and are not to be construed to limit or to restrict the exercise of the powers or the performance of the duties of the attorney general or of any prosecuting attorney which they may exercise or perform under any other provision of law. Except as provided herein, nothing in

this chapter shall impair or restrict the jurisdiction of any court with respect to any of the matters covered by it.

Comment: See comment at end of chapter.

Sec. 159 11.110.125 Violations -- Refusal to file reports, perform duties, etc. The wilful refusal by a trustee to make or file any report or to perform any other duties expressly required by this chapter, or to comply with any valid rule or regulation promulgated by the attorney general under this chapter, shall constitute a breach of trust and a violation of this chapter.

Sec. 159 11.110.130 violations -- Civil action may be prosecuted. A civil action for a violation of this chapter may be prosecuted by the attorney general or by a prosecuting attorney designated by the attorney general.

Sec. 159 11.110.140 Penalty. Every false statement of material fact knowingly made or caused to be made by any person in any statement or report filed under this chapter and every other violation of this chapter is a gross misdemeanor.

Sec. 161 11.110.200 Tax Reform Act of 1969, state implementation -- Application to trusts. RCW 11.110.200 through 11.110.260 shall apply only to trusts which are "private foundations" as defined in section 509 of the Internal Revenue Code of 1954, "charitable

trusts" as described in section 4947(a)(1) of the Internal Revenue Code of 1954, or "split-interest trusts" as described in section 4947(a)(2) of the Internal Revenue code of 1954. With respect to any such trust created after December 31, 1969, RCW 11.110.200 through 11.110.260 shall apply from such trust's creation. With respect to any such trust created before January 1, 1970, RCW 11.110.200 through 11.110.260 shall apply only to such trust's federal taxable years beginning after December 31, 1971.

Sec. 162 11.110.210 Tax Reform Act of 1969, state implementation -- Trust instruments deemed to contain prohibiting provisions. The trust instrument of each trust to which RCW 11.110.200 through 11.110.260 applies shall be deemed to contain provisions prohibiting the trustee from:

(1) Engaging in any act of "self-dealing" (as defined in section 4941(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4941(a) of the Internal Revenue Code of 1954;

(2) Retaining any "excess business holdings" (as defined in section 4943(c) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4943(a) of the Internal Revenue Code of 1954;

(3) Making any investments which would jeopardize the carrying out of any of the exempt purposes of the trust, within the meaning of section 4944 of the Internal Revenue Code of 1954,

so as to give rise to any liability for the tax imposed by section 4944(a) of the Internal Revenue Code of 1954; and

(4) Making any "taxable expenditures" (as defined in section 4945(d) of the Internal Revenue Code of 1954), which would give rise to any liability for the tax imposed by section 4945(a) of the Internal Revenue Code of 1954:

Provided, that this section shall not apply either to those split-interest trusts or to amounts thereof which are not subject to the prohibitions applicable to private foundations by reason of the provisions of section 4947 of the Internal Revenue Code of 1954.

Sec. 163 11.110.220 Tax Reform Act of 1969, state implementation -- Trust instruments deemed to contain certain provisions for distribution. The trust instrument of each trust to which RCW 11.110.200 through RCW 11.110.260 applies, except "split-interest" trusts, shall be deemed to contain a provision requiring the trustee to distribute, for the purposes specified in the trust instrument, for each taxable year of the trust, amounts at least sufficient to avoid liability for the tax imposed by section 4942(a) of the Internal Revenue Code of 1954.

Sec. 164 11.110.230 Tax Reform Act of 1969, state implementation -- Rights, powers of courts, attorney general, not impaired. Nothing in RCW 11.110.200 through 11.110.260 shall impair the

rights and powers of the courts or the attorney general of this state with respect to any trust.

Sec. 165 11.110.240 Tax Reform Act of 1969, state implementation -- Construction of references to federal code. All references to sections of the Internal Revenue Code of 1954 shall include all amendments thereto adopted by the Congress of the United States on or before ~~July 10, 1982~~ the effective date of this amendment.
[1982 1st ex.s. c 41 §3; 1971 c 58 §5.]

Sec. 167 11.110.250 Tax Reform Act of 1969, state implementation -- Application to new trust or amendment to existing trust. Nothing in RCW 11.110.200 through 11.110.260 shall limit the power of a person who creates a trust after June 10, 1971 or the power of a person who has retained or has been granted the right to amend a trust created before June 10, 1971, to include a specific provision in the trust instrument or an amendment thereto, as the case may be, which provides that some or all of the provisions of RCW 11.110.200, 11.110.210 and 11.110.220 shall have no application to such trust.

Sec. 168 11.110.260 Tax Reform Act of 1969, state implementation -- Severability -- RCW 11.110.200 through 11.110.260. If any provision of RCW 11.110.200 through 11.110.260 or the application thereof to any trust is held invalid, such invalidity shall not affect the other provisions or applications of RCW 11.110.200

through 11.110.260 which can be given effect without the invalid provision or application, and to this end the provisions of RCW 11.110.200 through 11.110.260 are declared to be severable.

Sec. 169 11.110.270 Tax Reform Act of 1969, state implementation -- Not for profit corporations. See RCW 24.40.010 through 24.40.070.

Sec. 169 11.110.900 Severability -- 1967 ex.s. = 53. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Comment: New Chapter 11.110 is former Chapter RCW 19.10, which has simply been moved from title 19, dealing with various miscellaneous business regulations, to title 11, dealing with probate and trust administration. Except for changes in internal cross references, the only changes are (1) in 11.110.060 where a specific date is now designated in place of "at the time . . . this 1971 amendatory act takes affect," and (2) in 11.110.120 where the notice requirements have been changed to correspond with the notice requirements in RCW 11.96.100 and (3) in 11.110.120 where the attorney general is authorized to waive the notice requirements at his or her discretion.

Sec. 170 18.100.080 Engaging in other business prohibited except acting as trustee or personal representative -- Investments. No professional service corporation organized under this chapter shall engage in any business other than the rendering of the professional services for which it was incorporated or service as a trustee as authorized by RCW 11.36.021 or as a personal representative as authorized by RCW 11.36.010; Provided, That nothing in this chapter or in any other provisions of existing law applicable to corporations shall be interpreted to prohibit such corporation from investing its funds in real estate, personal property, mortgages, stocks, bonds, insurance, or any other type of investments.

Comment: Revised to allow a professional service corporation to serve as trustee in line with the amendment to RCW 11.36.021 (14) and as personal representative as authorized by the 1983 amendments to RCW 11.36.010.

CHAPTER 25.04
GENERAL PARTNERS

- 25.04.020 Definition of Terms
- 25.04.150 Nature of Partner's Liability

Sec. 171 25.04.020. Definition of terms. In this chapter:

"Court" includes every court and judge having jurisdiction in the case;

"Business" includes every trade, occupation, or profession;

"Person" includes individuals, partnerships, corporations and other associations, trustees and personal representatives;

"Bankrupt" includes bankrupt under the federal bankruptcy act or insolvent under any state insolvent act;

"Conveyance" includes every assignment, lease, mortgage, or encumbrance;

"Real property" includes land and any interest or estate in land.

Comment: This section added the terms "trustee" and "personal representatives" within the definition of the word, "person."

Sec. 172 25.04.150. Nature of Partner's Liability. All partners are liable:

(1) Jointly and severally for everything chargeable to the partnership under RCW 25.04.130 and 25.04.140.

(2) Jointly for all other debts and obligations of the partnership; but any partner may enter into a separate obligation to perform a partnership contract.

(3) Except that the liability of a trustee or personal representative acting as a partner is limited as provided in RCW 11.98.110(2).

Comment: The liability of a trustee or personal representative investing in a partnership is limited as provided under RCW 11.98.110(2).

Sec. 174 64.28.040 Joint tenancy interests held by husband and wife.

Joint tenancy interests held in the names of a husband and his wife (whether or not in conjunction with others) are presumed to be their community property, the same as other property held in the name of both husband and wife. Any such interest passes to the survivor of the husband and wife as provided for property held in joint tenancy, but in all other respects the interest is treated as community property.

Comment: The provision is designed to assure the step up basis for both halves of community property upon the death of the first to die of a husband or wife. See Internal Revenue Code §1014(b)(6). In order to insure this treatment, the section provides that joint tenancy interests held by husband and wife (in both names) will be treated as community property in all respects, except that the interest will pass to the survivor as is otherwise the case for joint tenancy property. This would be the result of a specific community property agreement between the husband and wife under RCW 26.16.120 and also avoids the potential risk in creating a form of property interest that is joint tenancy in all respects, except that it is designated "community property." See J. Parks, "Critique of Nevada's New Community Property with Right of Survivorship," 10 Comm. Prop. J. 5 (1983).

The section is based on the policy determination that when husband and wife put property or receive property in joint tenancy form, they intend that it pass to the survivor upon the death of the first to die, but in all other respects consider it

to be community property. The section would not preclude an argument that the joint tenancy interest was not entirely community property, as is the case under present law with property acquired in the name of both husband and wife, depending on separate property contributions by either. However, the section would probably not negate equal ownership treatment for tax purposes under Internal Revenue Code §2040 with respect to joint tenancy property held by husband and wife.

Chapter 108 RCW (§§133-141) shall take effect immediately on passage, the remainder of this 1984 act shall take effect January 1, 1985.

[add emergency clause]

[add severability clause]

Sec. 176 11.88.010 Authority to appoint - Definitions - Venue.

(1) The superior court of each county shall have power to appoint guardians for the persons and estates, or either thereof, of incompetent persons, and guardians for the estates of all such persons who are nonresidents of the state but who have property in such county needing care and attention.

An "incompetent" is any person who is either:

(a) Under the age of majority, as defined in RCW 11.92.010, or

(b) Incompetent by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, of either managing his property or caring for himself or both.

(2) The superior court for each county shall have power to appoint limited guardians for the persons and estates, or either thereof, of disabled persons, who by reason of their disability have need for protection and assistance, but who cannot be found to be fully incompetent, upon investigation as provided by RCW 11.88.090 as now or hereafter amended. After considering all evidence presented as a result of such investigation, the court shall impose, by order, only such specific limitations and disabilities on a disabled person to be placed under a limited guardianship as the court finds necessary for such person's protection and assistance. A person shall not be presumed to be incompetent nor shall a person lose any legal rights or suffer any legal disabilities as the result of being placed under a

limited guardianship, except as to those rights and disabilities specifically set forth in the court order establishing such a limited guardianship. In addition, the court order shall state the period of time for which it shall be applicable.

For the purposes of chapters 11.88 and 11.92 RCW the term "disabled person" means an individual who is in need of protection and assistance by reason of mental illness, developmental disability, senility, habitual drunkenness, excessive use of drugs, or other mental incapacity, but cannot be found to be fully incompetent.

(3) Venue for petitions for guardianship or limited guardianship shall lie in the county wherein the alleged incompetent or disabled person is domiciled, or if such person is a resident of a state institution for developmentally disabled persons, in either the county wherein such institution is located, the county of domicile, or the county wherein a parent of the alleged incompetent or disabled person is domiciled.

[1977 ex.s. c 309 § 2; 1975 1st ex.s. c 95 § 2; 1965 c 145 § 11.88.010. Prior: 1917 c 156 § 195; RRS § 1565; prior: Code 1881 § 1604; 1873 p 314 § 299; 1855 p 15 § 1.]

(4) Under RCW 11.94.010, a principal may nominate, by a durable power of attorney, the guardian or limited guardian of his or her estate or person for consideration by the court if protective proceedings for the principal's person or estate are thereafter commenced. The court shall make its appointment in accordance with the principal's most recent nomination in a

durable power of attorney except for good cause or disqualification.

Comment: This change parallels a similar change in RCW 11.94.010 allowing a principal to designate his or her guardian.

Sec. 177 11.88.040 Notice of hearing, when required - Service - Procedure.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given personally to the alleged incompetent or disabled person, if over fourteen years of age.

Before appointing a guardian or a limited guardian, notice of a hearing, to be held not less than ten days after service thereof, shall be given by registered or certified mail requesting a return receipt signed by the addressee only or an agent appointed by the addressee, or by personal service in the manner provided for services of summons, to the following:

- (1) The alleged incompetent, disabled person, or minor, if under fourteen years of age;
- (2) A parent, if the alleged incompetent or disabled person is a minor, and the spouse of the alleged incompetent or disabled person if any;
- (3) Any other person who has been appointed as guardian or limited guardian, or the person with whom the alleged incompetent or disabled person resides. No notice need be given to those persons named in subsections (2) and (3) of this section if they

have signed the petition for the appointment of the guardian or limited guardian or have waived notice of the hearing. If the petition is by a parent asking for his appointment as guardian or limited guardian of a minor child under the age of fourteen years, or if the petition be accompanied by the written consent of a minor of the age of fourteen years or upward, consenting to the appointment of the guardian or limited guardian asked for, or if the petition be by a nonresident guardian of any minor or incompetent or disabled person, then the court may appoint the guardian without notice of the hearing. The court for good cause may reduce the number of days of notice, but in every case, at least three days notice shall be given.

The alleged incompetent or disabled person shall be presented in court at the final hearing on the petition: PROVIDED, That this requirement may be waived at the discretion of the court for good cause shown in the report to be provided by the guardian ad litem pursuant to RCW 11.88.090 as now or hereafter amended, or if no guardian ad litem is required to be appointed pursuant to RCW 11.88.090, as now or hereafter amended, at the discretion of the court for good cause shown by a party. Alternatively, the court may remove itself to the place of residence of the alleged incompetent or disabled person and conduct the final hearing in the presence of the alleged incompetent or disabled person. Final hearings on the petition may be held in closed court without admittance of any person other than those necessary to the action or proceeding.

If presence of the alleged incompetent or disabled person is waived and the court does not remove itself to the place of residence of such person, the guardian ad litem shall appear in person at the final hearing on the petition. [1977 ex.s. c 309 § 4; 1975 1st ex.s. c 95 § 5; 1969 c 70 § 1; 1965 c 145 § 11.88.040. Prior: 1927 c.170 § 2; 1923 c 142 § 4; 1917 c 156 § 198; RRS § 1568; prior: 1909 c 118 § 2; 1903 c 130 §§ 2, 3.]

Severability - 1977 ex.s. c 309: See note following RCW 11.88.050.

Waiver of notice: RCW 11.16.083.

Comment: Since the U.S. Post Office no longer has available return receipts with "deliver only to addressee," these changes were made to accord with present rule of the U.S. Post Office.

GOVERNOR'S MESSAGES ON SENATE BILLS
VETOED AND PARTIALLY VETOED

1984 REGULAR SESSION

February 21, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 22 Engrossed Substitute Senate Bill No. 3074, entitled:

"AN ACT Relating to occupational therapists."

This bill would forbid the practice of occupational therapy in this state without state licensure. The bill contains an emergency clause.

I have vetoed the emergency clause. The Department of Licensing will have a difficult time implementing this law properly with an immediate effective date. Indeed, even without an emergency clause implementation will be rushed.

With the exception of section 22, Engrossed Substitute Senate Bill No. 3074 is approved.

Respectfully submitted,
John Spellman
Governor

March 7, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 3287, entitled:

"AN ACT Relating to retirement from public services."

This bill would grant members of the Teacher's Retirement System and the Public Employee's Retirement System the opportunity to reestablish pension credits when they reenter state service after having previously cashed out of their respective retirement system. Under this bill, the cost of this option would be shared by members of the retirement systems, including those who receive no benefit from the exercise by others of an option to buy back into the system. To thus increase all member's contribution rates is not only inequitable but of questionable constitutionality. In addition, the bill contains numerous technical flaws. It incorrectly asks persons to assume the costs of TRS benefits, and it appropriates money erroneously.

In 1983, I vetoed similar provisions in Substitute House Bill No. 126. At that time, I stated a significant concern for the impact of that buy back legislation on the liabilities of the pension systems. While my concern in that regard continues, I am also concerned that there exists a significant inequity in the manner in which we treat employees returning to state service with respect to their right to reenter the state's retirement systems. Until 1983, there was no specific legislation that required the state to notify returning employees of their option to "buy back" into the retirement system, or the amount of money that would be required to be paid. As a result of that prior lack of notice, many returning state employees were unaware of their rights with respect to reentry. I believe that this inequity should be remedied, but that remedy must be accomplished in a manner that leaves the retirement systems whole. I am confident that a responsible proposal which accomplishes these ends can be developed for introduction in the next legislative session, and I will support it. I am directing OFM to work with the Department of Retirement Systems to devise such a bill and to report back to me and to the legislature.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 3287.

Respectfully submitted,
John Spellman
Governor

March 26, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval Engrossed Senate Bill No. 3449 entitled:

"AN ACT Relating to the candidate's pamphlet."

This measure is an unwarranted interference by the state in matters that should be left at the discretion of political candidates exercising their right to speak under our constitution both about their own records as well as the records of their opponents. Often, the most significant points that a candidate can make about major issues necessitate discussion of his or her opponent's position or record.

Challenges to incumbents would particularly be adversely affected by the statutory ban contained in this bill.

The most important single piece of printed material during any campaign is the voter's pamphlet. This measure unwisely limits the effectiveness of these pamphlets, and I have therefore vetoed Engrossed Senate Bill No. 3449.

Respectfully submitted,
John Spellman
Governor

March 8, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to subsections 1 and 2 of section 22, Substitute Senate Bill No. 4302, entitled:

"AN ACT Relating to the practice of pharmacy."

Subsections 1 and 2 of section 22 repeal RCW 18.64.044 and 18.64.047, two statutes which are otherwise amended by the bill in sections 5 and 8. The inclusion of the repealers was a drafting error which should be corrected. Therefore, I have vetoed subsections 1 and 2 of section 22.

The remainder of the bill is approved.

Respectfully submitted,
John Spellman
Governor

March 30, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval Substitute Senate Bill No. 4381 entitled:

"AN ACT Relating to elections."

While this measure may contain a number of worthy technical changes in the state's election laws, its problems overwhelm its benefits.

The provisions relating to election procedures for filling a vacancy in the United States Senate are flawed in that they require the Governor to fill the vacancy from the same political party as the person vacating the office. This requirement creates several problems, not the least of which is the lack of any verifiable resource to which the appointing authority may turn to test the party affiliation of prospective appointees. The state of Washington has always had an "open" electoral process. This provision is contrary to that process and to the will of the electorate as determined by a 1975 referendum on the subject.

This measure also contains provisions requiring county auditors to permit late registration by voters through an absentee ballot procedure up to 15 days before an election. Auditors have stated that this provision would seriously overburden county election officials and frustrate their desires to ensure a smooth election process.

This measure also suffers from the fact that the final roll call was not had on the bill until past midnight of the 60th day. The Constitution of the state of Washington limits sessions in even numbered years to 60 days. While I am loathe to inject myself into the procedures of either house of the legislature, I am concerned that

the 60-day time limit set by the people be followed, particularly with respect to measures such as this which contain controversial issues that may well engender litigation solely because of the hour of passage.

For the reasons stated above, I have vetoed Substitute Senate Bill No. 4381.

Respectfully submitted,
John Spellman
Governor

March 30, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to certain provisions, Substitute Senate Bill No. 4403, entitled:

"AN ACT Relating to health care costs."

The following sections are hereby vetoed: Section 14(4)(d), the term "medically necessary" has been defined in Washington State by the Superior Court case, Mead v. Burdman. Using that definition for guidance, it is apparent that even a narrowly construed definition of "medically necessary" would place a major new obligation on hospitals. A change of this magnitude deserves full review and public input, which it did not receive during the legislative process. In the meantime, I admonish all hospitals to continue to provide necessary emergency services, without regard to means.

Section 22(2)(k), the second sentence, conditions the receipt of a certificate of need by a hospital on achievement of the regional average of charity care. During a colloquy, both houses clearly stated that they did not want to penalize hospitals who were making a "good faith effort" to reach their regional average. This sentence would, however, regardless of any good faith efforts, penalize not only the hospital, but the community, denying a hospital the right to fund its capital needs in order to assure quality of health care to all.

Similarly, section 14(1)(b) prohibits a hospital from negotiating discounts with health care purchasers unless the hospital is providing charity care at or above the average for the region. This provision is unfair to those hospitals, particularly in rural areas, that provide all the charity care that is demanded yet fall below the regional average. Discounts, as restricted by this bill, may well reduce health care costs. I believe it unwise to frustrate the process at the outset by inextricably tying discounts to mandated levels of charity care.

Section 14(1), on lines 27 and 28, contains a phrase which reads "if all 1984 amendments to this section and section 22 of this 1984 act take effect." This provision allows hospitals to negotiate rates lower than those established by the Commission if the amendments in section 22 take effect. As explained above, I have vetoed portions of section 22 and of section 14. Therefore, in order to preserve the hospital's ability to negotiate competitive rates, it is necessary to veto this provision in section 14.

This bill also contains an emergency clause in section 29. I am concerned that a bill of this complexity proposing such significant changes in the health care industry not be approached precipitously. I am convinced that allowing this bill to become effective in normal course will facilitate the state and the health care industry entering into the process contemplated by this bill in a more deliberative fashion.

With the exception of these provisions, Substitute Senate Bill No. 4403 is approved.

Respectfully submitted,
John Spellman
Governor

March 28, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 404(4) and section 405, Substitute Senate Bill 4430, entitled:

"AN ACT Relating to courts."

Senate Bill No. 3376 was just passed by the legislature and signed by me. That bill authorized the Supreme Court to set the salary for the position of Administrator for the Courts. It is common practice for staff salaries to be set within an administrative structure.

Sections 404(4) and 405 alter that practice by allowing the legislature to set the salary for the Administrator for the Courts. Those sections are in conflict with the intent of Senate Bill 3376.

With the exception of section 404(4) and section 405, which I have vetoed, Substitute Senate Bill No. 4430 is approved.

Respectfully submitted,
John Spellman
Governor

March 29, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 11 of Substitute Senate Bill No. 4448, entitled:

"AN ACT Relating to the regulations who perform minor health care services."

Recently, legal impediments have surfaced to the common practice of permitting unlicensed health care assistants to administer injections and withdraw blood. These unlicensed practitioners are medical technicians, medical assistants, and others giving shots and withdrawing blood in various laboratories, blood banks, and clinics. If only licensed practitioners were permitted to do these procedures, health care costs would be driven up considerably. I support this measure.

Section 11 of this bill does present a problem, however. This section adds naturopathic physicians to those permitted to draw blood. It has not been common practice for naturopathic physicians to draw blood or utilize blood samples in their diagnostic process. While ultimately this may prove to be an appropriate addition to the authorized actions of naturopaths, I am concerned that their addition to this bill was accomplished without sufficient in-depth consideration of the consequences.

With the exception of section 11, Substitute Senate Bill No. 4448, is approved.

Respectfully submitted,
John Spellman
Governor

March 30, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval, as to several sections, Substitute Senate Bill No. 4484, entitled:

"AN ACT Relating to the athletic health care and training council."

As presented to me, this bill would create an additional state agency to regulate the safety, health care, and training of our school-aged athletes. In addition, it would give the new agency a wide array of powers to establish and enforce certain standards with respect to health and safety of training techniques and equipment. I totally support the intent of this legislation. However, I am not convinced that a clear need has been demonstrated justifying a state agency and a regulatory program of this size and scope.

In addition, this measure ignores the existing authority of elected officials who are responsible for our common school education program, including the athletic component. Indeed, this measure not only substitutes future rules and regulations of the council for that authority but may well place additional and costly burdens on these officials with respect to civil suits arising from any injuries which occur where the rules and regulations may have been violated.

All the issues raised by this legislation merit further study. Therefore, I am approving those portions of the bill which establish the council and empower it to

conduct a study of health and safety conditions in organized athletic programs in the state's junior high and high schools.

With the exception of section 6, subsection 2 through subsection 5, sections 7, 8, 9, and 10, Substitute Senate Bill No. 4484 is approved.

Respectfully submitted,
John Spellman
Governor

March 28, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1(2)(c), 2(3), and 4(4)(c), Substitute Senate Bill No. 4490, entitled:

"AN ACT Relating to residential space heating."

Engrossed Substitute Senate Bill No. 4490 provides that utilities which supply electrical or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 during the next two years. If the customer does not comply with the payment provisions of this legislation, the utility is authorized to discontinue service.

I support the concept of prohibiting the arbitrary shut-off of utility space heating service during the winter months. The bill will provide necessary protection to needy families. However, the provisions that require low-income energy assistance payments to be made directly to the utility or jointly payable to the customer and the utility are not acceptable.

State agencies that distribute low-income energy assistance require flexibility to administer the program to the benefit of the families eligible to receive the assistance without the added penalty these sections would create. In addition, the provisions could prohibit any energy assistance payments to low-income households that heat with oil, bottled gas, coal or wood which are not purchased from utility companies.

For these reasons, I have vetoed sections 1(2)(c), 2(3), and 4(4)(c). The remaining sections of Substitute Senate Bill No. 4490 are approved.

Respectfully submitted,
John Spellman
Governor

March 7, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, subsections 2, 3, and 4, Substitute Senate Bill No. 4494, entitled:

"AN ACT Relating to international trade development."

Substitute Senate Bill No. 4494 creates the Washington State Advisory Council on International Trade Development to provide international trade information and counsel to the Governor and the legislature.

The concept of an advisory council in the area of international trade development is acceptable and should prove beneficial. However, the method of appointment of the council and its makeup as designated in this legislation clearly circumvent the executive branch of state government. As I said with respect to a similar proposal relating to tourism development, the work envisioned by this legislation can be accomplished in a more efficient and responsible manner consistent with the constitutional principles regarding the separation of powers if the work is undertaken in the manner established in Executive Order 84-04, a copy of which I have attached to this message. For these reasons, I have vetoed subsections 2, 3, and 4 of section 2 of Substitute Senate Bill No. 4494.

The remaining sections of the bill are approved.

Respectfully submitted,
John Spellman
Governor

February 23, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one section Substitute Senate Bill No. 4561, entitled:

"AN ACT Relating to emergency management."

Subsection 3 of section 3 ostensibly is intended as a broad policy statement in opposition to planning for emergency response in the event of nuclear attack. Unfortunately, as drafted, the subsection could be construed to prohibit the use of emergency management functions in response to a nuclear attack as distinct from merely planning for one.

The state of Washington is responsible for the protection of the lives and property of its citizens. This responsibility is expressed in our state and national Constitutions and outlined in state and Federal laws. Although a nuclear attack would be a nightmare, one which would make all other calamities man has suffered seem small, state government is obligated to save as many lives as possible, and it is immoral to prevent government from doing all that it can to save lives and reduce suffering. The section which I am vetoing would shackle the hands of state agencies in responding to the massive human suffering following an attack. Although there may be little that government can do, it cannot stand by and watch citizens suffer if there are state resources that can be used to provide them some relief.

Although possible scenarios for a nuclear war can be debated, the fact remains that no one can guarantee that our entire population will be lost in an attack. As long as any of our citizens remain alive, they are entitled to the protection and services of the state. If at all possible, food, water, relief from pain, and shelter must be provided to those in need.

Therefore, I have vetoed section 3(3). The remainder of Substitute Senate Bill No. 4561 is approved.

Respectfully submitted,
John Spellman
Governor

March 28, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 1(2) and section 1(4), Substitute Senate Bill No. 4647, entitled:

"AN ACT Relating to the state advisory committee to the Department of Social and Health Services."

These sections would require the Department of Social and Health Services (DSHS) to limit citizen participation in its activities to one advisory committee per division or bureau unless "exceptional circumstances" could be documented. Those sections would also severely limit the establishment of new advisory committees. I am opposed to these unnecessary and arbitrary restrictions on citizen involvement in state government.

When the Department of Social and Health Services was created in 1971, the legislature in its statement of purpose declared that meaningful citizen involvement and participation in the planning and programs of DSHS are essential. I agree with that statement and can find no reason to limit the ability of DSHS to involve citizens in its programs.

With the exception of these sections, Substitute Senate Bill No. 4647 is approved.

Respectfully submitted,
John Spellman
Governor

March 2, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith without my approval Senate Bill No. 4696 entitled:

"AN ACT Establishing a school district equalized calculation formula."

A drafting error which was discovered after the bill was enrolled significantly alters the bill's intended impact. As a result of levy failures in the late 1970's, certain school districts are ineligible for "grandfathered" levy authority during the phase-in of state levy controls. During legislative consideration, it was understood that the bill increased levy capacity in two districts, Federal Way and Battle Ground. However, neither district would qualify for the "equalized calculation" of levy authority provided in the bill as drafted.

Respectfully submitted,
John Spellman
Governor

March 30, 1984

To the Honorable, the Senate
of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Second Substitute Senate Bill No. 4831, entitled:

"AN ACT Relating to worker and community right to know."

I am confronted with a dilemma with respect to this measure. Protection of workers and the public from inadvertent exposure to hazardous substances is of particular concern to me. I favor a responsible approach to these concerns tailored to the particular circumstances of the state of Washington. Unfortunately, this bill is not such a proposal.

This bill contains serious technical flaws and numerous substantive errors. It is internally inconsistent, creates a monstrous paper burden in the Department of Labor and Industries and on small business and agriculture, and is so broad that it may well constitute an illegal burden on interstate commerce under Federal law. In its present form, this bill would substantially increase costs to consumers and dampen economic recovery.

Rather than reject the concept of this legislation, I am approving those provisions of the bill which will allow the Department of Labor and Industries to be responsive to the need for establishing a program for disclosure of information regarding hazardous substances in the workplace. As a result of my action, the Department will immediately begin work in preparation for reporting to the Governor and the legislature by January 1, 1985, in conjunction with the Right to Know Advisory Council, on the necessary study of the impact of legislation on this subject, and on the need for any additional legislation.

I have vetoed section 3. This section purports to provide definitions for purposes of implementing the act. However, many of these definitions are in fact substantive requirements inappropriately engrossed on the definition section. Necessary definitions for implementation of this chapter may be developed by the Department under the authority of section 27.

I have vetoed sections 4 through 14 of the act, inclusive. Section 4 contains numerous exclusions from coverage under the statute which exclusions may or may not prove to be appropriate after study. Section 5 places on the Department of Labor and Industries the sole burden of development of a hazardous substance list. This section in conjunction with sections 6 through 14 constitutes overly burdensome aspects of the legislation.

I have vetoed section 19 from the bill for the reasons stated above. I have vetoed section 22 for the same reasons.

Many of the substantive action sections of this bill do not become operative for more than a year or two years. Therefore, it would seem prudent and in the best interests of employees, employers, and the public, that they be reviewed, fine-tuned, and acted upon next January.

With the exception of the above vetoes, Second Substitute Senate Bill No. 4831 is approved.

Respectfully submitted,
John Spellman
Governor

**GOVERNOR'S MESSAGES ON SENATE BILLS
SIGNED AFTER ADJOURNMENT**

1984 REGULAR SESSION

Office of the Governor, March 15, 1984

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 14, 1984, Governor Spellman approved the following Senate Bill entitled:

Substitute Senate Bill No. 4578
Relating to boating safety.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

Office of the Governor, March 15, 1984

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 15, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 4343
Relating to state highway work.

Senate Bill No. 4401
Relating to port district property.

Senate Bill No. 4445
Relating to wine and beer product information.

Senate Bill No. 4532
Relating to state highway routes.

Substitute Senate Bill No. 4579
Relating to the militia.

Substitute Senate Bill No. 4628
Relating to civil service for employees of county sheriffs.

Substitute Senate Bill No. 4708
Relating to methods of determining costs of operating state institutions.

Substitute Senate Bill No. 4730
Relating to child support.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

Office of the Governor, March 21, 1984

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 21, 1984, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 4421
Relating to revenue and taxation.

Substitute Senate Bill No. 4416
Relating to unemployment compensation.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

Office of the Governor, March 27, 1984

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 27, 1984, Governor Spellman approved the following Senate Bills entitled:

Substitute Senate Bill No. 3827

Relating to conservation planning.

Senate Bill No. 4338

Relating to parking violations.

Senate Bill No. 4376

Relating to local government.

Substitute Senate Bill No. 4419

Relating to milk and milk products.

Substitute Senate Bill No. 4477

Relating to retirement from public service.

Senate Bill No. 4500

Relating to school and educational employees' payroll deductions.

Senate Bill No. 4650

Relating to fire protection districts.

Substitute Senate Bill No. 4711

Relating to fire protection districts under Title 52 RCW.

Substitute Senate Bill No. 4794

Relating to the centennial partnership corporation.

Senate Bill No. 3044

Relating to the exemption of certain nonresidents from tuition and fee differentials.

Substitute Senate Bill No. 3181

Relating to detention of mentally disordered persons.

Substitute Senate Bill No. 3429

Relating to the criminal justice system.

Second Substitute Senate Bill No. 3815

Relating to jails.

Senate Bill No. 4275

Relating to teachers' retirement.

Senate Bill No. 4607

Relating to hazardous waste.

Senate Bill No. 4619

Relating to fire protection.

Substitute Senate Bill No. 4788

Relating to threatened species.

Substitute Senate Bill No. 3169

Relating to game and game fish.

Substitute Senate Bill No. 3194

Relating to motor vehicle certificates of ownership.

Substitute Senate Bill No. 3926

Relating to state government.

Substitute Senate Bill No. 4306

Relating to public health.

Substitute Senate Bill No. 4404

Relating to public works.

Senate Bill No. 4407

Relating to compensation of school district administrators.

Senate Bill No. 4798

Relating to prison overcrowding.

Senate Bill No. 4504

Relating to state budgeting and accounting.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

Office of the Governor, March 30, 1984

TO THE HONORABLE, THE SENATE
OF THE STATE OF WASHINGTON
Ladies and Gentlemen:

I have the honor to advise you that on March 28, 1984, Governor Spellman approved the following Senate Bills entitled:

Senate Bill No. 4228

Relating to malicious harassment.

Senate Bill No. 4309

Relating to sexual exploitation of children.

Substitute Senate Bill No. 4435

Relating to racketeering.

Substitute Senate Bill No. 3942

Relating to higher education.

Substitute Senate Bill No. 4541

Relating to domestic violence.

Substitute Senate Bill No. 4560

Relating to presale disclosures about telecommunications equipment.

Substitute Senate Bill No. 4653

Relating to children.

Second Substitute Senate Bill No. 3193

Relating to the Washington clean air act.

Substitute Senate Bill No. 4111

Relating to sales under execution and redemption.

Substitute Senate Bill No. 4362

Relating to open alcoholic beverage containers in motor vehicles.

Senate Bill No. 4432

Relating to educational opportunities.

Substitute Senate Bill No. 4443

Relating to mineral interests.

Sincerely,
C. Kenneth Grosse,
Counsel for the Governor

SENATE ROSTER — 1983 — 1984 SESSIONS
FORTY-EIGHTH LEGISLATURE

H. A. "BARNEY" GOLTZ, President Pro Tem
A. L. "SLIM" RASMUSSEN, Vice President Pro Tem

Name of Member	Dis- trict	County	Mailing Address	Age
		Lincoln Pend Oreille Stevens Ferry		
Barr, Scott	7	Okanogan, part Spokane, part	Rt. 1, Box 130 Edwall 99008	66
Bauer, Al	49	Clark, part	13611 N.E. 20th Ave. Vancouver 98665	54
Bender, Rick S.	44	King, part Snohomish, part	16209 Simonds Rd. N.E. Bothell 98011	33
Benitz, Max E.	8	Benton, part	Rt. 2, Box 2521 Prosser 99350	66
Bluechel, Alan	45	King, part	9901 N.E. 124th St. No. 505 Kirkland 98033	58
Bottiger, R. Ted	2	Pierce, part Thurston, part	8849 Pacific Ave. Tacoma 98444	50
Clarke, George W.	41	King, part	1111 Hoge Bldg. Seattle 98104	76
Conner, Paul H.	24	Clallam Jefferson Grays Harbor, part	195 Pinnell Rd. Sequim 98382	57
Craswell, Ellen	23	Kitsap, part	8066 Chico Way N.W., Bremerton 98312	50
Deccio, Alex	14	Yakima, part	P.O. Box 1343 Yakima 98907	55
Fleming, George	37	King, part	1100 Lake Wash- ington Blvd. So. Seattle 98144	44
Fuller, W.H. "Bill"	20	Lewis Thurston, part	330 Brockway Rd. Chehalis 98532	69
Gaspard, Marcus S.	25	Pierce, part	8220 - 191st Ave. E. Sumner 98390	34
Goltz, H.A. "Barney"	42	Whatcom, part	3003 Vallette St. Bellingham 98225	58
Granlund, Barbara	26	Kitsap, part Pierce, part	3777 Pine Tree Dr. Port Orchard 98366	54
Guess, Sam C.	6	Spokane, part	W. 408-33rd Ave. Spokane 99203	73
Haley, Ted	28	Pierce, part	5800 100th St. S.W. #30 Tacoma 98499	62

Birthplace	Politics	Occupation	Previous Legislative Sessions Served	
			Senate	House
Washington	R	Cattle, Grain & Timber Products	1983	1977-1982
Montana	D	Farmer-Educator	1981-1983	1971-1980
Alaska	D	Public Relations Rep. Ins. Co. Part-owner, small const. firm	1983	1973-1982
Kansas	R	Agri-Business	1975-1983	1969-1974
Alberta, Canada	R	President, Loctwall Corporation	1975-1983	1967-1974
Washington	D	Attorney	1973-1983	1965-1972
Iowa	R	Attorney	Appointed 1/8/71, 1971-1983	1967-1970
Washington	D	Self-employed	Appointed 1957, 1979-1983	1959-1977
Washington	R	Housewife	1981-1983	1977-1980
Washington	R	Insurance Broker	1981-1983	1975-1980
Texas	D	Economic Devel. Mgr., Pacific N.W. Bell	1971-1983	1969-1970
Idaho	R	Supermarket Operator	1981-1983	1977-1980
Washington	D	Real Estate	1977-1983	1973-1976
Minnesota	D	Management/Planning Consultant	1975-1983	1973-1974
Nebraska	D	Homemaker	1983	1979-1982
Mississippi	R	Engineer	1963-1983	
Washington	R	Physician	1980-1983	1975-1979

1906 SENATE ROSTER — 1983-1984 SESSIONS—continued

Name of Member	Dis-trict	County	Mailing Address	Age
Hansen, Frank "Tub"	13	Adams, part Kittitas, part Grant, part Yakima, part	Star Rt., Box 73 Moses Lake 98837	69
Hayner, Jeannette	16	Franklin, part Walla Walla Benton, part	P.O. Box 454 Walla Walla 99362	63
Hemstad, Dick	22	Thurston, part	130 No. Sherman Olympia 98502	50
Hughes, Jerry M.	5	Spokane, part	N. 3504 Milton Spokane 99205	39
Hurley, Margaret	3	Spokane, part	E. 730 Boone Ave. Spokane 99202	
*Jones, John D.	48	King, part	18 Bridlewood Circle, Kirkland 98033	58
Kiskaddon, Bill	1	King, part Snohomish, part	4404-242nd Place S.W. Mountlake Terrace 98043	53
Lee, Eleanor	33	King, part	Box 66274 Burien 98166	51
McCaslin, Bob	4	Spokane, part	E. 12719-23rd Spokane 99216	56
McDermott, James A.	43	King, part	1650 22nd E. Seattle 98112	46
**McDonald, Dan	48	King, part	4650 92nd N.E. Bellevue 98004	39
McManus, Mike	21	Snohomish, part	6315 148th Pl. S.W. Edmonds 98020	49
Metcalf, Jack	10	Island Snohomish, part Skagit, part	3273 E. Saratoga Rd. Langley 98260	55
Moore, Ray	36	King, part	1722 Bigelow Ave. N. Seattle 98109	70
Newhouse, Irving	15	Benton, part Yakima, part	Rt. 1, Box 130 Mabton 98935	62
Owen, Brad	35	Mason Kitsap, part Thurston, part Grays Harbor, part	402-B Public Lands Olympia 98504	32
Patterson, E.G. "Pat"	9	Asotin Columbia Garfield Whitman Adams, part Franklin, part	N.E. 400 Campus Pullman 99163	63

Birthplace	Politics	Occupation	Previous Legislative Sessions Served	
			Senate	House
Washington	D	Retired Rancher	1979-1983	1973-1977
Oregon	R	Attorney	1977-1983	1973-1976
Wisconsin	R	Attorney & Professor	1981-1983	
New York	D	Instructor, Gonzaga Univ. North Central Spokane	1981-1983	1977-1980
Minnesota	D	Former Teacher	1980-1983	1953-1979
Wales	R	Community Affairs Manager, Pac. N.W. Bell	Appointed 1973, 1973-1983	1971-1972
California	R	Counselor & Therapist	1981-1983	1966-1972
Illinois	R	Business Manager, Fairman B. Lee Co.	1979-1983	1975-1977
Ohio	R	Real Estate Broker	1981-1983	
Illinois	D	Physician	1975-1983	1971-1972
Washington	R	Engineer/ Economist	Appointed 1983	1979-1983
Wisconsin	D	Businessman	1983	
Washington	R	Retired Teacher	1967-1974, 1981-1983	1961-1963
Washington	D	Securities Broker, Restaurant Owner	1979-1983	
Washington	R	Diversified Rancher	Appointed 1981, 1981-1983	1965-1979
Washington	D	Grocer	1983	1976 2nd Ex.- 1982
Washington	R	Retired WSU Administrator	1981-1983	1973-1980

1908 SENATE ROSTER — 1983-1984 SESSIONS—continued

Name of Member	Dis- trict	County	Mailing Address	Age
Peterson, Lowell	40	San Juan Skagit. part Whatcom, part	Box 249 Concrete 98237	61
Pullen, Kent	47	King, part	22844 172nd Ave. S.E. Kent 98031	40
Quigg, J.T.	19	Cowlitz, part Grays Harbor, part Pacific Wahkiakum	Room 109-B Institutions Bldg. Olympia 98504	35
Rasmussen, A. L. "Slim"	29	Pierce, part	5415 A St. Tacoma 98408	73
Rinehart, Nita	46	King, part	4515 51st Ave. N.E. Seattle 98105	42
Sellar, George L.	12	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1324 Terrace Dr. E. Wenatchee 98801	54
Shinpoeh, A.N. "Bud"	11	King, part	361 Maple Ave. N.W. Renton 98055	58
Talmadge, Phil	34	King, part	District Office: 1725 S.W. Roxbury, #5 Seattle 98106	30
Thompson, Alan	18	Cowlitz, part Clark, part	191 Nob Lane Kelso 98626	55
Vognild, Larry L.	38	Snohomish, part	5028 Wilmington Everett 98203	51
von Reichbauer, Peter	30	King, part Pierce, part	113 Institutions Bldg. Olympia 98504	38
Warnke, Frank J.	31	King, part Pierce, part	29457 51st So. Auburn 98002	49
Williams, Al	32	King, part	4801 Fremont N. Seattle 98103	52
Wojahn, R. Lorraine	27	Pierce, part	3592 E. K St. Tacoma 98404	62
Woody, Dianne H.	39	Snohomish, part	24328 - 47th S.E. Woodinville 98072	
Zimmerman, Harold S.	17	Klickitat Skamania Clark, part	1432 N.E. 6th Ave. Camas 98607	59
Lieutenant Governor Cherberg, John A.		President of the Senate	Legislative Building, Olympia 98504	72

Birthplace	Politics	Occupation	Previous Legislative Sessions Served	
			Senate	House
Washington	D	Fuel Distributor	1965-1983	
Texas	R	Chemist	1975-1983	1973-1974
Washington	R	Contractor	1979-1983	
Washington	D	Retired	1963-1967 Appointed 1971. 1971-1983	1945-1959
Texas	D	Homemaker	1983	Appt. 11/6/79, Elected 11/80, 1981-1982
Illinois	R	Manager, Water Resources Port of Chelan Co	Appointed 1/7/72, 1972-1983	
Oklahoma	D	Retired	Appointed 12/7/77, 1979-1983	1970-1977
Washington	D	Attorney	1979-1983	
Iowa	D	Publisher	Appointed 12/17/82, 1983	1965-1982
Washington	D	Retired	1979-1983	
Washington	R	Investment Management	1974-1983	
Montana	D	Labor Relations Director	1983	1965 1973-1982
North Dakota	D	Architect	Appointed 2/4/78, 1979-1983	1970-1977
Washington	D		1977-1983	1969-1976
Washington	D		Appointed 9/27/77, 1979-1983	
North Dakota	R	Newspaper Publisher, Columnist	1981-1983	1967-1980
Florida	D	Lieutenant Governor	Elected 1957, 1957-1983	

Name of Member	District	County	Mailing Address	Age
Snyder, Sid		Secretary of the Senate	P.O. Box 531 Long Beach 98631	56
Gleason, Bill		Assistant Secretary of the Senate	611 No. C St. Tacoma 98403	42
Scarpelli, O.F. "Ole"		Sergeant at Arms	6345 6th Ave. N.E. Seattle 98115	61

* Resigned September 1, 1983

** Appointed September 19, 1983

Birthplace	Politics	Occupation	Previous Legislative Sessions Served		
			Senate	House	
Washington	D	Owner, Operator, Supermarket	Elected 5/12/69, 1969-1983		Served as Assistant Chief Clerk or Acting Chief Clerk 1957 to May, 1969
Washington	D	Professional	Appt. 1971 1971-1981 1983		
Washington	D	Real Estate Broker	1983		

**Membership of
Senate Standing Committees
1983 - 1984**

AGRICULTURE (6)—Hansen, Chairman; Goltz, Vice Chairman; Barr, Benitz, Gaspard, Newhouse.

COMMERCE AND LABOR (11)—Vognild, Chairman; Wojahn, Vice Chairman; Haley, McCaslin, McDonald (1984), McManus, Moore, Newhouse, Quigg, Sellar (1983), Shinpoch, Williams.

EDUCATION (17)—Gaspard, Chairman; Bauer, Vice Chairman; Rinehart, Vice Chairman; Bender, Benitz, Craswell, Fleming, Goltz, Guess, Hemstad, Hughes, Kiskaddon, Lee, McDermott, Patterson, von Reichbauer, Warnke.

ENERGY AND UTILITIES (9)—Williams, Chairman; Hurley, Vice Chairman; Benitz, Fuller, Goltz, Hemstad, McManus, Moore, Quigg.

FINANCIAL INSTITUTIONS (9)—Moore, Chairman; Bender, Vice Chairman; Bottiger, Clarke, Deccio, Jones (1983), McDonald (1984), Sellar, Warnke, Wojahn.

INSTITUTIONS (7)—Granlund, Chairman; Owen, Vice Chairman; Fuller, McCaslin (1984), McManus, Metcalf, Peterson, Pullen (1983).

JUDICIARY (10)—Talmadge, Chairman; Hughes, Vice Chairman; Clarke, Fleming, Hayner, Hemstad, Newhouse, Thompson, Williams, Woody.

LOCAL GOVERNMENT (7)—Thompson, Chairman; Bauer, Vice Chairman; Barr, Granlund, McCaslin, Woody, Zimmerman.

NATURAL RESOURCES (11)—Owen, Chairman; Peterson, Vice Chairman; Conner, Fuller, Metcalf, Patterson, Quigg, Rasmussen, Shinpoch, Vognild, von Reichbauer.

PARKS AND ECOLOGY (12)—Hughes, Chairman; Talmadge, Vice Chairman; Bluechel, Haley, Hansen, Hurley, Kiskaddon, Lee, McDermott, Pullen, Rasmussen, Williams.

RULES (21)—Cherberg, Chairman; Goltz, Vice Chairman; Bauer, Bender, Benitz (1984), Bluechel, Bottiger, Clarke, Conner, Fleming, Guess, Hayner, Hurley, Jones (1983), Metcalf, Newhouse, Patterson, Rasmussen, Rinehart, Sellar, Shinpoch, Wojahn, Woody.

SOCIAL AND HEALTH SERVICES (7)—McManus, Chairman; Conner, Craswell, Deccio, Granlund, Kiskaddon, Moore.

STATE GOVERNMENT (7)—Warnke, Chairman; Rasmussen, Vice Chairman; Jones (1983), McCaslin (1983), McDermott, Pullen (1984), Quigg (1984), Rinehart, Zimmerman.

TRANSPORTATION (13)—Peterson, Chairman; Hansen, Vice Chairman; Barr, Bender, Conner, Granlund, Guess, Haley, Owen, Patterson, Sellar, Vognild, von Reichbauer.

WAYS AND MEANS (21)—McDermott, Chairman; Gaspard, Vice Chairman; Bauer, Bluechel, Bottiger, Craswell, Deccio, Fleming, Hayner, Hughes, Lee, McDonald (1984), Metcalf (1983), Pullen, Rinehart, Shinpoch, Talmadge, Thompson, Warnke, Wojahn, Woody, Zimmerman.

**Member Assignments to
Senate Standing Committees
1983 - 1984**

- BARR, SCOTT—Agriculture, Local Government, Transportation.
- BAUER, ALBERT—Education, Vice Chairman; Local Government, Vice Chairman; Rules, Ways and Means.
- BENDER, RICK S.—Financial Institutions, Vice Chairman; Education, Rules, Transportation.
- BENITZ, MAX E.—Agriculture, Education, Energy and Utilities, Rules (1984).
- BLUECHEL, ALAN—Parks and Ecology, Rules, Ways and Means.
- BOTTIGER, R. TED—Financial Institutions, Rules, Ways and Means.
- CLARKE, GEORGE W.—Financial Institutions, Judiciary, Rules.
- CONNER, PAUL—Natural Resources, Rules, Social and Health Services, Transportation.
- CRASWELL, ELLEN—Education, Social and Health Services, Ways and Means.
- DECCIO, ALEX A.—Financial Institutions, Social and Health Services, Ways and Means.
- FLEMING, GEORGE—Education, Judiciary, Rules, Ways and Means.
- FULLER, W. H. "BILL"—Energy and Utilities, Institutions, Natural Resources.
- GASPARD, MARCUS—Education, Chairman; Ways and Means, Vice Chairman; Agriculture.
- GOLTZ, H. A. "BARNEY"—Agriculture, Vice Chairman; Rules, Vice Chairman; Education, Energy and Utilities.
- GRANLUND, BARBARA—Institutions, Chairman; Local Government, Social and Health Services, Transportation.
- GUESS, SAM C.—Education, Rules, Transportation.
- HALEY, TED—Commerce and Labor, Parks and Ecology, Transportation.
- HANSEN, FRANK "TUB"—Agriculture, Chairman; Transportation, Vice Chairman; Parks and Ecology.
- HAYNER, JEANNETTE—Judiciary, Rules, Ways and Means.
- HEMSTAD, DICK—Education, Energy and Utilities, Judiciary.
- HUGHES, JERRY M.—Parks and Ecology, Chairman; Judiciary, Vice Chairman; Education, Ways and Means.
- HURLEY, MARGARET—Energy and Utilities, Vice Chairman; Parks and Ecology, Rules.
- *JONES, JOHN D.—Financial Institutions (1983), Rules (1983), State Government (1983).
- KISKADDON, BILL—Education, Parks and Ecology, Social and Health Services.
- LEE, ELEANOR—Education, Parks and Ecology, Ways and Means.
- MCCASLIN, BOB—Commerce and Labor, Institutions (1984), Local Government, State Government (1983).
- MCDERMOTT, JAMES A.—Ways and Means, Chairman; Education, Parks and Ecology, State Government.
- **MCDONALD, DAN—Commerce and Labor (1984), Financial Institutions (1984), Ways and Means (1984).
- MCMANUS, MIKE—Social and Health Services, Chairman; Commerce and Labor, Energy and Utilities, Institutions.
- METCALF, JACK—Institutions, Natural Resources, Rules, Ways and Means (1983).
- MOORE, RAY—Financial Institutions, Chairman; Commerce and Labor, Energy and Utilities, Social and Health Services.
- NEWHOUSE, IRVING—Agriculture, Commerce and Labor, Judiciary, Rules.
- OWEN, BRAD—Natural Resources, Chairman; Institutions, Vice Chairman; Transportation.
- PATTERSON, E. G. "PAT"—Education, Natural Resources, Rules, Transportation.
- PETERSON, LOWELL—Transportation, Chairman; Natural Resources, Vice Chairman; Institutions.
- PULLEN, KENT—Institutions (1983), Parks and Ecology, State Government (1984), Ways and Means.

- QUIGG, J. T.—Commerce and Labor, Energy and Utilities, Natural Resources, State Government (1984).
- RASMUSSEN, A. L. "SLIM"—State Government, Vice Chairman; Natural Resources, Parks and Ecology, Rules.
- RINEHART, NITA.—Education, Vice Chairman; Rules, State Government, Ways and Means.
- SELLAR, GEORGE L.—Commerce and Labor (1983), Financial Institutions, Rules, Transportation.
- SHINPOCH, A. N. "BUD"—Commerce and Labor, Natural Resources, Rules, Ways and Means.
- TALMADGE, PHIL.—Judiciary, Chairman, Parks and Ecology, Vice Chairman, Ways and Means.
- THOMPSON, ALAN—Local Government, Chairman; Judiciary, Ways and Means.
- VOGNILD, LARRY L.—Commerce and Labor, Chairman; Natural Resources, Transportation.
- VON REICHBAUER, PETER—Education, Natural Resources, Transportation.
- WARNKE, FRANK J.—State Government, Chairman; Education, Financial Institutions, Ways and Means.
- WILLIAMS, AL.—Energy and Utilities, Chairman; Commerce and Labor, Judiciary, Parks and Ecology.
- WOJAHN, R. LORRAINE—Commerce and Labor, Vice Chairman; Financial Institutions, Rules, Ways and Means.
- WOODY, DIANNE H.—Judiciary, Local Government, Rules, Ways and Means.
- ZIMMERMAN, HAL—Local Government, State Government, Ways and Means.

* Resigned September 1, 1983

** Appointed September 19, 1983

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Eighth Legislature
1984 Regular Session

Senate No.	Relating to:	Chapter No.	Effective Date
	3044 Military tuition exemption	232	3/27/84
	3059 Pets for elderly; nursing home	127	6/7/84
S	3064 Taxicab companies; regs	126	6/7/84
S	3074 Occupation therapists	PV 9	6/7/84
S	3098 County freeholder; vacancies	163	6/7/84
S	3103 County treasurer; surprise audits	128	6/7/84
	3117 Regulating toxic fumes	68	6/7/84
	3118 Workers' compensation	63	6/7/84
	3128 Attorney fees; condemnation	129	6/7/84
	3132 Mortgage satisfaction; damage	14	6/7/84
S	3133 Pilot liability	69	3/1/84
2S	3158 Trade name regulation	130	10/1/84
S	3169 Game laws	240	6/7/84
S	3178 Late payment; property taxes	131	6/7/84
S	3181 Involuntary treatment	233	3/27/84
2S	3193 Clean Air Act	255	6/7/84
S	3194 MV ownership; license renewal	241	6/7/84
	3208 Judges' salaries	64	7/1/84
S	3238 PCAA name change	125	6/30/84
	3262 Property taxation	132	6/7/84
S	3287 Retirement contrib; reestablish	Vetoed	
	3376 Admin. for courts; salary	20	6/7/84
	3379 Group fishing permits	33	6/7/84
S	3429 State advisory; criminal justice	234	6/7/84
	3437 Malicious prosecution	133	6/7/84
	3449 Voters' pamphlet	Vetoed	
S	3504 Timberland current use	111	6/7/84
S	3561 Unemployment compensation	134	6/7/84
S	3616 Air pollution	164	6/7/84
S	3620 Air contaminant	88	6/7/84
S	3740 Hazardous materials	165	6/7/84
S	3758 Excursion service companies	166	6/7/84
2S	3815 Jail finance responsibility	235	*7/1/84
	*Section 5		3/27/84
S	3827 PNW power council; Eastern WA rep	223	6/7/84
	3834 Local sales tax	112	6/7/84
S	3849 Conduct on buses	167	6/7/84
S	3868 Irrigation districts; authority	168	6/7/84
S	3901 Unfair business practices	169	6/7/84
S	3926 State employee; deferred comp	242	3/27/84
S	3942 Higher ed. construction bonds	264	3/28/84
S	3984 Recall provisions	170	6/7/84
S	4050 Legal messenger serv/WUTC	171	6/7/84
S	4110 Cemeteries; prov. modified	53	*6/7/84
	*Section 7		2/29/84
S	4111 Sales; property execution/redemption	276	6/7/84
S	4220 Theatrical wages	89	6/7/84
	4228 Malicious harassment	268	6/7/84

Senate No.	Relating to:	Chapter No.	Effective Date
S 4274	Pawn brokers; second-hand dealers	10	3/22/84
4275	Teachers' retirement	236	9/1/85
4286	Special tax; coin operated devices	135	7/1/84
S 4287	County, seventh class; road engineers	11	2/21/84
S 4288	Rural arterial funds limit	113	3/5/84
4289	Two-way left turn lanes	12	6/7/84
4300	Nonprofit organizations; gambling	70	6/7/84
4301	Surplus property disposal; notice	172	6/7/84
S 4302	Pharmacy practice modified	PV 153	6/7/84
4304	Redistricting commission; revisions	13	6/7/84
S 4306	Public health; modifications	243	6/7/84
4309	Sexual exploitation; children	262	6/7/84
4312	Financial report; state officer	34	6/7/84
S 4313	Combine county/city municipal corp	91	6/7/84
4320	Amusement device repair age	136	6/7/84
S 4321	State library law revised	152	6/7/84
S 4325	Cigarette sales	173	*6/7/84
	*Section 1		7/1/84
S 4329	Milwaukee road lease	174	6/7/84
S 4332	Public depositaries	177	6/7/84
S 4334	Convicts; community serv; liability	24	2/21/84
4338	MV renewal restrictions	224	7/1/84
4341	Special dist. group insurance	15	6/7/84
4342	Employ. Sec; automation plan	16	2/21/84
S 4343	DOT work; state forces	194	6/7/84
4345	Crime victims; unemp. comp	65	6/7/84
4348	Class K liquor licenses	71	6/7/84
4351	High-tech board; members	66	6/7/84
4352	Convicts; prosecutors' statement	114	3/5/84
S 4357	Judgment lien enforcement period	21	6/7/84
4358	Hotel excise tax; convention trade	115	3/5/84
S 4362	Open alcohol containers	274	6/7/84
S 4367	Fish and wildlife enhancement	72	6/7/84
4371	Real property; executory contracts	73	6/7/84
4374	Public development authority; tax	116	6/7/84
4376	Sales/use tax; equal fund distrib	225	3/27/84
2S 4380	Criminal Justice Information Act	17	2/21/84
S 4381	Election laws revised	Vetoed	
4388	Treasurer check cashing	74	6/7/84
4401	Port property sale	195	6/7/84
S 4403	Hospital commission; health costs	PV 288	6/7/84
S 4404	Public work loans	244	*3/27/84
	*Sections 1 and 2		7/1/85
4407	School district admin; comp	245	3/27/84
4415	High school diploma; standard	178	6/7/84
S 4416	Unemployment insurance	205	*3/21/84
	*Sections 6 & 13		1/1/85
	*Section 9		7/1/85
S 4419	Milk, milk products; tests	226	6/7/84
4421	Timber/timberland tax	204	7/1/84
S 4423	Agricultural market devel. task force	90	3/2/84
4428	Fishing vessel, license purch	67	6/7/84
S 4430	Court Improvement Act	PV 258	*6/7/84
	*Secs. 1-210, 511, 601-808, 901		7/1/84
	*Secs. 301-404		7/1/85
	*Secs. 501-510, 512-524		1/1/85
4432	Science/math/engineering; educ	265	6/7/84

SENATE BILLS PASSED BY BOTH HOUSES

1917

Senate No.	Relating to:	Chapter No.	Effective Date
S 4435	Racketeering	270	7/1/85
4437	WWII law school credits	117	6/7/84
4439	Statutes superseded by court	76	6/7/84
S 4443	Mineral interests	252	6/7/84
4445	Beer, wine; consumer protection	196	6/7/84
S 4448	Minor health care services	PV 281	6/7/84
4460	State ferries; sell/lease back	18	2/21/84
4469	Polling places; correction	35	6/7/84
4475	MV title, registration; transfer	39	6/7/84
S 4477	Public retirement; employer pay	227	9/1/84
S 4484	Athletic health care training	PV 286	3/30/84
S 4489	Foreclosure notice	179	6/7/84
S 4490	Heating utility termination	PV 251	6/7/84
4491	Homestead appraisers	118	6/7/84
S 4494	Council on International Trade	PV 151	3/7/84
4500	School employees; tax annuities	228	6/7/84
S 4503	Bonded wine warehouse; license	19	6/7/84
4504	Budget account reporting	247	6/7/84
4506	Judicial retirement	37	2/23/84
4513	Corporations	75	6/7/84
4527	ReflectORIZED disabled MV	119	6/7/84
4532	Highway; Kendall to Sumas	197	6/7/84
S 4541	Domestic violence relief	263	*6/7/84
	*Sections 1 - 29		10/1/84
S 4560	Telephone buyers; disclosure	275	6/7/84
S 4561	Emergency services; prov. modified	PV 38	6/7/84
S 4578	Boating safety	183	3/14/84
S 4579	State militia; tort liability	198	6/7/84
4592	Centennial commission members	120	6/7/84
4607	Dangerous waste disposal	237	6/7/84
4619	Fire commissioners; vacancies	238	6/7/84
S 4620	Civil service; veteran defined	36	6/7/84
S 4628	Sheriff vacancies	199	6/7/84
4642	Mutual insurers; reorganization	23	6/7/84
S 4647	DSHS advisory committee	PV 259	6/7/84
4650	Burning permits	229	6/7/84
S 4653	Protection of children	261	6/7/84
4668	WSU; small business center	77	6/7/84
4696	School levy formula	Vetoed	
S 4708	Costs; operation state institutions	200	6/7/84
S 4711	Fire districts	230	6/7/84
S 4730	Child support health insurance	201	6/7/84
4731	Volunteer firemen; retirement	121	6/7/84
S 4758	Candy with alcohol flavor	78	3/1/84
4773	Small business innovators' program	79	6/7/84
S 4775	Parklands acquisition	87	3/2/84
4787	Home health care services	22	7/1/84
S 4788	Habitat buffer zone	239	6/7/84
S 4794	Centennial partnership	231	3/27/84
4798	Prison overcrowd reform act	246	3/27/84
S 4814	Child family services	180	3/8/84
S 4829	Dislocated workers; define	181	6/7/84
2S 4831	Worker right to know	PV 289	6/7/84
S 4849	Honorary commercial attache' program	175	6/7/84
4852	International investment	176	6/7/84

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Eighth Legislature
1984 Regular Session

Senate No.	Relating to:	Chapter No.	Effective Date
	3044 Military tuition exemption	232	3/27/84
	3059 Pets for elderly; nursing home	127	6/7/84
S	3064 Taxicab companies; regs	126	6/7/84
S	3074 Occupation therapists	PV 9	6/7/84
S	3098 County freeholder; vacancies	163	6/7/84
S	3103 County treasurer; surprise audits	128	6/7/84
	3117 Regulating toxic fumes	68	6/7/84
	3118 Workers' compensation	63	6/7/84
	3128 Attorney fees; condemnation	129	6/7/84
	3132 Mortgage satisfaction; damage	14	6/7/84
S	3133 Pilot liability	69	3/1/84
2S	3158 Trade name regulation	130	10/1/84
S	3169 Game laws	240	6/7/84
S	3178 Late payment; property taxes	131	6/7/84
S	3181 Involuntary treatment	233	3/27/84
2S	3193 Clean Air Act	255	6/7/84
S	3194 MV ownership; license renewal	241	6/7/84
	3208 Judges' salaries	64	7/1/84
S	3238 PCAA name change	125	6/30/84
	3262 Property taxation	132	6/7/84
S	3287 Retirement contrib; reestablish	Vetoed	
	3376 Admin. for courts; salary	20	6/7/84
	3379 Group fishing permits	33	6/7/84
S	3429 State advisory; criminal justice	234	6/7/84
	3437 Malicious prosecution	133	6/7/84
	3449 Voters' pamphlet	Vetoed	
S	3504 Timberland current use	111	6/7/84
S	3561 Unemployment compensation	134	6/7/84
S	3616 Air pollution	164	6/7/84
S	3620 Air contaminant	88	6/7/84
S	3740 Hazardous materials	165	6/7/84
S	3758 Excursion service companies	166	6/7/84
2S	3815 Jail finance responsibility	235	*7/1/84
	*Section 5		3/27/84
S	3827 PNW power council; Eastern WA rep	223	6/7/84
	3834 Local sales tax	112	6/7/84
S	3849 Conduct on buses	167	6/7/84
S	3868 Irrigation districts; authority	168	6/7/84
S	3901 Unfair business practices	169	6/7/84
S	3926 State employee; deferred comp	242	3/27/84
S	3942 Higher ed. construction bonds	264	3/28/84
S	3984 Recall provisions	170	6/7/84
S	4050 Legal messenger serv/WUTC	171	6/7/84
S	4110 Cemeteries; prov. modified	53	*6/7/84
	*Section 7		2/29/84
S	4111 Sales; property execution/redemption	276	6/7/84
S	4220 Theatrical wages	89	6/7/84
	4228 Malicious harassment	268	6/7/84

SENATE BILLS PASSED BY BOTH HOUSES

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Senate No.	Relating to:	Chapter No.	Effective Date
S 4274	Pawn brokers; second-hand dealers	10	3/22/84
4275	Teachers' retirement	236	9/1/85
4286	Special tax; coin operated devices	135	7/1/84
S 4287	County, seventh class; road engineers	11	2/21/84
S 4288	Rural arterial funds limit	113	3/5/84
4289	Two-way left turn lanes	12	6/7/84
4300	Nonprofit organizations; gambling	70	6/7/84
4301	Surplus property disposal; notice	172	6/7/84
S 4302	Pharmacy practice modified	PV 153	6/7/84
4304	Redistricting commission; revisions	13	6/7/84
S 4306	Public health; modifications	243	6/7/84
4309	Sexual exploitation; children	262	6/7/84
4312	Financial report; state officer	34	6/7/84
S 4313	Combine county/city municipal corp	91	6/7/84
4320	Amusement device repair age	136	6/7/84
S 4321	State library law revised	152	6/7/84
S 4325	Cigarette sales	173	*6/7/84
	*Section 1		7/1/84
S 4329	Milwaukee road lease	174	6/7/84
S 4332	Public depositaries	177	6/7/84
S 4334	Convicts; community serv; liability	24	2/21/84
4338	MV renewal restrictions	224	7/1/84
4341	Special dist. group insurance	15	6/7/84
4342	Employ. Sec; automation plan	16	2/21/84
S 4343	DOT work; state forces	194	6/7/84
4345	Crime victims; unemp. comp	65	6/7/84
4348	Class K liquor licenses	71	6/7/84
4351	High-tech board; members	66	6/7/84
4352	Convicts; prosecutors' statement	114	3/5/84
S 4357	Judgment lien enforcement period	21	6/7/84
4358	Hotel excise tax; convention trade	115	3/5/84
S 4362	Open alcohol containers	274	6/7/84
S 4367	Fish and wildlife enhancement	72	6/7/84
4371	Real property; executory contracts	73	6/7/84
4374	Public development authority; tax	116	6/7/84
4376	Sales/use tax; equal fund distrib	225	3/27/84
2S 4380	Criminal Justice Information Act	17	2/21/84
S 4381	Election laws revised	Vetoed	
4388	Treasurer check cashing	74	6/7/84
4401	Port property sale	195	6/7/84
S 4403	Hospital commission; health costs	PV 288	6/7/84
S 4404	Public work loans	244	*3/27/84
	*Sections 1 and 2		7/1/85
4407	School district admin; comp	245	3/27/84
4415	High school diploma; standard	178	6/7/84
S 4416	Unemployment insurance	205	*3/21/84
	*Sections 6 & 13		1/1/85
	*Section 9		7/1/85
S 4419	Milk, milk products; tests	226	6/7/84
4421	Timber/timberland tax	204	7/1/84
S 4423	Agricultural market devel. task force	90	3/2/84
4428	Fishing vessel; license purch	67	6/7/84
S 4430	Court Improvement Act	PV 258	*6/7/84
	*Secs. 1-210, 511, 601-808, 901		7/1/84
	*Secs. 301-404		7/1/85
	*Secs. 501-510, 512-524		1/1/85
4432	Science/math/engineering; educ	265	6/7/84

Senate No.	Relating to:	Chapter No.	Effective Date
S 4435	Racketeering	270	7/1/85
4437	WWII law school credits	117	6/7/84
4439	Statutes superseded by court	76	6/7/84
S 4443	Mineral interests	252	6/7/84
4445	Beer, wine; consumer protection	196	6/7/84
S 4448	Minor health care services	PV 281	6/7/84
4460	State ferries; sell/lease back	18	2/21/84
4469	Polling places; correction	35	6/7/84
4475	MV title, registration; transfer	39	6/7/84
S 4477	Public retirement; employer pay	227	9/1/84
S 4484	Athletic health care training	PV 286	3/30/84
S 4489	Foreclosure notice	179	6/7/84
S 4490	Heating utility termination	PV 251	6/7/84
4491	Homestead appraisers	118	6/7/84
S 4494	Council on International Trade	PV 151	3/7/84
4500	School employees; tax annuities	228	6/7/84
S 4503	Bonded wine warehouse; license	19	6/7/84
4504	Budget account reporting	247	6/7/84
4506	Judicial retirement	37	2/23/84
4513	Corporations	75	6/7/84
4527	Reflectorized disabled MV	119	6/7/84
4532	Highway; Kendall to Sumas	197	6/7/84
S 4541	Domestic violence relief	263	6/7/84
	*Sections 1 - 29		10/1/84
S 4560	Telephone buyers; disclosure	275	6/7/84
S 4561	Emergency services; prov. modified	PV 38	6/7/84
S 4578	Boating safety	183	3/14/84
S 4579	State militia; tort liability	198	6/7/84
4592	Centennial commission members	120	6/7/84
4607	Dangerous waste disposal	237	6/7/84
4619	Fire commissioners; vacancies	238	6/7/84
S 4620	Civil service; veteran defined	36	6/7/84
S 4628	Sheriff vacancies	199	6/7/84
4642	Mutual insurers; reorganization	23	6/7/84
S 4647	DSHS advisory committee	PV 259	6/7/84
4650	Burning permits	229	6/7/84
S 4653	Protection of children	261	6/7/84
4668	WSU; small business center	77	6/7/84
4696	School levy formula	Vetoed	
S 4708	Costs; operation state institutions	200	6/7/84
S 4711	Fire districts	230	6/7/84
S 4730	Child support health insurance	201	6/7/84
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S 4758	Candy with alcohol flavor	78	3/1/84
4773	Small business innovators' program	79	6/7/84
S 4775	Parklands acquisition	87	3/2/84
4787	Home health care services	22	7/1/84
S 4788	Habitat buffer zone	239	6/7/84
S 4794	Centennial partnership	231	3/27/84
4798	Prison overcrowd reform act	246	3/27/84
S 4814	Child family services	180	3/8/84
S 4829	Dislocated workers; define	181	6/7/84
2S 4831	Worker right to know	PV 289	6/7/84
S 4849	Honorary commercial attache' program	175	6/7/84
4852	International investment	176	6/7/84

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Forty-Eighth Legislature

1984 Regular Session

No. Subject:

SENATE JOINT MEMORIALS

127 Radioactive waste sites
131 Nuclear waste liability

SENATE CONCURRENT RESOLUTIONS

137 Reintroducing 1983 measures
138 Joint Rules; 48th Legislature
S 140 Legislative comparable worth negotiation team
142 Nuclear waste disposal sites
143 FFA week recognized
147 Oregon income tax, 1983
149 Joint Select Committee - LEOFF

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Eighth Legislature
1984 Regular Session

House No.	Relating to:	Chapter No.	Effective Date
S 69	M.L. King birthday, holiday	92	6/7/84
2S 85	Counties; binding arbitration	150	7/1/85
S 105	Prop. taxes; county in-lieu	214	1/1/84
S 145	Common schools; regs	40	6/7/84
2S 181	Public lands	222	7/1/84
217	Liens on public works	146	6/7/84
S 255	Watercraft; regis. & tax	PV 250	3/28/84
S 271	WSP retirement; survivors	206	3/27/84
392	Local improvement districts	203	3/20/84
2S 448	Disabled person; parking	154	6/7/84
S 480	Surface mines	215	6/7/84
S 552	WSP off-duty; uniforms	217	3/27/84
S 571	Public hospital districts	100	6/7/84
596	State building code	101	6/7/84
S 626	Adoption provisions	155	1/1/85
2S 689	Small bus. assist. council	PV 282	3/29/84
S 699	Politic process; citizen part	54	6/7/84
706	Tax notice; delinquent taxes	185	6/7/84
2S 713	Health depts; city-county	25	6/7/84
739	Boilers, antique; permits	93	6/7/84
S 791	County hospitals; provisions	26	6/7/84
S 827	Voter & candidate pamphlets	41	6/7/84
S 843	Retirement; public services	184	3/15/84
S 857	Utilities; underground damage	144	6/7/84
880	Health care providers	PV 283	6/7/84
S 914	Mech. & Materialmen; lien laws	202	6/7/84
S 915	Faculty peer review comm	137	6/7/84
939	Uninhabitable dwellings	213	6/7/84
S 977	DWI violations; temp. license	219	6/7/84
S 1017	School buses/axle requirement	104	3/5/84
S 1083	Econ. & revenue forecasting	138	3/7/84
S 1101	Absentee ballot/hosp. patient	27	6/7/84
1103	Health insurance; newborn	4	2/20/84
S 1105	Birth defects	156	6/7/84
S 1106	Computer trespass	273	6/7/84
1107	Housing finance committee; bonds	28	6/7/84
1108	Veterans' loan insurance	29	6/7/84
1110	Gov. council; criminal justice	30	6/7/84
S 1118	Pollution control; tax credit	42	6/7/84
1119	State agency; purchases	102	6/7/84
1120	Juvenile records; release	43	6/7/84
1121	Explosives; crimes	55	6/7/84
S 1123	State employee insurance board	Vetoed	
S 1124	Government borrowing	186	6/7/84
S 1125	Children; mental health study	157	3/8/84
S 1127	Sewer/water system; transfer	147	6/7/84
1128	Special purpose dist; vacancy	44	6/7/84
1133	Political advertising	216	6/7/84
1135	Motor vehicle warranties	148	6/7/84

HOUSE BILLS PASSED BY BOTH HOUSES

1923

House No.	Relating to:	Chapter No.	Effective Date
2S	1137 Respite care services	158	3/8/84
	1138 Groundwater protections	253	6/7/84
	1142 Occupational disease; claims	159	6/7/84
S	1146 DOT/obsolete references	7	6/7/84
	1147 Bed & breakfast; beer and wine	45	6/7/84
	1149 Gambling; organizations	207	6/7/84
S	1153 Radioactive materials	96	6/7/84
S	1156 1984 supplemental budget	PV 285	3/30/84
S	1157 Supplemental capital budget	182	3/14/84
	1159 Compensation; boards, commissions	PV 287	7/1/85
	1162 Fisheries code; corrections	80	6/7/84
S	1163 Credit charges; consumer	PV 280	6/7/84
S	1164 Solid waste management	PV 123	6/7/84
	1166 Probation conditions	46	2/29/84
2S	1174 Pollution; acid deposition	277	3/29/84
S	1178 Health professions; regs	PV 279	6/7/84
S	1179 Health benefits; cost analyses	56	6/7/84
S	1187 Cosmetology; regs	208	7/1/84
S	1188 Credit unions; revisions	31	7/1/84
	1190 Dept. of Corrections; bonds	271	3/28/84
S	1191 Water supply systems; tests	187	6/7/84
	1192 Short plat; hiway right of way	47	6/7/84
	1194 DSHS bonds	269	3/28/84
S	1200 Transportation supp. budget	2	2/15/84
	1201 Property tax exemptions	220	*6/7/84
	*Section 23		7/1/84
S	1205 Forest products; trade center	139	3/7/84
S	1207 International trade marketing	57	3/1/84
S	1210 Ferry management; positions	48	6/7/84
S	1213 Washington trust law	149	*3/7/84
	*Sections 1-98; 100-138; 147-178		1/1/85
	1218 Auctioneers' regs	189	6/7/84
	1219 Collective bargaining; comm. college	Vetoed	
S	1227 State park land; management	82	6/7/84
2S	1231 Aquatic lands	221	10/1/84
S	1246 Education excellence program	278	*6/7/84
	*Sections 16, 18 & 19		7/1/86
S	1247 Criminal sentencing	209	*7/1/84
	*Sections 27 - 32		6/30/84
	1248 State patrol; discipline	141	3/7/84
	1254 Teacher retire; earnable comp	5	6/7/84
S	1262 Economic development	PV 257	3/28/84
S	1266 Memorial/ MIAs; SE Asia	81	6/7/84
S	1268 School facilities; bonds	266	3/28/84
S	1270 Landlord-tenant; mobile homes	58	6/7/84
S	1275 Real estate tax; floating homes	192	3/15/84
S	1279 Civil service; trade center	210	3/27/84
S	1282 Candidates; indigent	142	6/7/84
	1295 Dam safety; report	83	6/7/84
S	1302 Trespass; commercial lands	49	6/7/84
	1304 Teachers' retirement; eligibility	PV 256	6/7/84
S	1311 Handicapped; preschool	160	6/7/84
	1319 Aircraft noise abatement program	193	6/7/84
	1328 Elderly, dependent; abuse	97	*6/7/84
	*Section 9		7/1/85
S	1334 Comm. coll. fees; unemployed	50	2/29/84
	1348 Operating fees; students	105	6/7/84

House No.	Relating to:	Chapter No.	Effective Date
	1355 Political act. comm; pay deduct	Vetoed	
	1361 Low income, PUD cust; contrib	59	6/7/84
	1373 Environmental profile; develop	94	6/7/84
	1378 Civil service; state	PV 284	6/7/84
	1386 Industrial injury; 3rd party	218	6/7/84
S	1390 Disab. parking; out of state persons	51	6/7/84
	1395 County audit documents; veterans	84	6/7/84
S	1400 ASB laws; revisions	98	6/7/84
S	1407 DNR duties; forest products	60	6/7/84
	1409 Driving record; owner/operator	99	6/7/84
	1413 Railroads; regulation	143	6/7/84
S	1415 Voters' pamphlets; local	106	1/1/85
	1416 Physical ed. qualifications	52	6/7/84
S	1418 HMOs; discriminatory practice	32	6/7/84
	1419 Group insurance; state employees	107	6/7/84
	1423 Property; overinsured	6	6/7/84
	1427 Vehicle ident; alternative fuel	145	6/7/84
S	1435 City consolidation; classif	8	2/20/84
S	1438 Dangerous wastes	254	6/7/84
S	1439 Unemployment compensation	140	3/7/84
S	1456 Bilingual ed requirements	PV 124	6/7/84
	1462 Unemployment compensation	Vetoed	
	1509 County tax; nonresidents	248	7/1/85
S	1511 Tourism development	PV 122	3/5/84
S	1514 Juveniles; remove adult jails	272	6/7/84
	1517 Conflict of interest; executives	85	6/7/84
	1526 Child placement; review hearing	188	6/7/84
	1530 Model traffic ordinance	108	6/7/84
S	1531 Flooding; provisions modified	212	6/7/84
S	1539 Juveniles; legal services	86	6/7/84
S	1547 Absentee voters; procedures	109	6/7/84
S	1548 Voter regis; state offices	211	6/7/84
S	1564 Insurance coverage; conversion	190	6/7/84
S	1582 DWI enforcement; funding	110	3/5/84
S	1613 Vocational excellence award	267	3/28/84
S	1625 Measured tel. rates prohibited	3	2/16/84
S	1627 Child support; collection	260	6/7/84
S	1637 Radioactive waste disposal	161	3/8/84
	1649 Ex parte; quasi-judicial	191	6/7/84
S	1652 Fireworks regulations	PV 249	6/7/84
S	1655 Child care; state employee	162	6/7/84
S	1666 Real estate brokers; public property	103	3/2/84
S	1668 Vehicle fuel; dispensing device	61	6/7/84
S	1687 Custodial interference	95	6/7/84
S	1698 License plate replacement	62	6/7/84
S	1778 U.S. & Canada; treaty	1	1/26/84

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Forty-Eighth Legislature

1984 Regular Session

No. Subject:

HOUSE JOINT MEMORIALS

16	Economic Equity Act II; adoption
30	Hanford; National energy center
33	Grays Harbor project
34	Taxpayer Antitrust Act 1983
37	Refugees; safe haven status

HOUSE CONCURRENT RESOLUTIONS

31	Legislature organized; Gov. notified
32	Cutoff dates; 1984 regular session
34	Comparable worth study
35	Workmens' comp; joint select committee
38	Canadian dignitaries; welcome
40	Oregon income tax; AG action
47	Notify Governor, Legislature adjourn sine die

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3001.			233	233		
3003.(Sub)				146		
3015.					107	
3019.(2nd Sub)		71				
3021.(Sub)				129		
3027.(Sub)					E&U-37	
3044.	57,211		320	321	Ed-38 1406,1436, 1437	1901 1984 Ch. 232
3045.				59		
3051.(2nd Sub)				49,50		
3057.(Sub)					Jud-39	
3059.				243, 244	1040, 1065, 1187	1641 1984 Ch. 127
3062.(Sub)					Ed-38	
3064.(Sub)			276	276, 425	277,303, 1040,1065, 1187	1641 1984 Ch. 126
3074.(Sub)				107	571, 582, 589	1893 PV 1984 Ch. 9
3075.					F&I-37	
3083.				199		
3086.					C&L-38	
3092.			279	279		
3098.(Sub)				73	1041, 1184, 1222	1642 1984 Ch. 163
3099.				145		
3103.(Sub)				144	1042, 1065, 1187	1641 1984 Ch. 128

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3104.(Sub)					W&M-40	
3107.(Sub)					Jud-39	
3114.(Sub)					C&L-38	
3117.				52	849, 854	1302 1984 Ch. 68
3118.				50	763, 814	1302 1984 Ch. 63
3119.				52,53		
3121.				147	105	
3122.(Sub)					Tran-40	
3128.				53	1044, 1065, 1187	1641 1984 Ch. 129
3131.					Jud-39	
3132.				53	587, 589	653 1984 Ch. 14
3133.(Sub)				265	778, 849	1302 1984 Ch. 69
3143.					Jud-39	
3152.(Sub)				100	51,74	
3158.(Sub)		192			Jud-39	
3158.(2nd Sub)			280	280	1046, 1065, 1187	1641 1984 Ch. 130
3169.		294			NR-39	
3169.(Sub)			1320, 1322	1323	1626, 1640	1901 1984 Ch. 240
3178.(Sub)				73, 92	1047, 1065, 1187	1641 1984 Ch. 131

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3181.(Sub)				54	1051,1305, 1346,1369, 1396,1437	1901 1984 Ch. 233
3183.(Sub)					E&U-38	
3187.(2nd Sub)				101		
3191.					Tran-40	
3192.(Sub)					LG-37	
3193.		258			P&E-39	
3193.(2nd Sub)			455	455	986,1236, 1391,1411, 1436,1437	1902 1984 Ch. 255
3194.(Sub)				291	986,1305, 1472,1499, 1513,1590	1901 1984 Ch. 241
3196.					Jud-39	
3205.(Sub)		201			Ag-38	
3208.		258	387	388	763, 814	1302 1984 Ch. 64
3214.					Ag-37	
3222.					St G-40	
3223.		348				
3223.(Sub)			520	520	984	
3225.(Sub)					E&U-38	
3228.		392				
3228.(Sub)					Ed-37	
3229.					St G-37	
3231.		201			E&U-38	
3232.					St G-40	
3238.		196			St G-40	
3238.(Sub)			502	502	1053, 1065, 1187	1641 1984 Ch. 125

HISTORY OF SENATE BILLS

1929

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3240.		329	508	508		
3243.		229	505	505	Inst-39	
3249.(Sub)					Tran-37	
3256.(Sub)					E&U-38	
3259.(Sub)				102,105		
3262.				264	1054, 1065, 1187	1641 1984 Ch. 132
3263.		281			107	
3265.					E&U-38	
3267.		258				
3267.(Sub)					W&M-40	
3267.(2nd Sub)			692	692		
3276.(Sub)				144		
3277.(Sub)					E&U-38	
3287.		196				
3287.(Sub)			448	448	1056, 1065, 1187	1893 1984 Vetoed
3293.					NR-37	
3296.(Sub)					Ed-37	
3306.					Ed-38	
3309.				128,129, 147	105	
3310.					Jud-39	
3312.		90	425	426		
3375.(Sub)					C&L-37	
3376.		192	280	280	Jud-39 607	653 1984 Ch. 20

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3379.				59	650, 670	764 1984 Ch. 33
3382.(Sub)					Jud-39	
3385.		1221				
3385.(Sub)			1310, 1314	1310, 1314		
3386.					Jud-39	
3387.(Sub)				54		
3408.					Jud-39	
3412.					St G-40	
3414.(Sub)					Jud-39	
3415.			233	233		
3415.(Sub)			233		988,1029, 1310	
3422.					St G-40	
3423.(Sub)					NR-37	
3424.					Jud-39	
3427.					St G-40	
3429.			232			
3429.(Sub)			232, 234	234	1057,1262, 1348,1370, 1396,1437	1901 1984 Ch. 234
3432.		339				
3434.(Sub)					C&L-38	
3437.				55, 106	1057, 1065, 1187	1641 1984 Ch. 133
3445.					FI-39	
3447.					Jud-39	

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1931

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3449.				200	1059,1061, 1330,1333, 1364	1894 1984 Vetoed
3454.(Sub)					Tran-37	
3455.(Sub)		306			Ed-38	
3485.			432	434		
3488.		57,211	391	391	Ed-38	
3491.					E&U-38	
3499.					Jud-39	
3504.(Sub)				73	985, 1061	1395 1984 Ch. 111
3507.				292		
3514.		71				
3521.				290		
3524.(Sub)					281	
3526.					Inst-39	
3527.					Inst-39	
3528.					Inst-39	
3529.					Inst-39	
3530.					Inst-39	
3561.		330	478			
3561.(Sub)			511	511	1060, 1065, 1187	1642 1984 Ch. 134
3589.(Sub)					Ed-38	
3603.(Sub)					Ed-37	
3616.(Sub)				74	1185, 1204, 1303	1642 1984 Ch. 164
3617.(Sub)		90			SH-40	
3617.(2nd Sub)			293	293		

NO.	Intro. & Committee 1st Rdg. Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3620.	265				
3620.(Sub)		454	454	778, 849	1302 1984 Ch. 88
3622.(Sub)			263		
3636.			127,128, 215,217, 224,227		
3637.			228		
3641.				Inst-39	
3654.	304				
3654.(Sub)		407	407		
3664.(Sub)			129,130		
3701.				F&I-39	
3703.	306				
3722.(Sub)				P&E-39	
3739.(Sub)				SH-40	
3740.(Sub)		364, 457	457	Tran-40 1199,1239, 1303	1642 1984 Ch. 165
3758.(Sub)			274	1200, 1239, 1303	1642 1984 Ch. 166
3761.	421			Ed-38	
3766.(Sub)				Jud-39	
3768.(2nd Sub)				Ed-38	
3769.	332				
3773.				Ed-38	
3777.			242		
3778.	332			Ed-37 557	
3783.				Ag-38	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3787.		339				
3800.		71	400	400	NR-39	
3806.		1382	1382			
3806.(Sub)			1383, 1583	1383, 1583, 1586	1384, 1587, 1596	
3813.					348	
3814.(Sub)				260		
3815.(Sub)		258			Inst-37	
3815.(2nd Sub)			423	423	107,992, 1337,1366, 1369	1901 1984 Ch. 235
3819.					Ag-38	
3827.		109				
3827.(Sub)			300	300	992, 1312,1320, 1364	1901 1984 Ch. 223
3834.				290	985, 1061	1395 1984 Ch. 112
3836.					Tran-37	
3838.(Sub)				105		
3849.(Sub)			313	313	1201, 1239, 1303	1642 1984 Ch. 167
3850.		265			C&L-38	
3866.					Ag-38	
3868.(Sub)				50	1126, 1187, 1222	1642 1984 Ch. 168
3873.(Sub)					105,129, 150	
3882.(Sub)					Ed-37	
3884.		306				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3890.					E&U-38	
					1202, 1239, 1303	1642 1984 Ch. 169
3901.(Sub)			428	430		
3902.					LG-37	
3926.		693	1246			
						1901 1984 Ch. 242
3926.(Sub)			1307	1307, 1322	1495, 1512	
3929.			1608	1611	1608	
3942.		1382	1382			
						1902 1984 Ch. 264
3942.(Sub)			1594	1594	1626, 1640	
3973.(Sub)					C&L-37	
3977.					C&L-38	
3980.					329	
3981.					C&L-38	
3982.(Sub)		285			C&L-38	
3982.(2nd Sub)			467	467		
						1202, 1239, 1303
3984.(Sub)				58		1642 1984 Ch. 170
3995.					411,492	
4010.					Ag-38	
4015.(2nd Sub)		281			107	
4018.				52		
4031.(Sub)					Inst-37	
4043.					Tran-40	
4050.		364				

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1935

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4050.(Sub)			448	448	1203, 1239, 1303	1642 1984 Ch. 171
4055.(Sub)				399		
4069.(Sub)			311	312		
4079.					P&E-39	
4080.					316	
4084.(Sub)					NR-39	
4089.					Ed-38	
4090.(Sub)					C&L-38	
4093.					Ed-38	
4094.					SH-39	
4095.					Ed-38	
4097.					150	
4105.					Jud-39	
4106.		332			Ed-38, 557	
4108.		339				
4110.		229			C&L-38	
4110.(Sub)			394	394	980, 985, 1061	1185 1984 Ch. 53
4111.(Sub)				72	1293, 1304, 1332	1902 1984 Ch. 276
4141.(Sub)					Ed-37	
4145.		316			C&L-38	
4157.		392				
4157.(Sub)					Ed-37	
4170.			478	480	478,481	
4202.					Jud-39	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4206.					SH-39	
4214.(Sub)					Inst-37	
4220.		281			C&L-38	
4220.(Sub)			522	522	849, 854	1302 1984 Ch. 89
4221.					Ed-38	
4228.			242, 274	276	275,276, 1234,1298, 1366,1369	1902 1984 Ch. 268
4232.(Sub)					NR-37	
4235.					P&E-39	
4236.					P&E-39	
4237.					51	
4244.(Sub)					P&E-38	
4247.					Inst-39	
4251.(Sub)					Ag-38	
4252.					Inst-39	
4259.(Sub)					St G-40	
4274.		90				
4274.(Sub)			297	297	607	653 1984 Ch. 10
4275.		349	512	512	992, 1366,1391, 1438	1901 1984 Ch. 236
4280.	6					
4281.	6					
4282.	6					
4283.	6					
4284.	6					
4285.	6	392				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4286.	7	90	298	298	1039, 1065, 1187	1642 1984 Ch. 135
4287.	7	141				
4287.(Sub)			303	303	578, 579	653 1984 Ch. 11
4288.	7	141				
4288.(Sub)			302	302	985, 1061	1395 1984 Ch. 113
4289.	7	109			578, 579	653 1984 Ch. 12
4290.	7	207	299	299		
4291.	7	220	354	354		
4292.	7					
4293.	7	220				
4294.	8					
4295.	8					
4296.	8				56	
4297.	8					
4298.	8					
4299.	8	268				
4300.	8	91	517	517	849, 854	1303 1984 Ch. 70
4301.	8	141	416	416	1204, 1239, 1303	1642 1984 Ch. 172
4302.	8	71				
4302.(Sub)			367, 384	385	1204, 1239, 1303	1894 PV 1984 Ch. 153

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4303.	9	141				
4303.(Sub)			381	382	579	
4304.	9	91	353	353	578	653 1984 Ch. 13
4305.	9					
4306.	9	196	478			
4306.(Sub)			502	502	993,1305, 1491,1500, 1513,1590	1901 1984 Ch. 243
4307.	9					
4308.	9	268				
4309.	10	57	202	206	994,1306, 1348,1371, 1396,1437	1902 1984 Ch. 262
4310.	10	193			364	
4311.	10					
4312.	10	193	393	393	619, 653	764 1984 Ch. 34
4313.	10	207				
4313.(Sub)			509	509	778, 849	1302 1984 Ch. 91
4314.	10	217				
4315.	11	236				
4316.	11	91	278	278		
4317.	11	268				
4318.	11	109				
4319.	13	266,268, 412				
4320.	13	196	314	314	1039, 1065, 1187	1642 1984 Ch. 136

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1939

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4321.	13					
4321.(Sub)		218	423	423	1215, 1239, 1303	1642 1984 Ch. 152
4322.	14	236				
4323.	15					
4324.	15					
4325.	15	364				
4325.(Sub)			488	491	1216, 1239, 1303	1642 1984 Ch. 173
4326.	16	229				
4326.(Sub)			366	366		
4327.	16	109	279	279		
4328.	16					
4329.	16	330				
4329.(Sub)			474	481	481,1217, 1239, 1303	1642 1984 Ch. 174
4330.	16	220				
4331.	16					
4332.	16	196				
4332.(Sub)			366	366	1219, 1239, 1303	1642 1984 Ch. 177
4333.	17					
4334.	17	282				
4334.(Sub)			404	404	587, 589	653 1984 Ch. 24
4335.	17	285	405	405		
4336.	17					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4337.	17					
4338.	18	201	418 424	424	1243. 1304, 1332	1901 1984 Ch. 224
4339.	18	57,207	323	328	298,324	
4340.	18	246	1246			
4340.(Sub)			1323	1325		
4341.	18	282	407	407	597, 602	653 1984 Ch. 15
4342.	18	72, 340	517	517	597, 602	653 1984 Ch. 16
4343.	18	110				
4343.(Sub)			521	521	1246, 1304, 1332	1900 1984 Ch. 194
4344.	18	110				
4345.	19	72	298	298	763, 814	1302 1984 Ch. 65
4346.	19					
4347.	19	220	397	397	56	
4348.	19	91	362	362	849, 854	1303 1984 Ch. 71
4349.	46					
4350.	47	211	342	342		
4351.	47	211	409	409	763, 814	1302 1984 Ch. 66
4352.	47	269	420	420	985, 1061	1395 1984 Ch. 114
4353.	47					
4354.	47					

HISTORY OF SENATE BILLS

1941

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4355.	47					
4356.	47					
4357.	47	269				
4357.(Sub)			420	421	607	653 1984 Ch. 21
4358.	47	58	198	199	985, 1061	1395 1984 Ch. 115
4359.	49	74	99,100, 130			
4359.(Sub)			131			
4360.	60	193				
4361.	60	229	363	363		
4362.	60	282				
4362.(Sub)			408	408	1265,1267, 1271,1304, 1332	1902 1984 Ch. 274
4363.	60					
4364.	60	445			557	
4365.	61	330				
4366.	61	294	557			
4367.	61	212				
4367.(Sub)			314	314	849, 854	1303 1984 Ch. 72
4368.	61					
4369.	61					
4370.	61					
4371.	61	142	342	343	850, 854	1303 1984 Ch. 73
4372.	61					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4373.	61	256				
4373.(Sub)			369	379		
4374.	62	236	399	399	985, 1061	1395 1984 Ch. 116
4375.	62	208				
4376.	62	208	398	398	1269, 1304, 1332	1901 1984 Ch. 225
4377.	62					
4378.	62					
4379.	62	349				
4379.(Sub)			507	507		
4380.	62	220,304				
4380.(2nd Sub)			410	411	597, 602	653 1984 Ch. 17
4381.	62	295				
4381.(Sub)			418	418	997,1198, 1310,1601, 1622,1626, 1640	1894 1984 Vetoed
4382.	63					
4383.	63					
4384.	63					
4384.(Sub)		208				
4385.	64					
4386.	64					
4387.	64	110				
4388.	64	218	431	431	850, 854	1303 1984 Ch. 74
4389.	64	91	273	273		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4390.	64	332				
4391.	64	340				
4392.	65					
4393.	65					
4394.	65	212	409	410		
4395.	65	266				
4395.(Sub)			346	347		
4396.	65	212			428	
4397.	65	91				
4398.	65	193	315	315		
4399.	65	201				
4400.	66					
4401.	66	230	417	417	1266, 1304, 1332	1900 1984 Ch. 195
4402.	66	269				
4402.(Sub)			439,481	483	483	
4403.	66	364			512	
4403.(Sub)			523	534	1003, 1263,1477, 1599,1600, 1614	1895 PV 1984 Ch. 288
4404.	66	110				
4404.(Sub)			278	278	1611, 1626, 1640	1901 1984 Ch. 244
4405.	66	307				
4406.	66	230				
4407.	67	340	506	506	504,1267, 1339,1494, 1497,1512	1901 1984 Ch. 245
4408.	67	245			428	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4409.	67	1221	1309	1309		
4410.	67	201	357	358		
4411.	67	392				
4412.	67	1221	1308	1309		
4413.	67					
4414.	69					
					850,854.	1642
					1186,1191.	1984
4415.	69	208	358	360	1204,1303	Ch. 178
4416.	75	683	685			
						1900
					1396.	1984
4416.(Sub)			851	854	1437	Ch. 205
4417.	75					
4418.	75					
4419.	75	208				
						1901
					1267.	1984
4419.(Sub)			318	318	1304. 1332	Ch. 226
4420.	75					
						1900
			1419.		1418.	1984
4421.	75		1434	1436	1496. 1512	Ch. 204
			465.	465.	470.	
			466.	469.	554.	
4422.	76	212, 246	468	554	1626	
4423.	76	218				
						1302
					763.	1984
4423.(Sub)			465	466	814	Ch. 90
4424.	76					
4425.	76					
4426.	76	230	398	398		

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1945

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4427.	76					
4428.	76	259	362	362	763, 814	1302 1984 Ch. 67
4429.	77					
4430.	77	230			499,516	
4430.(Sub)			543	544	1065, 1271, 1304, 1332	1895 PV 1984 Ch. 258
4431.	82	266				
4432.	83	307	496, 503	504	1271, 1304, 1332	1902 1984 Ch. 265
4433.	83	295				
4434.	83	307			557	
4435.	83	295				
4435.(Sub)			499, 519	520	1029,1199, 1311,1352, 1367,1391, 1438	1902 1984 Ch. 270
4436.	83	282				
4437.	83	269	419	420	985, 1061	1395 1984 Ch. 117
4438.	83					
4439.	83	221	431	432	850, 854	1303 1984 Ch. 76
4440.	87					
4441.	87					
4442.	87					
4443.	87	259				
4443.(Sub)	87		367	367	1272, 1304, 1332	1902 1984 Ch. 252

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4444.	87	230				
4445.	87	230	393	393	1242, 1304, 1332	1900 1984 Ch. 196
4446.	88	349				
4447.	88					
4448.	88	193				
4448.(Sub)			321, 497	498	1275,1334, 1376,1408, 1413,1436, 1437	1896 PV 1984 Ch. 281
4449.	88	230				
4449.(Sub)			319	319		
4450.	88					
4451.	88					
4452.	88					
4453.	88					
4454.	89					
4455.	89					
4456.	89					
4457.	93	1221	1308	1308		
4458.	93					
4459.	93	330				
4460.	93	208	299	299	597, 602	653 1984 Ch. 18
4461.	93	349			557	
4462.	93	285				
4463.	93	218	390	391		
4464.	93					
4465.	93					

HISTORY OF SENATE BILLS

1947

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4466.	93	316				
4467.	94	228				
4468.	94					
4469.	94	231	353	353	619. 653	764 1984 Ch. 35
4470.	94					
4471.	94					
4472.	95					
4473.	95					
4474.	95	341				
4475.	95	218	406	406	607	764 1984 Ch. 39
4476.	95	259			557	
4477.	95	316				
4477.(Sub)			512	513	1277. 1304. 1332	1901 1984 Ch. 227
4478.	96					
4479.	96	316				
4480.	96					
4481.	96					
4482.	96					
4483.	96					
4484.	97	333				
4484.(Sub)			437	438	150. 1278. 1304. 1332	1896 PV 1984 Ch. 286
4485.	97					
4486.	97					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4487.	97					
4488.	97	340				
4489.	97	282				
4489.(Sub)			421	421	1128, 1187, 1222	1642 1984 Ch. 179
4490.	97	307				
4490.(Sub)			523, 534	537	523,1016, 1306,1360, 1451,1455, 1597,1613	1897 PV 1984 Ch. 251
4491.	97	269	422	422	985, 1061	1395 1984 Ch. 118
4492.	97					
4493.	97					
4494.	98	231,349	351		318	
4494.(Sub)			465	465	1063, 1065, 1184	1897 PV 1984 Ch. 151
4495.	98	282				
4496.	98	231				
4497.	111					
4498.	111	349				
4499.	111					
4500.	111	231	426	428	1280, 1304, 1332	1901 1984 Ch. 228
4501.	111					
4502.	111	282				
4503.	111	283				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4503.(Sub)			497	497	597, 602	653 1984 Ch. 19
4504.	111	245	390	390	1457, 1495, 1512	1901 1984 Ch. 247
4505.	111	307				
4506.	112	317	440	444	442,444, 604,613, 654	764 1984 Ch. 37
4507.	112	269				
4508.	112	295				
4509.	112					
4510.	113	283				
4511.	114					
4512.	114	266				
4512.(Sub)			354	354		
4513.	114	231	361	361	778, 849	1303 1984 Ch. 75
4514.	114	193	315,318, 319	319	318	
4515.	114	231				
4516.	115	231	430	431		
4517.	115					
4518.	115					
4519.	115	283	459,510	511		
4520.	115					
4521.	115					
4522.	115	283				
4523.	115					
4524.	115					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4525.	115	340				
4525.(Sub)			1378	1378		
4526.	116					
4527.	116	246	432	432	985. 1061	1395 1984 Ch. 119
4528.	116					
4529.	116					
4529.(Sub)			414	414		
4530.	116	208.269	500	501	298.502	
4531.	116	212				
4532.	117	270	438	439	438.439. 1243.1304. 1332	1900 1984 Ch. 197
4533.	117					
4534.	117	142	454	454.1614	1281.1286	
4535.	117					
4536.	117					
4537.	117	333				
4537.(Sub)			496	496		
4538.	117					
4539.	117					
4540.	117					
4541.	118	349	351			
4541.(Sub)			382	382	1223. 1304. 1332	1902 1984 Ch. 263
4542.	118	304				
4543.	118	236.270				
4544.	118					
4545.	118					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4546.	118	340				
4547.	119					
4548.	119					
4549.	119					
4550.	119					
4551.	119					
4552.	119					
4553.	119					
4554.	120					
4555.	120					
4556.	120					
4557.	120					
4558.	120	307	452	452		
4559.	120	295				
4559.(Sub)			361	361		
4560.	120	304				
4560.(Sub)			457	458	1282. 1304. 1332	1902 1984 Ch. 275
4561.	120	364	478			
4561.(Sub)			503	503	150. 650. 670	1898 PV 1984 Ch. 38
4562.	121					
4563.	122					
4564.	122					
4565.	122	340				
4566.	122					
4567.	122					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4568.	122					
4569.	123	305			329	
4570.	123					
4571.	123					
4572.	123					
4573.	123					
4574.	123	364				
4575.	123					
4576.	123	270				
4576.(Sub)			356	357		
4577.	124	330			512.557	
4578.	124	341				
4578.(Sub)			464	464	1019, 1339.1391, 1438	1900 1984 Ch. 183
4579.	124	295				
4579.(Sub)			422	422	1020, 1312.1320, 1364	1900 1984 Ch. 198
4580.	124	285				
4581.	124					
4582.	125	307				
4583.	125					
4584.	125					
4585.	125					
4586.	125					
4587.	125					
4588.	126					
4589.	151	295				

HISTORY OF SENATE BILLS

1953

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4590.	152					
4591.	152	317				
4592.	152	270	415	415	985, 1061	1395, 1984 Ch. 120
4593.	152					
4594.	152	231				
4595.	152					
4596.	152					
4597.	152					
4598.	152	317				
4599.	153					
4600.	153					
4601.	153					
4602.	153	392				
4603.	153					
4604.	153					
4605.	153	296				
4606.	153	308				
4607.	154	296	455	456	1022, 1340, 1391, 1438	1901, 1984 Ch. 237
4608.	154					
4609.	154					
4610.	154					
4611.	154	317				
4612.	154	350				
4613.	155					
4614.	155	317				
4615.	155	266				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4616.	155					
4617.	157					
4618.	157					
4619.	157	232	401	401	1283,1288, 1336,1373, 1409,1436, 1437	1901 1984 Ch. 238
4620.	157	259				
4620.(Sub)			447	447	619, 653	764 1984 Ch. 36
4621.	157	232				
4622.	157					
4623.	157	270				
4623.(Sub)			449	451	449,451	
4624.	158					
4625.	158					
4626.	158	333				
4626.(Sub)			518	518		
4627.	158	308				
4628.	158	308				
4628.(Sub)			401	401	1287, 1304, 1332	1900 1984 Ch. 199
4629.	158					
4630.	159					
4631.	159					
4632.	159					
4633.	159					
4634.	159					
4635.	159	333				

HISTORY OF SENATE BILLS

1955

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4636.	159	246				
4637.	159	270	384	384	150	
4638.	160					
4639.	160	286	380	380		
4640.	160	296	403	403		
4641.	160					
4642.	160	209	321	321	597, 602	653 1984 Ch. 23
4643.	160	317	545	546		
4644.	160					
4645.	160	308				
4646.	161	283			557	
4647.	161	245				
4647.(Sub)			385	387	1288, 1304, 1332	1898 PV 1984 Ch. 259
4648.	161	317			150	
4649.	161	333				
4650.	162	232	402	402	1291, 1304, 1332	1901 1984 Ch. 229
4651.	162	237	383	383		
4652.	162					
4653.	162	256			382	
4653.(Sub)			394, 434	436	435,436, 1023,1312, 1320,1364	1902 1984 Ch. 261
4654.	162					
4655.	164					
4656.	164					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4657.	164					
4658.	164					
4659.	164					
4660.	165	286				
4661.	165	296	522	522		
4663.	165					
4664.	165					
4665.	165					
4666.	165	350				
4666.(Sub)			445	445		
4667.	165	245				
4667.(Sub)			458	459		
4668.	166	266	474	474	850, 854	1303 1984 Ch. 77
4669.	166					
4670.	166				207	
4671.	166				207	
4672.	166				207	
4673.	166				150	
4674.	166					
4675.	166				207	
4676.	166					
4677.	167					
4678.	167	341	545	545		
4679.	167					
4680.	167					
4681.	167					

HISTORY OF SENATE BILLS

1957

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4682.	167					
4683.	167	270				
4684.	167					
4685.	168	296			207	
4686.	168					
4687.	168				207	
4688.	168					
4689.	168	308	449	451		
4690.	169					
4691.	169					
4692.	169					
4693.	169					
4694.	169	283				
4695.	169					
4696.	169	333	487	487	850, 854	1898 1984 Vetoed
4697.	169					
4698.	170	308			557	
4699.	170					
4700.	170					
4701.	170					
4702.	170					
4703.	170					
4704.	170					
4705.	170					
4706.	171	365				
4706.(Sub)			464	464		
4707.	171					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4708.	171	245				
4708.(Sub)			397	397	1290. 1304. 1332	1900 1984 Ch. 200
4709.	171	330				
4709.(Sub)			473	473		
4710.	171	330				
4710.(Sub)			416	416		
4711.	171	232				
4711.(Sub)			403	403	1291. 1309. 1332	1901 1984 Ch. 230
4712.	173					
4713.	173	309				
4714.	173					
4715.	173	286				
4716.	173					
4717.	173					
4718.	173					
4719.	174					
4720.	174					
4721.	174					
4722.	174	333				
4722.(Sub)			509	509		
4723.	174	286				
4724.	174					
4725.	174					
4726.	175					
4727.	175					

HISTORY OF SENATE BILLS

1959

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4728.	175					
4729.	175					
4730.	175	304			207	
4730.(Sub)			381	381	1292, 1309, 1332	1900 1984 Ch. 201
4731.	175	296	516	516	207, 985, 1061	1395 1984 Ch. 121
4732.	175					
4733.	175					
4734.	176					
4735.	176					
4736.	176					
4737.	176					
4738.	176	350				
4739.	176					
4740.	176					
4741.	176					
4742.	176					
4743.	176	286				
4744.	177					
4745.	177					
4746.	177					
4747.	177					
4748.	177				150	
4749.	177					
4750.	177					
4751.	178					
4752.	178	341				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4753.	178					
4754.	178					
4755.	178					
4756.	178					
4757.	178	286				
4758.	178	334				
4758.(Sub)			443	443	850. 854	1303 1984 Ch. 78
4759.	178					
4760.	178					
4761.	179					
4762.	179	283				
4763.	179					
4764.	179	318				
4765.	180					
4766.	180	309				
4767.	180	560				
4767.(Sub)			756	757	760.1247	
4768.	180					
4769.	180					
4770.	180					
4771.	181					
4772.	181					
4773.	181	266	473	474	329. 850. 854	1303 1984 Ch. 79
4774.	181					
4775.	181	246				

HISTORY OF SENATE BILLS

1961

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4775.(Sub)			388	389	778, 849	1302, 1984 Ch. 87
4776.	181	247	355	355		
4777.	181					
4778.	181	256				
4778.(Sub)			504	505		
4779.	181				151	
4780.	182					
4781.	182	271				
4781.(Sub)			337,343	345		
4782.	182					
4783.	182					
4784.	182					
4785.	182	237				
4786.	183					
4787.	183	209	320	320	150, 597, 602	653, 1984 Ch. 22
4788.	183	341			1237	
4788.(Sub)			487	487	1024,1363, 1371,1396, 1437	1901, 1984 Ch. 239
4789.	183					
4790.	183					
4791.	183				150	
4792.	183					
4793.	183	350				
4794.	183	284				
4794.(Sub)			363	363	1239, 1304, 1332	1901, 1984 Ch. 231

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4795.	184	392			150	
4796.	184					
4797.	184					
4798.	184	221	513	516	512,1025, 1198,1334, 1414,1450, 1475,1512	1901 1984 Ch. 246
4799.	184					
4800.	184	267				
4800.(Sub)			402	402		
4801.	184					
4802.	184					
4803.	184					
4804.	184					
4805.	184					
4806.	184					
4807.	185					
4808.	185					
4809.	185					
4810.	185					
4811.	185					
4812.	185				150	
4813.	185					
4814.	185	392			150	
4814.(Sub)			521	521	1186, 1204, 1303	1642 1984 Ch. 180
4815.	185					
4816.	185					
4817.	185					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4818.	185					
4819.	185				150	
4820.	185					
4821.	186					
4822.	186					
4823.	186	196,350			150,281	
4824.	186					
4825.	186					
4826.	186					
4827.	186					
4828.	186					
4829.	186	286				
4829.(Sub)			365	365	1192, 1204, 1303	1642 1984 Ch. 181
4830.	186					
4831.	186	237				
4831.(Sub)		304				
4831.(2nd Sub)			456,558, 574,584, 617,621, 622	627, 648	558, 1396,1412, 1436, 1437	1899 PV 1984 Ch. 289
4832.	186					
4833.	186					
4834.	187					
4835.	187					
4836.	187					
4837.	187					
4838.	187					
4839.	187					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4840.	187					
4841.	187					
4842.	187					
4843.	187					
4844.	187					
4845.	187					
4846.	187					
4847.	187					
4848.	188					
4849.	188	334			150	
4849.(Sub)			470	470	1064, 1187, 1222	1642 1984 Ch. 175
4850.	188					
4851.	188					
4852.	188		471	473	150,329, 1125, 1187, 1222	1642 1984 Ch. 176
4853.	188					
4854.	188					
4855.	188					
4856.	188					
4857.	188					
4858.	188					
4859.	188	267			1600	
4860.	188					
4861.	188					
4862.	189					
4863.	189					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4864.	189					
4865.	189					
4866.	189					
4867.	189					
4868.	189	304				
4869.	189	1408	1408			
4869.(Sub)			1413	1413		
4870.	189				150	
4871.	189					
4872.	628					

HISTORY OF SENATE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
120.				147	107	
122.	19	352				
123.	19	58				
124.	69	232	383	383		
125.	89					
126.	98					
127.	126	142	453	453	778,849	
128.	126					
129.	189	350				
130.	189					
131.	190	209	453	453	778,849	
132.	190					
133.	190					
134.	190					
135.	190					
136.	190	393				
137.	190					
138.	190					

HISTORY OF SENATE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
112.(Sub)				264		
113.					C&L-38	
121.				264		
130.		331				
131.	69					
132.	69					
133.	126					
134.	190					
135.	190					

HISTORY OF SENATE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend-ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
107.					E&U-38	
129.				145		
134.				291		
137.	3		3	3	22	
138.	4		4	4	5,60, 72	
139.	19					
140.	19	110				
140.(Sub)			301	301	605,613, 654	
141.	70					
142.	70	72	1379, 1391	1419	558,1418, 1587,1599, 1613	
143.	70		277	277	578,579	
144.	126					
145.	190	652				
146.	191	341				
147.	191	296	297, 301	302	583,587, 589	
148.	309	642				
149.	413		1246, 1342	1343	1580,1589, 1598	
150.		590	590	590		
152.	1496		1496	1496		
154.	1476		1476	1477		

HISTORY OF SENATE FLOOR RESOLUTIONS

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
124. Senators Bottiger, Fleming, Hayner, Sellar: Notifying House that Senate is organized.		2	
125. All Members: Honoring Seahawks Football Team.		5	
126. Senators Rasmussen, Guess, Lt. Governor John A. Cherberg: Tribute to Reverend Dr. Henry S. Rahn, Senate Chaplain Coordinator.		1628	
127. Senator Moore: Commending Malcolm McLellan, Youth Leadership in America award.		1629	
128. Senator Moore: Reaffirming Senate position re freedom of religion.		1629	
129. Senators Conner, Quigg, Owen: Grays Harbor Improvement Project.		142	
131. All Members: Support for National Society to Prevent Blindness.		194	
132. All Members: Condolences to family of "Pop" Hannaford.		194	
133. Senators Talmadge, Hemstad: Honoring Supreme Court Justice Hugh J. Rosellini.		1629	
134. All Members: Commending Community College Students.		214	
135. Senator Warnke: Commending state agencies and employees on Employee Suggestion Program.		1630	
136. Senator Conner: Commending Matt Dryke for skeet shooting achievements.		1637	
137. Senator Bottiger: Paying tribute to Matteus Kjelstad, Ohop Valley pioneer.		1631	
138. Senators Williams, Guess, Peterson, Woody, Bauer, Gaspard, Rinehart, Hurley, Lee, Hemstad, McDermott, Granlund, Thompson, Hansen, Rasmussen, Conner, Bender, Patterson, McManus, Benitz, Vognild, Talmadge, Wojahn, Goltz, Kiskaddon, Fuller, Warnke: Requesting Washington Utilities and Transportation Commission to reverse customer access line charge and refund collections.		242	
139. All Members: Tribute to Marv Harshman.		262	
140. All Members: Recognizing Boy Scout Week.		462	
142. Senator Bottiger: Amend Senate Rule 61.	492	644	
143. Senators Clarke, McDonald: Commending Bellevue High School Wolverines Football Team.		1631	
144. Senators Bauer, Thompson, Zimmerman: Naming "Henry M. Jackson Parkway".		1631	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
145. All Members: Honoring Future Business Leaders of America (Phi Beta Lambda).		570	
146. All Members: Honoring Seattle Pacific University Falcon Championship Soccer Team.		563	
147. All Members: Condolences re John M. Fluke, Sr.		602	
148. All Members: Honoring Debbie Armstrong, Olympic Gold Medalist.		578	
149. Senators Bottiger, McDermott, McManus, Fleming, Rinehart: Honoring Winter Olympic Games athletes.		1632	
150. All Members: Honoring State of Washington Olympic Winter Games medalists.		1632	
151. Senator Deccio: Honoring Phil and Steve Mahre, Olympic Games medalists.		1633	
152. All Members: Honoring Lions Clubs.		1233	
153. Senator Thompson: Honoring Ridgefield High School Girls Volleyball Team.		1633	
155. All Members: Honoring Auburn High School National Cheerleading Squad.		1234	
157. All Members: Honoring Girl Scouts.		1232	
160. Senators Talmadge, Hemstad: Recognizing "Exercise Your Constitution" project.		1634	
162. Senators McDonald, Quigg, von Reichbauer, Benitz, Haley, Zimmerman, Metcalf, Hemstad, Deccio: Encouraging passage by Congress of Interstate Cost Estimate bill.		1634	
163. Senators Owen, von Reichbauer, Quigg, Metcalf, Rasmussen, Peterson, McCaslin, Conner, Vognild: Opposing increased federal jurisdiction over Washington fisheries.		1635	
171. Senator Peterson: Commending Skagit Valley College Cardinals Basketball Team.		1635	
176. Senator Gaspard: Honoring Norm Schut for public service.		1635	
177. Senator Gaspard: Honoring Charlie Hough for service as State Director of United Transportation Union.		1636	
178. Senator Gaspard: Congratulating Christopher Hedrick as Rhodes Scholarship recipient.		1636	
179. Senators Hurley, Hemstad, Fuller, Goltz, Moore, McManus, Williams, Benitz, Quigg: State participation in Nuclear Waste Policy Act of 1982.		1638	

NUMBER, AUTHOR AND SUBJECT	Introduced	Floor Action	Other Action
180. Senator Hansen: Congratulating Central Washington University Wildcats Swimming Team.		1638	
181. Senator Williams: Directing State Energy and Utilities Committee to recommend fuel-savings for state-owned buildings.		1639	
188. Senator Warnke: Asking Congress to not adopt per capita limit on industrial development bonds.		1639	
199. Senators Bottiger, Fleming, Hayner, Sellar: Notifying House that Senate is ready to adjourn Sine Die.		1641	
200. Senators Bottiger, Fleming, Hayner, Sellar: Postponing bills, memorials, joint resolutions and concurrent resolutions in possession of Secretary of Senate.		1640	

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
69.(Sub)	538	598	756	756,849, 850		1984 Ch. 92
71.(Sub)	126					
85.(2nd Sub)	238	619	904	905	1329, 1330	1984 Ch. 150
105.(Sub)	287	1038	1246, 1314	1315	1437, 1456	1984 Ch. 214
145.(Sub)	126	598	631	631	670, 675	1984 Ch. 40
152.	47					
181.(Sub)	239	683	1343, 1372	1373, 1456, 1579	1459, 1496, 1613	1984 Ch. 222
217.	89	553	566	566	1183, 1184	1984 Ch. 146
229.(Sub)	538				554	
255.(Sub)	191	595	689,759, 796, 810	811	762, 1329, 1330	PV 1984 Ch. 250
271.(Sub)	547	595	760	761	1329, 1330	1984 Ch. 206
307.(2nd Sub)	287	681			411,1262	
342.(Sub)	239	560				
392.	89	595	776	777	1237,1384, 1432,1514, 1577,1590, 1615,1641	1984 Ch. 203
401.	98					
411.	48					
412.	48					
448.(2nd Sub)	192	560	665	665	1222, 1239	1984 Ch. 154
480.(Sub)	239	577	1341	1342	801, 1438, 1456	1984 Ch. 215

HISTORY OF HOUSE BILLS

1973

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
517.	70	610			1262	
531.	48	553				
551.(Sub)	70					
552.(Sub)	70	668	914	914	1312,1432, 1450,1513	1984 Ch. 217
571.(Sub)	48	693	800	800	854, 855	1984 Ch. 100
574.	48	619				
596.	223	581	757	806	854, 855	1984 Ch. 101
626.(Sub)	191	610	934	942	1222, 1239	1984 Ch. 155
669.(Sub)	223					
685.(Sub)	89	651			1262	
689.(2nd Sub)	413	598	963, 977	978	1299,1337, 1387,1409, 1512,1513	PV 1984 Ch. 282
699.(Sub)	191	568	667	667	763	1984 Ch. 54
706.	126	693	843	843	1329, 1330	1984 Ch. 185
710.(Sub)	247	762			1262	
711.(Sub)	98	681			1262	
713.(2nd Sub)	309	553	591	591	612, 613	1984 Ch. 25
724.	48					
739.	547	568	774	774,849 850		1984 Ch. 93
749.(Sub)	48	640			1262	
761.(2nd Sub)	352	683	910	911	912	
791.(Sub)	248	553	591	591	612, 613	1984 Ch. 26
823.(Sub)	126					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
827.(Sub)	191	568	645	646	670, 675	1984 Ch. 41
843.(Sub)	191	558	654	664,795	1438,1475, 1579	1984 Ch. 184
857.(Sub)	271	596	679	681	1184	1984 Ch. 144
879.(Sub)	248	640				
880.	202	596	712, 761	762	1235,1367, 1410, 1475	PV 1984 Ch. 283
911.	48					
914.(Sub)	538	681	840	840	1329, 1330	1984 Ch. 202
915.(Sub)	99	579	671	671	1184	1984 Ch. 137
939.	89	693	850	850	1237,1299, 1336,1395, 1396	1984 Ch. 213
977.(Sub)	484	598	1307	1307	1448,1493, 1579	1984 Ch. 219
1017.(Sub)	126	599	871	871	1057	1984 Ch. 104
1083.(Sub)	335	556	604, 613	614	1184	1984 Ch. 138
1101.(Sub)	239	568	592	592	613	1984 Ch. 27
1103.	248	550	567	567	570	1984 Ch. 4
1105.(Sub)	271	588	804	805	1222, 1239	1984 Ch. 156
1106.(Sub)	271	610	915	917	1329, 1330	1984 Ch. 273
1107.	248	560	593	593	613	1984 Ch. 28
1108.	248	560	594	594	613	1984 Ch. 29

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1110.	248	568	595	595	613	1984 Ch. 30
1118.(Sub)	563		563, 639	639	670, 675	1984 Ch. 42
1119.	272	599	807	808	854, 855	1984 Ch. 102
1120.	239	569	630	630	670, 675	1984 Ch. 43
1121.	239	569	672	672	763, 765	1984 Ch. 55
1123.(Sub)	309	596	797,807, 809	809	796,806, 1329.1330	1984 Vetoed
1124.(Sub)	310	619	815	839	1329, 1330	1984 Ch. 186
1125.(Sub)	484	627	943, 957	958	1222, 1239	1984 Ch. 157
1127.(Sub)	272	620	677	678	1183, 1184	1984 Ch. 147
1128.	248	553	616	616, 670	675	1984 Ch. 44
1129.	213					
1133.	248	607	796	796	1238,1325, 1381.1475	1984 Ch. 216
1134.(Sub)	538					
1135.	248	610	752	752	1183, 1184	1984 Ch. 148
1136.(Sub)	248	550				
1137.(2nd Sub)	484	668	953	954	1222, 1239	1984 Ch. 158
1138.	272	596	781	795	1366	1984 Ch. 253
1139.(Sub)	288	693			1262	
1142.	310	599	784	785	1222, 1239	1984 Ch. 159
1146.(Sub)	213	365	565	565	580	1984 Ch. 7

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1147.	272	556	622	622, 670	675	1984 Ch. 45
1149.	288	554, 607	614	615	1329, 1330	1984 Ch. 207
1153.(Sub)	538	607	788	788	855	1984 Ch. 96
1156.(Sub)	210	1127	1127,1128, 1188,1192, 1529,1619	1194, 1195, 1576, 1620	1189,1190, 1576,1619, 1641	PV 1984 Ch. 285
1157.(Sub)	223	651	1241, 1247	1261	1517,1581, 1613	1984 Ch. 182
1159.	213	588	716	750, 752	1329, 1330	PV 1984 Ch. 287
1160.	239	693				
1162.	239	550	842	843	920	1984 Ch. 80
1163.(Sub)	335	596	632	636	1263,1299, 1335,1437, 1456	PV 1984 Ch. 280
1164.(Sub)	288	579	712	715	1183, 1184	PV 1984 Ch. 123
1165.(Sub)	484					
1166.	239	569	630	630	670, 675	1984 Ch. 46
1169.(Sub)	335	640			918,1262	
1170.(Sub)	248	556				
1171.	547	668				
1174.(2nd Sub)	547	579, 668	787	788	1329, 1330	1984 Ch. 277
1177.(Sub)	335					
1178.(Sub)	310	588	880	904	1300, 1369	PV 1984 Ch. 279

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1179.(Sub)	192	550	667	667	763. 765	1984 Ch. 56
1181.(Sub)	272	651				
1183.(Sub)	413	640				
1187.(Sub)	239	561	646. 664	664	1329. 1330	1984 Ch. 208
1188.(Sub)	249	550	590	590	613	1984 Ch. 31
1190.	288	1380	1381. 1591	1593	1614. 1626	1984 Ch. 271
1191.(Sub)	413	669	774	775	1329. 1330	1984 Ch. 187
1192.	240	551	639	639	670. 675	1984 Ch. 47
1193.(Sub)	272					
1194.	272	1380	1381. 1382	1383. 1593	1383.1384. 1614.1626	1984 Ch. 269
1195.	288					
1197.(Sub)	288	651.762.				
1200. (Sub)	249	558	558. 573	573	580	1984 Ch. 2
1201.	611	669	1246. 1316	1318	1598	1984 Ch. 220
1204.(Sub)	272					
1205.(Sub)	272	561	751. 753	753	1184	1984 Ch. 139
1207.(Sub)	273	561	643. 654	654	763	1984 Ch. 57
1209.	611					
1210.(Sub)	213	551	614	614. 670	675	1984 Ch. 48
1213.(Sub)	240	569	666	666	1183. 1184	1984 Ch. 149
1218.	249	581	592	592	1236.1329. 1330	1984 Ch. 189

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1219.	352	588, 611	754	755	1369	1984 Vetoed
1227.(Sub)	538	599	781, 786	786	920	1984 Ch. 82
1231.(2nd Sub)	1319		1502	1509	1598	1984 Ch. 221
1234.(Sub)	538	607			1262	
1238.(Sub)	547	640			1262	
1241.(Sub)	547					
1246.(Sub)	538	652	856, 871	874	1311,1459, 1511,1641	1984 Ch. 278
1247.(Sub)	240	577	695	711	1329, 1330	1984 Ch. 209
1248.	213	561	674	675	595,1183, 1184	1984 Ch. 141
1250.	539					
1253.	213	669			1262	
1254.	273	556	566	566	570	1984 Ch. 5
1258.	484					
1262.(Sub)	413	599	967	968	1264, 1366	PV 1984 Ch. 257
1266.(Sub)	484	599	801	801	920	1984 Ch. 81
1268.(Sub)	273	1380	1381, 1594	1594	1613	1984 Ch. 266
1270.(Sub)	335	607	676	676	763, 765	1984 Ch. 58
1275.(Sub)	612	669	1246, 1340	1340	1369	1984 Ch. 192
1279.(Sub)	336	599	799	800	1329, 1330	1984 Ch. 210
1282.(Sub)	539	611	765	765	1183, 1184	1984 Ch. 142

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1287.	249					
1292.	485					
1295.	539	596	789	789	920	1984 Ch. 83
1297.(Sub)	485					
1302.(Sub)	485	581	642	642	670, 675	1984 Ch. 49
1304.	288	557	616	616	1475	PV 1984 Ch. 256
1309.(Sub)	563	694				
1311.(Sub)	539	600, 694	970, 978	979	1222, 1239	1984 Ch. 160
1319.	413	694	1342	1342	1369	1984 Ch. 193
1328.	310	589	802	802	855	1984 Ch. 97
1334.(Sub)	336	587	631	631	670, 675	1984 Ch. 50
1341.(Sub)	547	669				
1344.(2nd Sub)	539					
1346.	547					
1348.	288	587, 600	676	676	1057	1984 Ch. 105
1355.	353	581	908	909	984, 985	1984 Vetoed
1361.	548	569	674	674	763, 765	1984 Ch. 59
1363.(Sub)	539	652,694				
1365.	539	694			1262	
1367.(Sub)	485	596				
1369.	336	600				

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1373.	413	581	716	716,849, 850		1984 Ch. 94
1378.	485	582	905	907	1329, 1330	PV 1984 Ch. 284
1380.(Sub)	485	694			1262	
1386.	413	683	845	849	1263,1326, 1390,1513	1984 Ch. 218
1390.(Sub)	310	607	637	637	670, 675	1984 Ch. 51
1395.	539	694	844	844	920	1984 Ch. 84
1400.(Sub)	539	600	801	801	855	1984 Ch. 98
1402.	413	569,695			1262	
1407.(Sub)	548	577	666	666		1984 Ch. 60
1408.	485	620			967,1262	
1409.	485	608	802, 812	812	855	1984 Ch. 99
1413.	288	608	766	773	1183, 1184	1984 Ch. 143
1415.(Sub)	540	620	910	910	984, 985	1984 Ch. 106
1416.	540	600	632	632	670, 675	1984 Ch. 52
1418.(Sub)	336	577	593	593	613	1984 Ch. 32
1419.	548	597	908	908	984, 985	1984 Ch. 107
1423.	288	551	565	565	570	1984 Ch. 6
1427.	289	608	773	774	1183, 1184	1984 Ch. 145
1435.(Sub)	486	577	603	604	619, 620	1984 Ch. 8

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1438.(Sub)	540	652	783	784	1329, 1330	1984 Ch. 254
1439.(Sub)	336	600	637	637	1184	1984 Ch. 140
1449.(Sub)	249	600	687	689	1183	
1456.(Sub)	249	601	868	870	1183, 1184	PV 1984 Ch. 124
1462.	540	628	855	856	1579	1984 Vetoed
1493.	548	640				
1507.	540	611				
1509.	353	620	1196	1196	1437, 1456	1984 Ch. 248
1511.(Sub)	548	641	966	966	984, 985	PV 1984 Ch. 122
1514.(Sub)	548	682	960	961	1329, 1330	1984 Ch. 272
1517.	486	611	844	844	920	1984 Ch. 85
1526.	336	682	955	957	348,1329, 1330	1984 Ch. 188
1529.	414					
1530.	289	608	913	913	984, 985	1984 Ch. 108
1531.(Sub)	540	641, 762	968	969	918, 1369	1984 Ch. 212
1539.(Sub)	540	682	840	840	920	1984 Ch. 86
1542.(Sub)	486					
1547.(Sub)	414	683	913	913	984, 985	1984 Ch. 109
1548.(Sub)	486	682	912	912	1329, 1330	1984 Ch. 211
1558.(Sub)	540	686			1262	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amendments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1562.	486					
1564.(Sub)	336	578	673	673	1329, 1330	1984 Ch. 190
1565.(Sub)	540					
1582.(Sub)	414	601	813, 970	970	813,984, 985	1984 Ch. 110
1584.(Sub)	548	641			1262	
1589.(Sub)	548	669				
1600.(2nd Sub)	486					
1605.(Sub)	486					
1613.(Sub)	289	652	867	868	1238,1464, 1510,1598	1984 Ch. 267
1624.(Sub)	548					
1625.(Sub)	548		549, 552	552	563	1984 Ch. 3
1627.(Sub)	540	695	921	933	1330	1984 Ch. 260
1636.	413	601, 695	962	962	918,962, 1264	
1637.(Sub)	549	695	789	794	1222, 1239	1984 Ch. 161
1649.	549	641	776, 808	808	1329, 1330	1984 Ch. 191
1652.(Sub)	486	641	974	977	960,966, 970,1437, 1456	PV 1984 Ch. 249
1655.(Sub)	541	670	958	959	1223, 1239	1984 Ch. 162
1660.(2nd Sub)	541	652	862, 874	878	1313,1466, 1621	
1666.(Sub)	486	641	841	841	920	1984 Ch. 103
1668.(Sub)	541	608	675	675	763, 765	1984 Ch. 61

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1687.(Sub)	541	611	766	766,849, 850		1984 Ch. 95
1691.(Sub)	413	589				
1698.(Sub)	310	587	672	672	763, 765	1984 Ch. 62
1700.(Sub)	487					
1778.(Sub)	240		240, 249	249	257	1984 Ch. 1

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
16.	48	582	934	934	1300,1366	
30.	127	569	629	629	670,675	
33.	289	578	594	594	613	
34.	541	682	841	841	920	
37.	541	670	919	919	1329,1330	
42.	273	670				

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Fincl Passage	Other Action	Action by Gov.
29.(2nd Sub)	191	551	777, 778	780 786		
44.	240	597				

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
31.	3	3		3	5	
32.	19		19,22	22	58	
34.	127		638	638	670,675	
35.	223		223, 250	250, 260	329	
38.	240		240	240	247	
39.	336	620				
40.	572		572,583	583	601,602	
47.	1643		1643	1643	1643	

ABORTIONS

Parental consent, unemancipated minors: SB 4607

ADMINISTRATIVE HEARINGS OFFICE

Superintendent of public instruction may contract for conduction of hearings: SB 4648

ADULTS (See also ELDERLY)

Age, defined as being between 40 and 70 for human rights commission purpose: SB 4623, SSB 4623

Age discrimination, freedom from is a civil right: SB 4479, SSB 4479

Age discrimination, 40 to 70 years, unfair practice to refuse employment: SB 3196
Custodial interference, gross misdemeanor or felony: SSB 3387

Dependent or vulnerable, home care: *HB 1328, CH 97 (1984), SB 4644

Dependent or vulnerable, immunity for those reporting abuse: *HB 1328, CH 97 (1984), SB 4644

Dependent or vulnerable, provide protective services: *HB 1328, CH 97 (1984), SB 4644

Disabled, respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585

Disabled, respite care for disabled adult and caregiver: *2SHB 1137, CH 158 (1984), SB 4743

Home care for abused or neglected: *HB 1328, CH 97 (1984), SB 4644

Motor vehicle license fees, persons over 65, reduced 50%: SB 4632

Respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585

Respite care for disabled adults and caregiver: *2SHB 1137, CH 158 (1984), SB 4743

ADVERTISING (See also CAMPAIGNS; SIGNS)

Age discrimination in employment offers is an unfair practice: SB 3196

Alcohol advertisements may include price plus tax: SB 4311

AGING, STATE COUNCIL ON

Fund prohibition repealed: SB 4346

AGRICULTURE (See also LIVESTOCK)

Agricultural water use commission established: SB 4703

Attachment and execution of farm equipment, exempt amount increased to \$4,000: SB 3408

Burglary, entering land devoted to livestock or commodities: *SHB 1302, CH 49 (1984), SB 4486

Commodities, market development task force established: SB 4423, *SSB 4423, CH 90 (1984)

Commodities sale authorized in roadside rest areas: SB 4424

Commodities trade (impact) center, provisional international marketing program: *SHB 1207, CH 57 (1984), SB 4398

Commodity warehouses regulated: SB 3819, SSB 3819

Conservation commission, director of agriculture is an ex officio member: SB 3214

Conservation futures, certain holdings exempt from ad valorem taxation: *SB 3178, CH 131 (1984)

Crop lien, file with department of licensing: SB 4676

Dairy products, standards and definitions may exceed FFCA standards: SB 4010
Endrin, three year phase out: SB 4079

Fees, limiting use, no indirect costs: SB 4399, SSB 4399

Fruit tree certification and nursery improvement advisory committee: SSB 3866

Fruit, wholesale market value annual assessment: SSB 3866

Future farmers of america recognized: *SCR 143, (1984)

Goats milk, 10 goat set-up, exemption: SB 4633

Grain dealer licenses: SB 3819, SSB 3819

Grains, commodity warehouses regulated: SB 3819, SSB 3819

Hexachloroepoxyoctahydro-endo, endo-dimethanonaphthalen prohibited: SB 4079

Institutional industries, perishable foods, timber, agricultural surpluses may be sold or donated: SB 3527

International marketing program for commodities: SHB 1207, SB 4398

AGRICULTURE—cont.

- International trade development advisory council established: SB 4494, *SSB 4494, CH 151 (1984), SCR 154
- Market development task force established: SB 4423, *SSB 4423, CH 90 (1984)
- Meat, in bulk or gross, retail sale information: SB 4420
- Meat, slaughtering, processing, breaking, B&O lowered: SB 3929, SB 4409
- Noxious weed control board membership increased: SB 4770
- Noxious weed control, funded by special tax at vehicle license time: SSB 3205
- Nursery and horticultural advisory committee: SSB 3866
- Nursery dealer license fees: SSB 3866
- Nursery dealers, department may enjoin: SSB 3866
- Operating a cold storage warehouse, defined for business and occupation tax purposes: SB 4499
- Pesticide application act, violations, \$1,000 per violation: SB 4677
- Pesticide control act, violations, \$1,000 per violation: SB 4677
- Pesticide control or operator license to be obtained by weed coordinator: SB 4770
- Pesticides, endrin, three year phase out: SB 4079
- Products merchants, licensing exceptions: SB 4684
- Provisional international market program for agricultural commodities and trade center: *SHB 1207, CH 57 (1984), SB 4398
- Registry of security interests created: SB 4487
- Rest area, sales of commodities authorized: SB 4424
- Security interests registry established: SB 4487
- Seed lien, file with department of licensing: SB 4676
- Trespass, land devoted to livestock or commodities: *SHB 1302, CH 49 (1984), SB 4486
- Warehouse licenses: SB 3819, SSB 3819
- Water, agricultural use commission established: SB 4703
- Water supply projects, general obligation bonds: SB 4422
- Weed control, noxious weed redefined: SB 4770
- Weed control procedures revised: SB 4770
- Weed coordinator to obtain a pest control consultant or operator license: SB 4770
- Wheat commission, education, training and leadership programs authorized: SB 4699
- Wine, bonded wine warehouse license: SB 4503, *SSB 4503, CH 19 (1984)

AIR POLLUTION

- Acid rain, alpine lake monitoring by DOE: *2SHB 1174, CH 277 (1984)
- Acid rain, develop potential regulatory strategies: *2SHB 1174, CH 277 (1984)
- Acid rain study: SB 4565
- Acid rain study by 1/1/85: *2SHB 1174, CH 277 (1984)
- Air pollution control authority boards, advisory councils strengthened: SB 4690
- Clean air act, fines increased: SB 3193, SSB 3193, *2SSB 3193, CH 255 (1984)
- Clean air act modified: SB 4573
- Clean air act penalties modified: SB 4573
- DOE may accept delegation of clean air act: *SSB 3616, CH 164 (1984)
- Ecological commission, advisory councils strengthened: SB 4690
- Emission credits banking program: *SSB 3616, CH 164 (1984)
- Emission credits banking program to be studied by DOE: *SSB 3616, CH 164 (1984)
- Facility does not include property constructed with industrial revenue bonds: *SHB 1118, CH 42 (1984), SB 4476, SSB 4476
- Federal clean air act, DOE authorized to participate: SB 4573
- High occupancy vehicle lanes, preferential treatment, reduce pollution: SB 4550
- Registration fee limit for air contaminant sources: SB 3620, *SSB 3620, CH 88 (1984)
- Revenues collected from sources limited: SSB 3620
- Select science advisory council on acid rain: SB 4565
- Smoking prohibited in public places, except designated areas: SB 4584
- Sources, revenue collected limited: SSB 3620
- Tax credits for facilities, modifications: *SHB 1118, CH 42 (1984), SB 4476, SSB 4476
- Washington clean indoor air act: SB 4584

ALASKA LEGISLATOR

Robert H. Ziegler, addressed senate p. 602

ALCOHOL (See also DRUNK DRIVING; LIQUOR CONTROL BOARD)

Abuse, education provided: SB 4237

Advertisements, may include price plus tax: SB 4311

Alcohol and drug treatment programs for offenders: SB 4214

Alcohol awareness program funded by penalty assessments: SSB 3617, 2SSB 3617

Bed and breakfast, permit to serve beer or wine without charge: *HB 1147, CH 45 (1984)

Beer, product information on retail premises: *SB 4445, CH 196 (1984)

Businesses, financial interest definition modified: SB 4145

Candy, small amounts of alcohol authorized: SB 4758, *SSB 4758, CH 78 (1984)

Community based volunteer programs, work-release facilities: SB 4406

Consumer information on retail premises, beer and wine: *SB 4445, CH 196 (1984)

Diagnostic evaluations for drunk drivers: SSB 3382

Guns in alcohol-consumption businesses, study by LCB for possible regulation: SSB 4859

Hawking in sports arenas or at racetrack prohibited: SB 4295

Hotels, certain, permits to serve beer or wine without charge: *HB 1147, CH 45 (1984)

Interstate transportation: SJM 130

Malt and wine wholesalers, distributorship agreements: *SSB 3901, CH 169 (1984)

Minor, consumption in home: SB 3521

Motor vehicles sports facilities, alcohol sale prohibited: SB 4295

Rehabilitation treatment programs for criminals: SSB 4214

Sale of alcohol at sports arenas or racetracks prohibited: SB 4295

Schools to educate about abuse of alcohol: SB 4237

Sports arenas or racetracks, alcohol sale prohibited: SB 4295

Treatment programs for offenders: SB 4214

Wine and malt wholesalers, distributorship agreements: SSB 3901

Wine, bonded wine warehouse license: SB 4503, *SSB 4503, CH 19 (1984)

Wine prices: SB 3783

Wine, product information on retail premises: *SB 4445, CH 196 (1984)

Wine tasting room license: SB 3783, SSB 3783

Wineries, domestic, joint warehouses: SB 3783, SSB 3783

Work-release facilities, volunteer abuse programs: SB 4406

ALDEN, CHRISTINIA L.

Member, Washington high-technology
coordinating board: GA 169, confirmed pp. 33,1321

ALVERSON, ROBERT D.

Member, Pacific marine fisheries commission:
GA 142, confirmed pp. 28,601,983

AMUSEMENT DEVICES

Employees, minors, may enter liquor establishments: *SB 4320, CH 136 (1984)

Liquor establishments, minor employees may enter: *SB 4320, CH 136 (1984)

AMUSEMENT PARKS

Carnival ride operators to possess liability insurance: HB 517

Rides, providing for regulation by permits and inspections: SSB 3003

ANDERSON, DEANNA

Member, Washington high-technology
coordinating board: GA 176, confirmed pp. 34,684,1474

ANIMALS (See also GAME, DEPARTMENT OF; LIVESTOCK)

Cruelty: 2SSB 3051

Dog fees, county may set: SSB 3263

Pets, may live in or visit nursing homes: *SB 3059, CH 127 (1984)

Service dogs defined, etc.: SB 4661

Transporting or confining, cruel or unnecessary painful manner, misdemeanor:
2SSB 3051

APPLE BLOSSOM FESTIVAL

Marlene Meridan, queen, addressed senate, royalty introduced p. 118

ARBITRATION

Court improvement act, mandatory arbitration programs: SB 4430, *SSB 4430, CH 258 (1984)

Mandatory arbitration programs, court improvement act: SB 4430, *SSB 4430, CH 258 (1984)

Negotiation process, part of basic education goals: SB 4509

Schools, negotiation process part of basic education: SB 4509

ARTS

Adult correctional facility construction projects exempted from 1% for art: SB 3243

B&O tax deduction modified, artistic or cultural organizations: SB 4525, SSB 4525

Joint legislative committee established: SCR 129

ASIAN-AMERICAN AFFAIRS COMMISSION

Sunset termination extended: SB 3233

ATHLETICS (See also FLOOR RESOLUTIONS; CONVENTION AND TRADE CENTERS)

Athletic health care and training council created: SB 4484, *SSB 4484, CH 286 (1984)

Boxer exam 10 days prior to contest: SSB 4459

Boxers, full health care insurance coverage required: SSB 4459

Boxers, injured, participation, class C felony: SSB 4459

Boxers, protection and regulation: SB 4459

Boxing account created for medical expenses: SSB 4459

Debbie Armstrong, gold medal in giant slalom, superb performance congratulated: *SFR 148 (1984)

Health studios, regulating: SSB 3021

Seahawks saluted: *SFR 125 (1984)

Seattle University Falcons, soccer champs: *SFR 146 (1984)

Sergeant Matt Dryke, unique talents as a world champion skeet shooter lauded: *SFR 136 (1984)

ATTORNEY GENERAL (See also CONSUMER PROTECTION)

Federal reserve system, challenge in the supreme court: SB 4778, SSB 4778

Industrial insurance, special AG's, 3rd party actions: SB 4595

Lottery, unfair acts prohibited: SSB 3814

Oregon income tax changes, challenge: *HCR 40, (1984), *SCR 147, (1984)

Special AG's, 3rd party actions, industrial insurance: SB 4595

Third party actions, industrial insurance, special AG's: SB 4595

ATTORNEYS (See also CIVIL ACTIONS AND PROCEDURES)

Appellate defense commission established: SB 4438

Condemnation proceedings, attorney fees and interest: *SB 3128, CH 129 (1984)

Conflict of interest, former state employees: *HB 1517, CH 85 (1984)

Escrow commission established: SB 4546, SSB 4546

Fees, child support suits: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373

Fees, defining costs which may be awarded prevailing party: SB 3131

Fees, fixed percentage, prevailing party, justice of the peace: SB 4355

Fees, ground water, civil actions: SHB 1139

Fees, interest, condemnation proceedings: *SB 3128, CH 129 (1984)

Fees, mortgage fails to release mortgage upon satisfaction: *SB 3132, CH 14 (1984)

Fees, parentage actions: *SHB 1627, CH 260 (1984)

Fees, prevailing party, child support: SB 4671

Juveniles represented by public counsel, fees paid by parent, etc.: *SHB 1539, CH 86 (1984)

Law revision commission, per diem travel allowance, research authority: SB 3092

Legal messengers exempted from WUTC regulation: *SSB 4050, CH 171 (1984)

Mandatory arbitration programs: SB 4430, *SSB 4430, CH 258 (1984)

Peremptory juror challenges based on sex, race, color, etc. prohibited: SB 4383

AUBURN HIGH SCHOOL

Championship cheerleading squad, introduced p. 1234

AUCTIONEERS

Advertising regulated: *HB 1218, CH 189 (1984)

Cities cannot require a general license when already licensed: *HB 1218, CH 189 (1984)

Licensure and regulation modified: *HB 1218, CH 189 (1984)

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BAKER, DONALD M.

Member, Washington high-technology board:

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Out-of-state holding companies, investigation fee increased: SSB 3703

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BANKS, CHERRY A. McGEE

Member, board of trustees, Shoreline community college

district 7: GA 93, confirmed p. 202

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Cosmetology, barbering, and manicuring advisory board established: *SHB 1187, CH 208 (1984)

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Hirai, Paul, member: GA 165 pp. 32,1588
 Laxton, H. Dean, member: GA 58, confirmed pp. 1498,1501

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 Sentinel birth defects, information and surveillance: *SHB 1105, CH 156 (1984)

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Dziedzic, Paul, Director, Department of services
 for the blind: GA 111, confirmed pp. 22,193,311
 Disabled persons and their service dogs, revisions: SB 4661
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 Education duties modified: SHB 1238, SB 4733
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BLOSSER, J. H. "JACK"

Member, export assistance center board:
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- Watercraft tax, exempt if under 16 feet and without machine propulsion: *SHB 255, CH 250 (1984)
- Watercraft tax, imposed but not collected for 1980 through 1982, cannot collect: *SHB 255, CH 250 (1984)

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- Aquarium financing and development: SB 4097
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- Convention center, state debt limitation: SB 3394
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- Counties, bonds and indebtedness, modification: *SHB 1124, CH 186 (1984)
- Energy facilities, eligibility criteria for participating in election expanded: SB 3001
- General obligation bonds, local governments, uniformity among entities: *SHB 1124, CH 186 (1984)
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- Higher education, construction bonds: *SSB 3942, CH 264 (1984)
- Housing finance commission, tax ceiling allocation for 1983 - 1986: *HB 1107, CH 28 (1984)
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- Outdoor recreational facilities, bonds: SSB 3806
- Park and recreation service area, levies: SSB 4015, 2SSB 4015
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BORTH, JUDITH J.

Member, board of trustees, Wenatchee community college
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BRADFORD, ROBERT W.

Member, Washington high-technology
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BROCK, MARILEE M.

Member, board of trustees, Highline community college
 district 9: GA 204 p. 685

BROCKETT, DONALD C.

Member, sentencing guidelines commission:
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BRULAND, MARGARET

Member, board of trustees, Everett community college
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- Fires, fire safety director or staff, immune from liability for good faith acts: SSB 3057
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- Investment projects, sales tax deferrals: SB 4564
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- Minority and women-owned businesses, participation enhanced: SB 4328
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- Small business development center, WSU: *SB 4668, CH 77 (1984)
- Small business improvement council: SSB 3982, 2SSB 3982
- Small business innovators' opportunity program extended: *SB 4773, CH 79 (1984)
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- Filing procedures for indigents and other candidates: *SHB 1282, CH 142 (1984), SB 4559, SSB 4559
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- Financial disclosure of elected officials and executive state officers reconstructed: *SB 4312, CH 34 (1984)
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- Financial reporting, small districts exempt, when voided: SB 4308, SSB 4308
- Financing, contribution limitation provisions: SB 4305
- Fund raising activities during legislative sessions regulated: HB 152
- Indigents and others, filing procedures: *SHB 1282, CH 142 (1984), SB 4559, SSB 4559
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- Political action committees, voluntary payroll deductions authorized: HB 1355, SB 4447
- Political advertising, identification of sponsor/party required: *HB 1133, CH 216 (1984)
- Political committees, one financial committee per election campaign: SB 4308, SSB 4308
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- Alcohol, small amounts authorized in candy: SB 4758, *SSB 4758, CH 78 (1984)

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- Contracts for crypts, niches, graves, encumbered: SB 4110, *SSB 4110, CH 53 (1984)
- Endowment care fund: SB 4110, *SSB 4110, CH 53 (1984)
- Graves, cairns, funds for reburial and examination: SB 4710, SSB 4710
- Islands, human remains may be buried on, conditions: *SSB 4110, CH 53 (1984)
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- Membership increased: SHB 1297, *SB 4592, CH 120 (1984)

CENTRAL WASHINGTON UNIVERSITY, BOARD OF TRUSTEES

- Flores, Rueben A., member: GA 187, confirmed pp. 36,1321,1455

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- Policy, modification requested: SJM 138

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- Swift, Earlyse Allen, member: GA 190, confirmed pp. 36,1322,1455
- Wheeler, Marc, member: GA 109, confirmed pp. 1320,1334

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- Bad checks, aggregation of transactions for criminal charge, modified: SB 4721
- Bad checks and drafts, remedies for holders, study by committee on financial institutions: SFR 141
- Bad checks, remedies: SB 4366, SSB 4366

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- Presiding, joint session pp. 40-45:250-256

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- Abuse and neglect, prevention of, council on, modifications: HB 1287, SB 4408, SSB 4408
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- Alcohol awareness program funded by penalty assessments: SSB 3617, 2SSB 3617
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- Birth defects, environmental hazards, information and surveillance: *SHB 1105, CH 156 (1984)
- Child abuse and neglect council name changed to prevention of child abuse and neglect: SB 4653, *SSB 4653, CH 261 (1984)
- Child abuse and neglect council, sunset termination modified: SB 4653, *SSB 4653, CH 261 (1984)
- Child abuse and neglect, investigate social service agencies: SHB 1605, SB 4630
- Child abuse and neglect, malicious reports, remedies: SB 4653
- Child abuse and neglect, out of home placement, considerations: SB 4653
- Child abuse and neglect, reporting, procedure: SB 4653
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- Child abuse, DSHS, investigate any person for suitability of care: SHB 1605, SB 4630
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- Child protective services, joint select committee created: SB 4639
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- Child support, enforcement and collection procedures: SB 4485
- Child support, enforcement, attorney fees: SB 4671
- Child support, enforcement orders, procedure: SB 4675
- Child support, homestead exemption does not protect from liens: SB 4670
- Child support, if DSHS collects, fees by nonpayer: SB 4303, SSB 4303
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- Child support, joint legislative committee created: SB 4655
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- Child support obligations, liens on homestead: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373
- Child support obligations, mandatory wage assignment: *SHB 1627, CH 260 (1984), SSB 4373
- Child support obligations, remedies for collection and enforcement: *SHB 1627, CH 260 (1984)
- Child support orders, health insurance coverage, conditions: SB 4730, *SSB 4730, CH 201 (1984)
- Child support, owe public assistance, procedures: *SHB 1627, CH 260 (1984)
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- Children and family services act, cost itemization: *SSB 4814, CH 180 (1984)
- Children and family services act, initial plan expanded: *SSB 4814, CH 180 (1984)
- Children's trust fund: SSB 4408
- Children's trust fund, money received by child abuse and neglect council: SB 4653, *SSB 4653, CH 261 (1984)
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- Chronically mentally ill redefined: SB 4569, SSB 4569
- Communicate with a minor for immoral purposes, gross misdemeanor: *SB 4309, CH 262 (1984)
- Community mental health program includes children: SB 4298
- Community mental health services modified: SB 4569, SSB 4569
- Custodial interference, civil damages, expenses, fees: *SHB 1687, CH 95 (1984)
- Custodial interference, class C felony: SB 4485
- Custodial interference, 1st and 2nd degree: *SHB 1687, CH 95 (1984)
- Custody, joint provided for: SB 4485
- Custody, malicious or willful interference with is a gross misdemeanor or felony: SSB 3387
- Custody, preferences established: SB 4485
- Day care for state employees children: *SHB 1655, CH 162 (1984)
- Day care registration: SSB 3739
- Domestic violence, family court has jurisdiction: SB 4485
- Driver license suspended, under 17, certain offenses: SB 4582, SSB 4582
- Driver licenses, provisional licenses for under 18: SB 3454
- Driver licenses, provisional, teenage curfew: SB 3454, SB 4582
- Family abandonment, class C felony: *SHB 1627, CH 260 (1984)
- Family abandonment, gross misdemeanor: SB 4373, SSB 4373
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- Family court has jurisdiction for domestic violence: SB 4485
- Family nonsupport, class C felony: SB 4373, SSB 4373
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- Guardian ad litem in dependency cases, adopt standards: SB 4653
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- Juvenile detention facilities, special circumstances for confinement: *SHB 1514, CH 272 (1984)
- Juvenile justice, offenses described, jurisdiction: SB 3499, SSB 3499
- Juvenile justice, procedure, costs: SB 3499, SSB 3499
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- Juvenile offenders, community involvement, consolidated services: SB 3641, SSB 3641
- Juvenile prostitutes, patrons of: *SB 4309, CH 262 (1984)
- Juvenile records release: HB 1120, SB 4481
- Juvenile rehabilitation: SB 4252, SSB 4252
- Juveniles, community service liability insurance: SB 4334
- Juveniles, if average daily population over 105%, reduce: SB 3641, SSB 3641
- Juveniles in detention facilities, special circumstances: *SHB 1514, CH 272 (1984)
- Juveniles, records of offenses and diversions, release for adult proceedings: *HB 1120, CH 43 (1984), SB 4481
- Juveniles, remove from adult jails: SB 4538
- Juveniles, represented by public counsel, fees paid by parent, etc.: *SHB 1539, CH 86 (1984)
- Juveniles, security report, escapes, leaves, offenders: SB 4247
- Juveniles, sentencing, authorized leave: SB 4247, SSB 4247
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- LBC study of children services: *SSB 4814, CH 180 (1984)
- Liquor establishments, minor employees of janitorial services or amusement device companies may enter: *SB 4320, CH 136 (1984)
- Mental health, appropriate care and treatment: SB 4685, SSB 4685
- Mental health, chronically mentally ill, includes minors: SSB 4569
- Mental health, community support services: SSB 4569
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- Mental health services for children, study: *SHB 1125, CH 157 (1984)
- Nursery schools, preschools, kindergartens, safety regulation waiver: SSB 3739
- Nutrition programs established for schools: SB 3228
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- Offenders, community service liability insurance: *SSB 4334, CH 24 (1984)
- Parent liable for child's theft and fraud: SB 3119
- Parentage actions, attorney fees: *SHB 1627, CH 260 (1984)
- Parentage actions, who may be compelled to testify, immunity: *SHB 1627, CH 260 (1984)
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- Parentage questions, presumption, rebut by preponderance of evidence: *SHB 1627, CH 260 (1984)
- Paternity blood testing: *SHB 1627, CH 260 (1984)
- Paternity blood tests, experts report admissible: *SHB 1627, CH 260 (1984)
- Paternity blood tests, order if reasonable possibility sexual contact: *SHB 1627, CH 260 (1984)
- Paternity, human leukocyte antigen blood test, 95%: SB 4373, SSB 4373, SB 4656
- Paternity, human leukocyte antigen test: *SHB 1627, CH 260 (1984)
- Paternity, presumptions revised, remove certain marriage language: SB 4373, SSB 4373, SB 4656
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- Placement, make efforts to reunify family: *HB 1526, CH 188 (1984), SB 4637
- Pornographers, liable for civil damages: SB 4763
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- Pornography, films, financing prohibited: SB 4755
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- Preschool education required for handicapped children: *SHB 1311, CH 160 (1984)
- Prevention of child abuse and neglect, council on, modifications: HB 1287, SB 4408, SSB 4408
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- Member, sentencing guidelines commission:
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- Member, council for postsecondary education: GA 146 p. 28

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- Clerical error correction, polling places: *SB 4469, CH 35 (1984)
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- Member, juvenile disposition standards commission:
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COLLINS, CHARLES L.

- Member, Pacific Northwest electric power & conservation
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- Tuition and fees, formula for increasing: SSB 3882, SB 4339
- Tuition and fees, refund, active military personnel: SB 4531
- Tuition exemption, LEOFF, age lowered: SHB 856
- Tuition immigrant refugees, certain qualify for waiver: *SB 3044, CH 232 (1984)
- Tuition increase exemption, Vietnam veterans, extended to 1989: SSB 3589
- Tuition, nonresident exemption for military personnel, children and spouse: *SB 3044, CH 232 (1984)
- Tuition, 18 hours or more, additional fee deleted: SB 3488
- Unemployment compensation, reasonable assurance defined, contract services: *SHB 1439, CH 140 (1984)
- Vietnam veteran tuition increase exemption extended to 1989: SSB 3589
- Vocational excellence award program: *SHB 1613, CH 267 (1984), SB 4615

COMMUNITY DEVELOPMENT DEPARTMENT

- Created, planning and community affairs name changed: SB 4587

COMMUNITY ECONOMIC REVITALIZATION BOARD

- Industrial development revenue bonds: *SHB 1262, CH 257 (1984), SB 4570
- Powers enumerated regarding industrial development bonds: *SHB 1262, CH 257 (1984), SB 4570
- Public facilities construction loan revolving fund modified: *SHB 1262, CH 257 (1984), SB 4570
- Special reserve account may be established: *SHB 1262, CH 257 (1984), SB 4570
- Umbrella bond program: *SHB 1262, CH 257 (1984)

COMPUTERS

- Damage, intentionally and without authorization: SB 4310, SSB 4310
- Data, unlawful disclosure: SB 4310, SSB 4310
- Data, unlawful modification: SB 4310, SSB 4310
- Definitions of access, computer program, and data: *SHB 1106, CH 273 (1984)
- Definitions of system, network, software, etc., computer crimes: SB 4310, SSB 4310
- Equipment, unlawful modification: SB 4310, SSB 4310
- Trespass of computer, system, network: SB 4310, SSB 4310
- Trespass, 1st and 2nd degree: *SHB 1106, CH 273 (1984)

CONCURRENT RESOLUTIONS

- Arts, joint legislative committee established: SCR 129
- Canadian dignitaries welcomed to Olympia: *HCR 38, (1984)
- Child protective service system, joint select committee on to examine: SCR 152
- Community college financing, joint ad hoc committee: SCR 116
- Community growth and development, joint select committee: HCR 39
- Comparable worth, committee to study established: *HCR 34 (1984)
- Comparable worth, joint committee established: SCR 131
- Comparable worth negotiating team established: SCR 140
- Comparable worth special legislative team to be established: *SSCR 140 (1984)

CONCURRENT RESOLUTIONS—cont.

- Comprehensive water resource management, emergency commission established: HCR 46
- Cut off dates 1984 regular session: *HCR 32 (1984)
- Emergency task force on salmon and steelhead trout: SCR 148, SSCR 148
- Expo '86 international planning meeting delegates: SCR 122
- Future farmers of America recognized: *SCR 143, (1984)
- Health care cost containment study: SSCR 112
- Health care financing joint committee: SCR 121
- Henry M. Jackson terminal at the Seattle-Tacoma international airport: SSCR 146
- HJM 16, exempted from applicable cutoff date: SCR 124
- Home schooling, joint select committee to review: HCR 41
- Indian affairs, joint select committee: SCR 123
- Industrial insurance, joint select committee to review system: *HCR 35, (1984), SCR 144
- International trade development advisory council established: SCR 154
- Joint interim committee on the judicial retirement system: SCR 150
- Joint job training partnership act oversight committee: SCR 135
- Joint rules for the 48th legislature adopted: *SCR 138 (1984), SCR 139
- Joint select committee on law enforcement officers' and fire fighters' retirement system: SCR 149
- Joint select committee, review laws, community growth and development: HCR 39
- Judicial retirement system, joint interim committee: SCR 150
- Labor and industries, Olympia area offices consolidation: SCR 133
- LEOFF, joint select committee on: SCR 149
- Notify governor that legislature is ready, state of the state message: *HCR 31, (1984)
- Notifying governor that the legislature is about to adjourn sine die: *HCR 47 (1984)
- Nuclear waste disposal sites, legislative approval: SCR 142
- Oregon income tax, attorney general to seek relief: *HCR 40, (1984), *SCR 147, (1984)
- Oregon income tax changes, repeal: *SCR 147, (1984)
- Pend Oreille railroad repair: SCR 119
- Public retirement, joint interim committee: SCR 134
- Reintroducing bills introduced during the 1983 regular and special sessions: *SCR 137, (1984)
- Repeal of 1983 Oregon income tax changes: *SCR 147, (1984)
- Salmon and steelhead trout emergency task force: SCR 148, SSCR 148
- Schools, earthquake safe: SCR 145
- Science and technology, joint ad hoc committee continued: SCR 101
- Seattle-First National Bank crisis, joint select committee created: SCR 128
- Seattle-Tacoma international airport renamed: SCR 146, SSCR 146
- Sine die, 1984 session: *HCR 47 (1984)
- Sine die, 3 members to notify governor that 1984 session will soon be over: *HCR 47 (1984)
- Strip searches, special task force to examine searches at booking time: HCR 44
- Task force to examine strip searches at booking time: HCR 44
- Water resource management, emergency commission established: HCR 46
- WPPSS financial situation resolution: SCR 107

CONFLICT OF INTEREST (See also PUBLIC DISCLOSURE)

- Attorneys, former state employees, restrictions modified: *HB 1517, CH 85 (1984)
- Conflict of interest act for state officers and employees: SB 4526
- State employees, restrictions without unnecessary barriers to public service: SB 4526

CONGRESS

- Elections, state to pay a prorated share of cost: SB 4572, SSB 4381
- Redistricting commission, membership criteria: *SB 4304, CH 13 (1984)

CONGRESS—cont.

- Redistricting commission membership, supreme court duties: *SB 4304, CH 13 (1984)
- Vacancies, primary or vacancy elections: SB 4562
- Vacancies, primary or vacancy elections, fill from original party: SB 4317, SSB 4381
- Vacancies, senate, same party, procedures: SSB 4381

CONSERVATION (See also ECOLOGY, DEPARTMENT OF; ENERGY; ENVIRONMENT)

- Acid rain, alpine lake monitoring by DOE: *2SHB 1174, CH 277 (1984)
- Acid rain, develop potential regulatory strategies: *2SHB 1174, CH 277 (1984)
- Acid rain study: SB 4565
- Acid rain study by 1/1/85: *2SHB 1174, CH 277 (1984)
- Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)
- Car pooling vehicles, tax modified: SB 4545
- Commission, membership increased, director of agriculture ex officio: SB 3214
- Conservation easements authorized: SB 3310
- Conservation futures, certain holdings exempt from ad valorem taxation: *SSB 3178, CH 131 (1984)
- Districts, natural and renewable resource responsibility: SB 3214
- Electromagnetic spectrum, preserve for state benefit: 2SSB 3768
- Endangered and threatened species, habitat buffer zones: SB 4788, *SSB 4788, CH 239 (1984)
- Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)
- Habitat buffer zones to protect certain species: SB 4788, *SSB 4788, CH 239 (1984)
- Hot water heater thermostat setback: SSB 3277
- Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
- Hot water heater thermostat setback, solar reservoir exception: SB 4589
- Matching grant program, conservation commission and districts: SB 3214
- Oil and gas severance and conservation act: 2SSB 3187
- Select science advisory council on acid rain: SB 4565
- Treaty authorized, Canada, PUD's, cities, agreements for recreation and environmental protection: *SHB 1778, CH 1 (1984), SB 4785, SSB 4785

CONSTITUTIONAL AMENDMENTS

- Budget stabilization account established: SJR 135
- Business and occupation tax, voter approval: SSJR 120
- Counties, home rule charters, procedures for adoption: HJR 44
- Expenditure limits: SJR 134
- Food tax prohibited: SJR 131
- Home rule charters, procedures for adoption: HJR 44
- Home rule charters, temporary county home rule committee: SSJR 108
- Income tax, persons and corporations, conditions: SSJR 120
- Income tax, voter approval: SSJR 120
- Property tax, voter approval: SSJR 120
- Public corporations to provide capital funds: SJR 113
- Public improvement financing, property tax increases: SSJR 119
- Public improvements, indebtedness payment from related tax increases: SJR 133
- Sales and use, combined state and local, voter approval: SSJR 120
- Sales and use tax, voter approval: SSJR 120
- School district excess levies, modifying 40% validation requirement: 2SHJR 29
- School district excess levies, 3/5ths majority required: 2SHJR 29
- Tax ratios, balanced: SSJR 120

CONSUMER PROTECTION (See also LANDLORD TENANT)

- Automobile warranties, buyer, report at least once in writing: SB 4555
- Automobile warranties, initial buyer report need not be in writing: *HB 1135, CH 148 (1984)
- Automotive repair law strengthened: SB 4508, SSB 4508
- Automotive repairpersons, registration: SB 4557
- Consumer representative defined, health board: SB 4306, *SSB 4306, CH 243 (1984)

CONSUMER PROTECTION—cont.

- Coupons, distributed through newspapers or attached to packages: SB 3082
- Health board, consumer representation: SB 4306, *SSB 4306, CH 243 (1984)
- Health studios, regulating: SSB 3021
- Hearing aid, rebates for referrals prohibited: SB 4461, SSB 4461
- Hearing aid referrals, must refer back to referee: SB 4461, SSB 4461
- Hot water heater thermostat setback: SSB 3277
- Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
- Hot water heater thermostat setback, solar reservoir exception: SB 4589
- Lottery, unfair acts prohibited: SSB 3814
- Meat, in bulk or gross, retail sale information: SB 4420
- Mobile home landlord and tenants, rights and duties modified: *SHB 1270, CH 58 (1984), SB 4316
- Privacy, warranty actions, modified: SB 4515, SSB 4515
- Real property, protection if water unpotable: SHB 1241
- Restraint of trade contracts, combinations, conspiracies, unreasonable per se: SSB 3223
- Right-to-know advisory council established: SSB 4831, 2SSB 4831
- Sexual orientation, may not discriminate: SB 3289
- Telephone buyers, disclosure of information: SB 4560, *SSB 4560, CH 275 (1984)
- Telephone buyers' protection act: SB 4560, *SSB 4560, CH 275 (1984)
- Unfair business practices—consumer protection act, penalties increased: SB 3223
- Unfair practices act, repealed: SB 3223
- Used car dealers, deceptive acts prohibited: SB 4382
- Warranty actions, privacy modified: SB 4515, SSB 4515

CONTRACTORS (See also GENERAL ADMINISTRATION)

- Comparable worth, committee to study established: *HCR 34 (1984)
- Mechanics/material persons liens, prime contractors: *SHB 914, CH 202 (1984)
- Minority and women-owned businesses, participation enhanced: SB 4328
- Out of state vendors, adding premium to bids of vendors with preferences: SB 3422
- Prequalify for municipalities: SHB 749
- Public works contracts to include lien for protection of owner: *HB 217, CH 146 (1984)
- Underground utilities, damage procedures: *SHB 857, CH 144 (1984)

CONVENTION AND TRADE CENTERS

- Bonds, state debt, limitation formula includes voter approved debt, exceptions: SB 3394
- Civil service exemption: *SHB 1279, CH 210 (1984), SB 4458
- Conditions of construction established: SB 4590
- Cultural arts, stadium and convention district formation, proposition to appear at special election: HB 122
- Cultural arts, stadium and convention district formation, special election if resolution specifies: SSB 3608
- District formation, proposition to appear at special election: HB 122
- District formation, special election if resolution specifies: SSB 3608
- Health insurance, exempt: *SHB 1279, CH 210 (1984)
- Hotel excise tax repealed: *SB 4358, CH 115 (1984)
- Ninety million dollar limit imposed: SB 4590
- PERS exemption: *SHB 1279, CH 210 (1984)
- Site selection approval by Seattle city council: SB 4590
- Vacations, exempt from state law: *SHB 1279, CH 210 (1984)

CORPORATIONS (See also NONPROFIT CORPORATIONS; SECRETARY OF STATE)

- Cheap stock, regulations shall not distinguish: SB 4597
- Community corporation, land use authority: SHB 879
- Definitions modified: *SB 4513, CH 75 (1984)
- Dissolution, reinstatement procedures: SB 3386
- Dissolution, secretary of state administrative dissolution: SB 3386

CORPORATIONS—cont.

- Distributions to shareholders, board authority: *SB 4513, CH 75 (1984)
- Filing false statements, gross misdemeanor: *SB 4513, CH 75 (1984)
- Financial statements, preparation and distribution: *SB 4513, CH 75 (1984)
- Guarantees, power modified: *SB 4513, CH 75 (1984)
- Power modified re guarantees of contracts, securities, or obligations: *SB 4513, CH 75 (1984)
- Public corporations to provide capital funds: SJR 113
- Revocation of authority due to failure to correct delinquency: SB 3386
- Series, corporations authority regarding: *SB 4513, CH 75 (1984)
- Shares, corporations authority regarding: *SB 4513, CH 75 (1984)
- Tourism, public nonprofit corporation authorized: SB 4511

CORRECTIONS (See also JAILS; PRISON TERMS AND PAROLE)

- Adult correctional facility construction projects exempted from local codes: SB 3243
- Alcohol and drug treatment programs for offenders: SB 4214
- Alternatives to total confinement, study: SB 4299, *SB 4798, CH 246 (1984)
- Bonds, general obligation, capital improvements: *HB 1190, CH 271 (1984)
- Capital improvements, general obligation bonds: *HB 1190, CH 271 (1984)
- Choke holds: SSB 3766
- Community corrections officer defined: *SHB 1247, CH 209 (1984), SB 4472
- Community-based programs: SB 4031, SSB 4031
- Criminal justice forecasting: SSB 4380, *2SSB 4380, CH 17 (1984)
- Death sentence prisoners, confined in single cells: SB 3530
- Double bunking at Shelton, community impact, appropriation revised: SB 4319, *SB 4798, CH 246 (1984)
- Drug and alcohol rehabilitation treatment programs: SSB 4214
- Drunk driving, minimum design standards for incarceration: *SHB 1582, CH 110 (1984)
- Employees injured by assault on job, paid leave: *HB 1378, CH 284 (1984), *SB 4798, CH 246 (1984)
- Felons, sentences more than 365 days, commit to a state institution: SB 3815, SSB 3815, *2SSB 3815, CH 235 (1984)
- Financial responsibility of department begins on 8th day, conditions: SB 3815, SSB 3815, *2SSB 3815, CH 235 (1984)
- Fish and game work programs: SB 4411
- Fish, game, shellfish, work programs: SSB 4411
- Impact on communities, appropriation revised: SB 4319, *SB 4798, CH 246 (1984)
- Inmate classification, convict statements available upon incarceration: *SB 4352, CH 114 (1984)
- Inmate marriages: SB 4602
- Institutional industries, perishable foods, timber, agricultural surpluses may be sold or donated: SB 3527
- Interstate corrections compact: SB 3526
- Juveniles, remove from adult jails: SB 4538
- Juveniles, special circumstances for confinement: *SHB 1514, CH 272 (1984)
- Marriages for inmates, but not between inmates: SB 4602
- McNeil Island ferry acquisition and system, general obligation bonds: *HB 1190, CH 271 (1984)
- Notice to law enforcement, victims, witnesses, 10 days prior to release or escape: 2SHB 307
- Offender-based tracking system: SB 4380, *2SSB 4380, CH 17 (1984)
- Ombudsman office created: SB 4641
- Overcrowding emergency, rule adoption of guidelines: *SB 4798, CH 246 (1984)
- Prisoners from other institutions, housing procedures: SB 3525
- Prisoners' leaves of absence, reasons enlarged: SSB 3524
- Prisoners, transfer to foreign countries: SB 3529
- Reduction of inmate population, sentencing guidelines commission to adopt guidelines: *SB 4798, CH 246 (1984)
- Reimbursement to local government, housing state prisoners: *2SSB 3815, CH 235 (1984)

CORRECTIONS—cont.

- Release and admission, prompt reporting by jails: SSB 4380, *2SSB 4380, CH 17 (1984)
- Sentencing guidelines commission to adopt guidelines for the reduction of inmate populations: *SB 4798, CH 246 (1984)
- Sexual offender sentencing alternative: *SHB 1247, CH 209 (1984), SB 4472
- Shelton, double bunking impact on community, appropriation revised: SB 4319, *SB 4798, CH 246 (1984)
- Strip searches, all persons except bail, personal recognizance release or immediate release: SHB 1565
- Track felony cases following convictions: SSB 4380, *2SSB 4380, CH 17 (1984)
- Vocational education products, auction provision removed: SB 3528
- Work camp pilot program: SB 4603
- Work programs in prison, fish and game: SB 4411
- Work programs in prison, fish, game, shellfish: SSB 4411

COSMETOLOGY (See also BARBERING)

- Cosmetologists, barbers, and manicurists act: *SHB 1187, CH 208 (1984)
- Cosmetology, barbering, and manicuring advisory board established: *SHB 1187, CH 208 (1984)

COSTA MANUEL E.

- Member, sentencing guidelines commission:
GA 186, confirmed pp. 36,562,983

COUNCIL FOR POSTSECONDARY EDUCATION

- Cable, Thomas, member: GA 184 p. 35
- Coan, Michael D., member: GA 146 p. 28
- Taha, Shani, member: GA 18 p. 35

COUNCILS

- Advisory counsel on international trade development created: SHB 1193, SB 4494
- Aging, state council on, fund prohibition repealed: SB 4346
- Athletic health care and training council created: SB 4484, *SSB 4484, CH 286 (1984)
- Child abuse and neglect, prevention of, modifications: HB 1287, SB 4408, SSB 4408
- Community councils, may establish by resolution, advisory only: *HB 392, CH 203 (1984)
- Criminal justice council repealed: *HB 1110, CH 30 (1984), SB 4293
- Economic advisers state council created: SB 4577
- Economic and revenue forecast council created: *SHB 1083, CH 138 (1984)
- Forecast council created: SB 4577
- International trade development advisory council created: SHB 1193, SB 4494
- International trade development advisory council established: SB 4494, *SSB 4494, CH 151 (1984), SCR 154
- Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)
- Small business assistance coordinating council: *2SHB 689, CH 282 (1984)
- Uniform compensation established: *HB 1159, CH 287 (1984)

COUNSELORS

- LEOFF pays for psychologist fees: SSB 3226
- Mental health counselors licensing: SB 4537, SSB 4537
- Pre-retirement counseling program: SB 3195

COUNTIES (See also LAND USE PLANNING; STATE AND PUBLIC EMPLOYEES, FIRE PROTECTION; LAW ENFORCEMENT)

- Adult and juvenile offenders, community service, medical aid: SB 4334
- Adult offender community service, liability insurance: SB 4334
- Bids, reading in public requirements revised: SB 4502, SSB 4502
- B&O referendum procedure, 90 days to petition: SB 4665
- Border area, agents for nonresident sales: SSB 3192
- Border, motor vehicle fuel sales tax B&O surtax reduced: SB 4457
- Boundary review board, provisions revised: SHB 1380
- Building codes more stringent than state's are preempted: SB 4792

COUNTIES—cont.

- Buses, prohibited conduct: SHB 538, SB 3849, *SSB 3849, CH 167 (1984)
- Choke holds: SSB 3766
- Claim payment prior to approval, procedures: HB 122, *SSB 3103, CH 128 (1984)
- Collective bargaining, uniformed personnel definition modified: *2SHB 85, CH 150 (1984)
- Combined city-county municipal corporation, clarified and implemented: SB 4313, *SSB 4313, CH 91 (1984)
- Commissioners, compensation for extra services deleted: SB 4796
- Community corporation, land use authority: SHB 879
- Community councils, may establish by resolution, advisory only: *HB 392, CH 203 (1984)
- Community growth and development, joint select committee: HCR 39
- Conservation analyses and financing authorized by electricity providers: SSB 3256
- Consolidated employers, retirement plan procedures: SSB 3226
- Consumer representative defined, health board: SB 4306, *SSB 4306, CH 243 (1984)
- Contractors, prequalification procedures: SHB 749
- Correction centers locally operated: SB 4031, SSB 4031
- Correctional facility, inmate release or escape, notice to witnesses, law enforcement, victims, 10 days prior: 2SHB 307
- Credit card use for travel expenses: *HB 392, CH 203 (1984), SB 4510, SSB 4510
- Criminally insane, conditional release, tracking system: SB 3654, SSB 3654
- Criminally insane, treatment records confidential, exceptions: SB 3654
- Declaratory judgments on local government ordinances: SHB 1542
- Dog fees, county may set: SSB 3263
- Drug and alcohol rehabilitation treatment programs: SSB 4214
- Drunk driver enforcement impact account: SHB 983
- Drunk drivers special detention facilities: SSB 3107
- DWI offenders doing community service, liability insurance: SB 4795, SSB 4795
- Economic recovery, participation with nonprofit corporations is a public purpose: SSB 3276
- Electric generation of sewer and water system: SHB 710
- Employee exchange agreements, public/public, private/public: HB 1253
- Energy facilities bond authorization, eligibility for voting expanded: SB 3001
- Enterprise zone act, local zoning displaced: SB 4600
- Fire protection commissioner vacancy filling: *SB 4619, CH 238 (1984)
- Fireworks, local regulations may be more restrictive: *SHB 1652, CH 249 (1984)
- Fireworks, use permits, local option: SB 4471
- Flood control maintenance projects: *SHB 1531, CH 212 (1984)
- Freeholders, appointments to fill vacancies: *SSB 3098, CH 163 (1984)
- Game department in lieu of taxes: *SHB 105, CH 214 (1984)
- Group insurance programs, average employer contributions: *HB 1419, CH 107 (1984), SB 4523
- Hazardous materials incident command agency designation optional: *SSB 3740, CH 165 (1984)
- Hazardous substances in the workplace and community, disclosure: SSB 4831
- Hazardous substances in the workplace and community, disclosure: SSB 4831, *2SSB 4831, CH 289 (1984)
- Health board, local government and consumer representation: SB 4306, *SSB 4306, CH 243 (1984)
- Health districts: SHB 509
- Health insurance coverage for retirees and dependents: SHB 1367
- Historic preservation, real and personal property, title may be acquired, etc.: *HB 392, CH 203 (1984)
- Home rule charters, procedures for adoption: HJR 44
- Home rule charters, temporary county home rule committee: SSJR 108
- Hospitals, authority to establish, etc., revised: *SHB 791, CH 26 (1984)
- Hospitals, board of trustees, modified: *SHB 791, CH 26 (1984)
- Interlocal agreements or contracts, joint expression of police power between jurisdictions: HB 1160

COUNTIES—cont.

- Juvenile offenders, community involvement, consolidated services: SB 3641, SSB 3641
- Juveniles, community service liability insurance: SB 4334
- Legal defense of public officials is expense of county: SB 4612, SSB 4612
- LEOFF, collective bargaining, uniformed personnel definition modified: *2SHB 85, CH 150 (1984)
- Liability and medical aid insurance for DWI offenders doing community service: SB 4795, SSB 4795
- License fees may be set by legislative authority: SB 3263, SSB 3263
- Martin Luther King birthday, state and school holiday: SB 3129
- Mitigation responsibility of county re SEPA: SB 4323
- Newspapers, increases contract period for official county newspapers: SB 4522, SSB 4522
- Nonresidents, county tax authorized on those employed in county: *HB 1509, CH 248 (1984)
- Noxious weed control, funded by special tax at vehicle license time: SSB 3205
- Noxious weed control procedures revised: SB 4770
- Nuclear attack emergency evacuation plan not mandatory: SB 4561
- Nuclear attack, evacuation plan by political subdivisions optional: HB 1129
- Offenders, community service liability insurance: *SSB 4334, CH 24 (1984)
- Olympic county created subject to voter approval: SB 3264
- Ordinances, declaratory judgments: SHB 1542
- Park and recreation service area, levies: SSB 4015, 2SSB 4015
- Peddlers, meat, eels, shellfish, etc., cities may license: *2SHB 713, CH 25 (1984)
- Police and sanitary regulations, violations, either civil or misdemeanors: SSB 4164
- Police power authority, interlocal agreements or contracts, joint expression between jurisdictions: HB 1160
- Police power authority, ordinance adoption unless expressly prohibited by state law: HB 1160
- Prequalify contractors: SHB 749
- Public health director, qualifications: *2SHB 713, CH 25 (1984)
- Public improvement boundaries for tax purposes: SSJR 119
- Public officials, legal defense is county expense: SB 4612, SSB 4612
- Public transportation benefit area to include merged and annexed areas: SB 3847
- Public transportation, conduct: SHB 538, SB 3849, *SSB 3849, CH 167 (1984)
- Public transportation, sales and use tax authority equalized: *SB 3834, CH 112 (1984)
- Public work loans from planning and community affairs: SB 4404, *SSB 4404, CH 244 (1984)
- Punch cards and pull-tabs, charge and tax raised: SB 4389
- Purchase contracts by local governments, may consider tax revenue: HB 574
- Redistricting plan requirements: *SB 4304, CH 13 (1984)
- Refund outstanding local improvement district bonds: SSB 4466
- Revenue bonds issued to finance private industry waste disposal: SB 4540
- Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)
- Road engineer, 7th class, part-time allowed: SB 4287, *SSB 4287, CH 11 (1984)
- Road improvement district formation alternative: HB 911
- Rural arterial program funding, sixth class counties and larger: SB 4288
- Rural arterial program funding, 7th class counties exempt from eligibility restriction: *SSB 4288, CH 113 (1984)
- Salaries must be lower than governor: SB 3427
- Self-insurance, local government risk exposure studies: HB 531
- SEPA, mitigation responsibility of county: SB 4323
- Serious traffic infractions, OFM, grant money to enhance prosecution and adjudication: SB 4691
- Seventh class, exempt from rural arterial program funding eligibility restrictions: *SSB 4288, CH 113 (1984)
- Seventh class, part-time road engineer allowed: SB 4287, *SSB 4287, CH 11 (1984)
- Sewer system, transfer to municipal corporation: *SHB 1127, CH 147 (1984)

COUNTIES—cont.

- Sheriff, annual training program required: SB 4784
- Sheriff, office of, qualifications modified: SB 4722, SSB 4722
- Sheriff qualifications established: SB 4784
- Sheriffs, discharged, civil service protection: SB 4436
- Sheriffs, vacancies in offices, fill by laid-off employees: SB 4628, *SSB 4628, CH 199 (1984)
- Sixth class or larger, rural arterial program funding: SB 4288
- Solid waste disposal facilities, cities and counties site review: *SHB 1164, CH 123 (1984)
- Solid waste disposal, funds to local governments: SHB 1164
- Solid waste management, comprehensive county plans: *SHB 1164, CH 123 (1984), SB 4617
- Special purpose districts, election and operation procedures simplified: SHB 1134
- Surface mines, regulation: *SHB 480, CH 215 (1984)
- Timber excise tax authorized: SSB 4158
- Timber harvester tax, expires 6/30/84: SB 4359, SSB 4359
- Timber harvester tax may be imposed: *SB 4421, CH 204 (1984)
- Traffic infractions, serious, OFM grant money to enhance prosecution and adjudication: SB 4691
- Travel expenses, may use credit cards: *HB 392, CH 203 (1984), SB 4510, SSB 4510
- Urban area parks, acquisition, development, renovation, etc.: SSB 4823
- Vacancy filling, local and legislative: SB 4405
- Vacation and abandonment of county roads, hearing alternative: SB 4502, SSB 4502
- Veterans' benefits, qualifying class expanded: HB 1258
- Water quality tests for public supply systems: *SHB 1191, CH 187 (1984)
- Water supply operators, certification changes: SSB 3395
- Water system, transfer to municipal corporation: *SHB 1127, CH 147 (1984)
- Weed control procedures revised: SB 4770
- Zoning, mental health facilities exempted: SB 4464
- Zoning, residences, separate living quarters for relatives: SB 3777

COUNTY ASSESSOR

- Appraisals, alternative to physical appraisal: SSB 4635
- Appraisals, may use appraisals by federal or state lending institutions: SB 4635
- Equalization board, delinquencies, schedule: *SB 3262, CH 132 (1984)
- Real property tax delinquency penalties waived, certain filing and notice circumstances: *HB 706, CH 185 (1984)

COUNTY AUDITOR (See also ELECTIONS)

- Claim payment prior to approval, procedures: *SSB 3103, CH 128 (1984)
- Duties re fee book modified: *SSB 3103, CH 128 (1984)
- Duties revised regarding reports to be received: *SSB 3103, CH 128 (1984)
- Election duties revised: SB 4381, SSB 4381
- Executory contracts, recording: *SB 4371, CH 73 (1984)
- Money counting duties: *SSB 3103, CH 128 (1984)
- Official services, fees, revisions: SB 4720
- Public records and filings, revisions: SB 4720
- Recording, executed contracts: *SB 4371, CH 73 (1984)
- Special purpose districts, election and operation procedures simplified: SHB 1134
- Veterans, marital status, certain documents without charge: *HB 1395, CH 84 (1984)
- Voter registration services available in state offices: *SHB 1548, CH 211 (1984), SB 4768

COUNTY TREASURER

- Audits, quarterly audits eliminated: *SSB 3103, CH 128 (1984)
- Boat tax, credit for property taxes paid, 1980-1982: SB 4736
- Boat tax equity act of 1984: SB 4736
- Claim payment prior to approval, procedures: *SSB 3103, CH 128 (1984)
- Fees, collection and distribution procedures modified: SHB 1183
- Fines, collection and distribution procedures modified: SHB 1183

COUNTY TREASURER—cont.

- Forest lands classified, department of revenue to audit counties: *SB 4421, CH 204 (1984)
- Forfeitures, collection and distribution procedures modified: SHB 1183
- Money counting, auditors duties: *SSB 3103, CH 128 (1984)
- Real property tax delinquency penalties waived, certain filing and notice circumstances: *HB 706, CH 185 (1984)
- Tax collections, daily deposits in investment deposits: SB 4712

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- Adoption procedures modified: *SHB 626, CH 155 (1984)
- Amending statutes superseded by court rule: *SB 4439, CH 76 (1984)
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- Child support obligations, mandatory wage assignment: *SHB 1627, CH 260 (1984), SSB 4373
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- Convict statements, inmate classification, available upon incarceration: *SB 4352, CH 114 (1984)
- Court improvement act of 1984: SB 4430, *SSB 4430, CH 258 (1984)
- Criminal sentencing revised: *SHB 1247, CH 209 (1984), SB 4472
- Custodial interference, class C felony: SB 4485
- Dispute resolution centers authorized: SB 4430, *SSB 4430, CH 258 (1984)
- District courts instead of justice courts: SB 4430, *SSB 4430, CH 258 (1984)
- Domestic violence, family conciliation court jurisdiction not exclusive: SB 4480
- Domestic violence, family court has jurisdiction: SB 4485
- Domestic violence prevention act: SB 4541, *SSB 4541, CH 263 (1984)
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- DWI first offender, 48 hours of service versus jail time: SB 4795, SSB 4795
- Ex parte communications, appearance of fairness, when allowed: *HB 1649, CH 191 (1984), SB 4626, SSB 4626
- Family conciliation court, domestic violence jurisdiction not exclusive: SB 4480
- Family conciliation courts, procedures modified: SB 4480
- Family court has jurisdiction for domestic violence: SB 4485
- Family court name changed to family conciliation court: SB 4480
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- Homestead exemption does not protect from child support debts: SB 4670
- Journal docket, name changed to execution docket: *SSB 3103, CH 128 (1984)
- Judgment lien, 10 year period: SB 4357, *SSB 4357, CH 21 (1984)
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- Justice of the peace, subpoena restrictions lessened: SB 4105
- Juvenile records release: HB 1120, SB 4481
- Mandatory arbitration programs: SB 4430, *SSB 4430, CH 258 (1984)
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- Municipal, exclusive original jurisdiction over traffic infractions: *SSB 4430, CH 258 (1984)
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- Referee procedures: SB 4430, *SSB 4430, CH 258 (1984)
- Repealing statutes superseded by court rule: *SB 4439, CH 76 (1984)
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- Salaries, judges, repealer of certain sections: SB 4430, *SSB 4430, CH 258 (1984)
- Sentencing, alternatives to total confinement: *SHB 1247, CH 209 (1984), SB 4472
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- Credit card transactions, service charge restrictions: SSB 4868
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Correction employees injured by assault on job, paid leave: *HB 1378, CH 284 (1984), *SB 4798, CH 246 (1984)

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- Criminal justice training account, no parking fine to be deposited: SB 4797
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DAWSON, ROBERT

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DEAR, JOE

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- Minority and women-owned businesses, participation enhanced: SB 4328
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- Unfair practice, law applies to persons as well as members or employees: SB 4623, SSB 4623
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DOUB, JAMES A.

- Member, Washington high-technology coordinating board:
GA 180, confirmed pp. 35,684,1493

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- Unconditional discharge prohibited: SB 4751

DUFF, BRIAN

- Member, export assistance center board:
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DZIEDZIC, PAUL

- Director, Department for services for the blind:
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- Member, gambling commission: GA 124 p. 25

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- Centennial partnership corporation: SB 4794, *SSB 4794, CH 231 (1984)
- Economic and revenue forecast council: *SHB 1083, CH 138 (1984)
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- Industrial development revenue bond issues, consolidation: *SHB 1262, CH 257 (1984), SB 4570
- International investment, honorary commercial attache program established: *SSB 4849, CH 175 (1984)
- International investments, office established: *SB 4852, CH 176 (1984)
- International trade development advisory council created: SHB 1193, SB 4494
- Investment tax credits, seed capital: SHB 1691
- Job search services, layoffs, closures: SB 4709
- Job training partnership act agency, coordinate with work incentive program: SHB 1589
- Jobs again council: SB 3850, SSB 3850, SB 3981
- Joint job training partnership act oversight committee: SCR 135
- Location of industrial development facilities in other municipalities: SSB 3955
- Nonprofit corporations, county and city participation as public purpose: SSB 3276
- Partnership for innovation act: SHB 1691

ECONOMIC RECOVERY—cont.

- Port district sponsored export projects: SHB 1204, SB 4495, SSB 4495
- Port districts authorized to create export corporations: SHB 1204, SB 4495, SSB 4495
- Port districts to develop economic development plan: SB 4745
- Private sector job placement program: SB 3850, SSB 3850
- Public corporations to provide capital funds: SJR 113
- Public development authority, historical property, tax exemption: *SB 4374, CH 116 (1984)
- Public development authority taxation modified: *SB 4374, CH 116 (1984)
- Recreational facilities included in industrial development facilities: SSB 3955
- Relocation assistance, layoffs, closures: SB 4709
- Seed capital investments, tax credits: SHB 1691
- Small business assistance coordinating council: *2SHB 689, CH 282 (1984)
- Small business development center, WSU: *SB 4668, CH 77 (1984)
- Small business improvement council: SSB 3982, 2SSB 3982
- Small business mill survival act: SB 3293
- Strategic economic development commission: HB 1636
- Tourism, destination tourism attractions: SB 4794, *SSB 4794, CH 231 (1984)
- Training and employment act: SB 3973
- Training and employment assistance act: SSB 3973
- Training and employment program established: SB 3973, SSB 3973
- Training programs, retraining for similar wages: SB 4709
- Umbrella bond program: *SHB 1262, CH 257 (1984)
- Work incentive program demonstration project proposal: SHB 1589
- Youth jobs program established: SB 3375, SSB 3375

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- Concerning vote on E2SHB 1660 p. 880
- Regarding statement for journal on SSB 4381 p. 1625

EDMONDS COMMUNITY COLLEGE DISTRICT 23, BOARD OF TRUSTEES

- Sherman, Vaughn A., member: GA 168, confirmed pp. 32,132,1448

EDMONDSON, BETTY L.

- Member, board of trustees, Yakima community college
district 16: GA 192 pp. 37,1589

EDUCATION, BOARD OF (See also SCHOOLS AND SCHOOL DISTRICTS; SUPERINTENDENT OF PUBLIC INSTRUCTION)

- At large member to be a voting member: SB 3485
- Basic education, support and facilitate local districts is primary duty: SB 4509
- Educational excellence act of 1984, adopted: SB 4576
- Graduate level professional teacher preparation program: SB 4395, SSB 4395
- Members, private school representative and superintendent of public instruction may vote: SSB 3455
- Members, private school representatives may vote: SB 3485
- Members, superintendent to be a voting member: SB 3485
- Physical education requirement removed: SSB 4576
- Teaching certificate, comprehensive exam required: 2SHB 1344

EDUCATION (See also SCHOOLS AND SCHOOL DISTRICTS; SUPERINTENDENT OF PUBLIC INSTRUCTION; INDIVIDUAL COLLEGES and UNIVERSITIES)

- Alcohol and drug abuse: SB 4237
- Clearinghouse on education information: SB 4410, SSB 4395
- Council for post-secondary, report on scholar program fee waiver: *SHB 1246, CH 278 (1984)
- Drunk driver enforcement impact account: SHB 983
- Educational clinics, LBC duties: SB 4350
- Educational excellence act of 1984, adopted: SB 4576
- Excellence in education defined: SSB 4395
- Excellence, programs to promote and achieve: SB 4395

EDUCATION—cont.

- Independent institutions, contract with for cooperative educational efforts: SSB 4106
- Private schools, cooperative arrangements with public institutions: SB 4106
- Research, clearinghouse on education information: SB 4410, SSB 4395

EL SALVADOR

- Refugees, grant safe haven: *HJM 37 (1984), SJM 136

ELDERLY

- Abuse, DSHS investigate any person for suitability of care: SHB 1605, SB 4630
- Abuse, neglect, or abandonment, home care: *HB 1328, CH 97 (1984), SB 4644
- Abuse, neglect, or abandonment, immunity for reporting: *HB 1328, CH 97 (1984), SB 4644
- Abuse, neglect, or abandonment, provide protective services: *HB 1328, CH 97 (1984), SB 4644
- Abuse, neglect, or abandonment, reporting of required: *HB 1328, CH 97 (1984), SB 3060
- Age, defined as being between 40 and 70 for human rights commission purpose: SB 4623, SSB 4623
- Age discrimination, freedom from, is a civil right: SB 4479, SSB 4479
- Disabled, respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585
- Disabled, respite care for disabled adults and caregiver: *2SHB 1137, CH 158 (1984), SB 4743
- Fishing permits for groups of facility residents: *SB 3379, CH 33 (1984)
- Home care for abused or neglected: *HB 1328, CH 97 (1984), SB 4644
- Motor vehicle fuel tax exemption for nonprofit corporations: SB 3835, SSB 3835
- Motor vehicle license fees, persons over 65, reduced 50%: SB 4632
- Respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585
- Respite care for disabled adults and caregiver: *2SHB 1137, CH 158 (1984), SB 4743
- Social service agencies, investigate for competency: SHB 1605, SB 4630
- Social service agencies, minimum licensing requirements: SB 4630
- Tax exemption, relief eligibility requirements made uniform: SB 4747

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- Absentee ballots for unregistered qualified electors: 2SHB 761
- Absentee ballots, hospital patients: *SHB 1101, CH 27 (1984)
- Absentee voters, circumstances preclude normal mail delivery, procedure: *SHB 1547, CH 109 (1984), SB 4774
- Ballot proposition forms, tax levies: *SSB 3178, CH 131 (1984)
- Ballot title lengths equalized for local ballots: HB 401
- Bonds, state debt, limitation formula includes voter approved debt, exceptions: SB 3394
- Clerical error correction, polling places: *SB 4469, CH 35 (1984)
- Consolidation of contiguous municipal corporations, special election modifications: *HB 392, CH 203 (1984)
- Costs, state to pay prorated share: SB 4572
- County auditor, certain duties modified: SSB 4381
- County auditor duties modified: SB 4381
- County freeholders, appointments to fill vacancies: *SSB 3098, CH 163 (1984)
- County vacancies, local and legislative: SB 4405
- Cultural arts, stadium and convention district formation, proposition to appear at special election: HB 122
- Cultural arts, stadium and convention district formation, special election called by resolution: SSB 3608
- Energy facilities bond authorization, eligibility for voting expanded: SB 3001
- Exit polling law reenacted: HB 1529
- Federal reserve system, AG to challenge, submit to voters: SSB 4778
- Federal senate vacancies, same party, procedures: SSB 4381
- Federal, vacancy procedures: SB 4562, SSB 4381
- Federal, vacancy procedures, fill from original party: SB 4317, SSB 4381

ELECTIONS—cont.

- Filing procedures for indigents and others: *SHB 1282, CH 142 (1984), SB 4559, SSB 4559
- Filing procedures for indigents, nominating petition: *SHB 1282, CH 142 (1984), SSB 4559
- Financial disclosure of elected officials and executive state officers reconstructed: *SB 4312, CH 34 (1984)
- Hospital districts, territory removal procedures: *SHB 571, CH 100 (1984)
- Indigents and others, filing procedures: *SHB 1282, CH 142 (1984), SB 4559, SSB 4559
- Indigents, nominating petition: *SHB 1282, CH 142 (1984), SSB 4559
- Irrigation district polling places: *SSB 3868, CH 168 (1984)
- Local voter pamphlets authorized: *SHB 1415, CH 106 (1984), SB 4606, SSB 4606
- Olympic county created subject to voter approval: SB 3264
- Park and recreation service area, levies: SSB 4015, 2SSB 4015
- Polling places, clerical error correction: *SB 4469, CH 35 (1984)
- Precincts, large, additional precinct-committee persons authorized: SB 4738
- Property tax levies, voter authorization, clarified: *SSB 3178, CH 131 (1984)
- Recall procedures: *SSB 3984, CH 170 (1984)
- Redistricting commission, membership criteria: *SB 4304, CH 13 (1984)
- Redistricting commission membership, supreme court duties: *SB 4304, CH 13 (1984)
- Revisions of election laws: SB 4381
- School district elections at large: SB 3761, SSB 3761, 2SSB 3761
- School district excess levies, 3/5ths majority required: SHB 439
- School district excess levies, 40% validation requirement modified: 2SHJR 29
- School district levies, may exceed limitations, 1985-1990: SB 4141, SSB 4141
- Senate, U.S., vacancy, filling procedure, same political party: SSB 4381
- Special purpose districts, simplified: SHB 1134
- Vacancies in county local and legislative office: SB 4405
- Voter pamphlet, contain campaign mailing addresses and telephone numbers: *SHB 699, CH 54, (1984)
- Voter pamphlet, candidates' statement, conditions: SB 3449
- Voter pamphlet, counterfeit prohibited: *SHB 827, CH 41 (1984)
- Voter pamphlets, local authorized: *SHB 1415, CH 106 (1984), SB 4606, SSB 4606
- Voter registration, absentee ballots for unregistered qualified electors: 2SHB 761
- Voter registration services available in state offices: *SHB 1548, CH 211 (1984), SB 4768
- Voter registration, special absentee ballots: SB 4777
- Voting, absentee, procedures when precluded from normal mail delivery: *SHB 1547, CH 109 (1984), SB 4774

ELECTRICIANS

- Journeyman examination, eligibility modified: SB 4372

EMERGENCY SERVICES (See also MT. ST. HELENS)

- Athletic health care and training council created: SB 4484, *SSB 4484, CH 286 (1984)
- Comprehensive emergency management program: SB 4561, *SSB 4561, CH 38 (1984)
- Department name changed to emergency management: SB 4561, *SSB 4561, CH 38 (1984)
- Emergency management, duties modified: SB 4561, *SSB 4561, CH 38 (1984)
- Federal employees, standards in emergency medical care and transportation: SHB 1700
- Mutual aid compact enacted: *SSB 4561, CH 38 (1984)
- Mutual aid compact instead of civil defense and disaster: SB 4561
- Nuclear attack emergency evacuation plan not mandatory: SB 4561
- Nuclear attack, evacuation plan by political subdivisions optional: HB 1129
- Scene of emergency, duties of persons on the scene: SB 4361

EMPLOYMENT AGENCIES

- Age discrimination, 40 to 70 years, unfair practice to refuse employment: SB 3196

EMPLOYMENT AGENCIES—cont.

Sexual orientation, may not discriminate: SB 3289

EMPLOYMENT SECURITY, DEPARTMENT OF

Apprenticeship training, nontraditional: SB 3980

Automation plan, appropriation: *SB 4342, CH 16 (1984)

Economic stabilization task force, plant closures, layoffs: SB 4709, SSB 4709

Employees, permissible political activities redefined: SB 4326, SSB 4326

Job search services, layoffs, closures: SB 4709

Political activities, employees, permissible activities redefined: SB 4326, SSB 4326

Private sector job placement program: SB 3850, SSB 3850

Relocation assistance, layoffs, closures: SB 4709

Training and employment program established: SB 3973, SSB 3973

Training programs, retraining for similar wages: SB 4709

Youth jobs program, administration of: SB 3375, SSB 3375

ENDRESEN, MARK C.

Member, public employment relations commission:

GA 147, confirmed pp. 29,197,621

ENERGY FACILITIES AND ENERGY FACILITIES SITE EVALUATION COUN-

CIL (See also WPPSS)

Bond authorization elections, eligibility for voting expanded: SB 3001

Dangerous wastes from energy facilities, apply dangerous waste law: *SB 4607, CH 237 (1984)

Public disclosure reports: SSB 3259

ENERGY (See also UTILITIES; WPPSS)

State energy office, environmental impact statement regarding Hanford low-level radioactive waste site: SB 3027

Building efficiency, commercial and residential, thermal and lighting standards: HB 2

Cogeneration, electric utility shall interconnect on request: SB 3491, SSB 3491

Conservation analyses and financing authorized by electricity providers: SSB 3256

Conservation, state energy office to compile information: SB 4605, SSB 4605

Dangerous wastes from energy facilities, apply dangerous waste law: *SB 4607, CH 237 (1984)

District heating, operating permits for heat supplier: SSB 3225

Electric heat conversion standards: SSB 3890

Electrical rate structure, inverted structure to be adopted: SB 3265, SSB 3265

Energy account created to receive revenue from petroleum overcharges: SB 4580

Energy code, local governments shall not adopt more stringent standards: SB 4791

Energy facilities bond authorization, eligibility for voting expanded: SB 3001

Geothermal district heating, operating permits: SSB 3225

Hanford reservation, a National Energy Center: *HJM 30 (1984)

Hot water heater thermostat setback: SSB 3277

Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589

Hot water heater thermostat setback, solar reservoir exception: SB 4589

Hydroelectric power generation water use permits: SB 4236, SSB 4236

Hydroelectric power license fee increased: HB 411

Local governments shall not adopt more stringent energy codes: SB 4791

Model conservation standards for new structures: SB 3231

Model conservation standards, included in building code: SB 4782

Nursing home retrofits: SHB 1341, SB 4462, SSB 4462

Regional power council, one member from eastern Washington: SB 3827, *SSB 3827, CH 223 (1984)

Retrofits of nursing homes: SHB 1341, SB 4462, SSB 4462

Small power production, electric utility to interconnect on request: SB 3491, SSB 3491

ENERGY—cont.

- State energy office to compile information on energy conservation: SB 4605, SSB 4605
- Steam energy businesses, maximum rate for fees and taxes: SB 4627, SSB 4627
- Termination of heating service restricted: SB 4490, *SSB 4490, CH 251 (1984)
- Water power adjudications, fees to be used for: HB 411
- Water power license fees: HB 411
- Yakima river basin hydroelectric development: SSB 3873

ENERGY OFFICE, STATE

- Watson, Richard H., Director: GA 112, confirmed pp. 22,209,259

ENLOW, FRED C.

- Statement for journal: GA 95, board of trustees, Eastern Washington University, confirmed/withdrawn pp. 223,244

ENVIRONMENT (See also AIR POLLUTION; ECOLOGY, DEPARTMENT OF; HAZARDOUS SUBSTANCES; WATER)

- Acid rain, alpine lake monitoring by DOE: *2SHB 1174, CH 277 (1984)
- Acid rain, develop potential regulatory strategies: *2SHB 1174, CH 277 (1984)
- Acid rain study: SB 4565
- Acid rain study by 1/1/85: *2SHB 1174, CH 277 (1984)
- Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)
- Birth defects, information and surveillance: *SHB 1105, CH 156 (1984)
- Columbia river highway, develop alternative: SCR 141
- Conservation easements authorized: SB 3310
- Ground water used for public water supplies, planning element: *HB 1138, CH 253 (1984)
- Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)
- Mitigation responsibility of county re SEPA: SB 4323
- Profile developed, assist businesses in locating in state: *HB 1373, CH 94 (1984)
- Select science advisory council on acid rain: SB 4565
- Treaty authorized, Canada, PUD's, cities, agreements for recreation and environmental protection: *SHB 1778, CH 1 (1984), SB 4785, SSB 4785

EQUIPMENT, COMMISSION ON

- Designees of directors as commission members: SB 4344, SSB 4344

EVANS, DANIEL J.

- Member, Pacific Northwest electric power and conservation planning council: GA 107, returned to Governor's office p. 214

EVERETT COMMUNITY COLLEGE DISTRICT 5, BOARD OF TRUSTEES

- Bruland, Margaret, member: GA 161 p. 1588
- Massart, James A., member: GA 162 p. 31

EVERGREEN GIRLS' STATE

- Melisa Moore, Governor, addressed senate p. 582

EVERGREEN STATE COLLEGE

- Bond retirement fund: SB 4232, SSB 4232
- Tuition and fees, formula for increases: SSB 3882

EXCURSION SERVICES (See also PUBLIC TRANSPORTATION)

- Regulated: *SSB 3758, CH 166 (1984)

EXPO '86

- Dawson, Robert, deputy commissioner general, introduced p. 544

EXPORT ASSISTANCE CENTER, BOARD OF DIRECTORS

- Blosser, J. A. "Jack", member: GA 115, confirmed pp. 23,237,564
- Duff, Brian, member: GA 116, confirmed pp. 23,221,564
- Granger, Richard, member: GA 174, confirmed pp. 34,222,642
- Hendricks, D. J. "Jerry", member: GA 117, confirmed pp. 23,221,564
- Keach, Kenneth L., member: GA 118, confirmed pp. 24,221,582
- Lamb, Isabelle, member: GA 119, confirmed pp. 24,221,612
- Lekstrum, J. Marvin, member: GA 120, confirmed pp. 24,222,612

EXPORT ASSISTANCE CENTER, BOARD OF DIRECTORS—cont.

Little, Stanley M., member: GA 121, confirmed	pp. 24,222,590
Matson, Jim, member: GA 175, confirmed	pp. 34,222,629
Schrock, Richard T., member: GA 122	pp. 24,222
Williams, Nancy, member: GA 123, confirmed	pp. 24,222,629

EXPLOSIVES

Ports, weight and numbers, no restrictions: SB 4716

EXPORTING AND IMPORTING

Agricultural commodities trade (impact) center, provisional international marketing program: *SHB 1207, CH 57 (1984), SB 4398
Agriculture market development task force established: SB 4423, *SSB 4423, CH 90 (1984)
Commodities trade (impact) center, provisional international marketing program: *SHB 1207, CH 57 (1984), SB 4398
Forest products, provisional center for international trade, UW: *SHB 1205, CH 139 (1984), SB 4514
International investment, honorary commercial attache program established: *SSB 4849, CH 175 (1984)
International investments, office established: *SB 4852, CH 176 (1984)
International marketing program for commodities: SHB 1207, SB 4398
International trade development advisory council created: SHB 1193, SB 4494
International trade development, state advisory council established: SB 4494, *SSB 4494, CH 151 (1984), SCR 154
International trade information task force established: SHB 1193, SB 4494, *SSB 4494, CH 151 (1984), SCR 154
Port district sponsored export projects: SHB 1204, SB 4495, SSB 4495
Port districts authorized to create export corporations: SHB 1204, SB 4495, SSB 4495
Provisional center for international trade in forest products, UW: *SHB 1205, CH 139 (1984), SB 4514
Provisional international market program for agricultural commodities and trade center: *SHB 1207, CH 57 (1984), SB 4398
South African Krugerrands, sales and use tax exemption does not apply: SSB 3385, SB 3929
Special international trade information task force: SB 4494, *SSB 4494, CH 151 (1984), SCR 154

FAIRBANKS, DR. AVARD and DR. EUGENE

Introduced by Senator Goltz

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FAIRS AND EXPOSITIONS

Expo '86 international planning meeting delegates: SCR 122
Expo '86, state participation: SB 3229

FAMILY LAW

Adoption procedures modified: *SHB 626, CH 155 (1984)
Child abuse and neglect, investigate social service agencies: SHB 1605, SB 4630
Child care demonstration project for state employees: *SHB 1655, CH 162 (1984)
Child support, attorney fees: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373
Child support, collection of, DSHS limited to 10% per month: HB 1562, *SHB 1627, CH 260 (1984), SB 4303, SSB 4303, SB 4651
Child support, DSHS fee only after all others obligations satisfied: SSB 4303
Child support, DSHS may collect fee: *SHB 1627, CH 260 (1984)
Child support, enforcement and collection procedures: SB 4485
Child support, enforcement, attorney fees: SB 4671
Child support, enforcement orders, procedure: SB 4675
Child support, if DSHS collects, fees by nonpayer: SB 4303, SSB 4303
Child support joint committee created: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373
Child support, judgment lien on real property, payable in installments: SB 4675
Child support laws revised: SB 4373, SSB 4373
Child support obligations, liens on homestead: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373

FAMILY LAW—cont.

- Child support obligations, mandatory wage assignment: *SHB 1627, CH 260 (1984), SSB 4373
- Child support obligations, remedies for collection and enforcement: *SHB 1627, CH 260 (1984)
- Child support orders, health insurance coverage, conditions: SB 4730, *SSB 4730, CH 201 (1984)
- Child support, owe public assistance, procedures: *SHB 1627, CH 260 (1984)
- Child support payments, withheld if visitation interfered with: SB 4542, SSB 4542
- Child support, wage assignment: SB 4485
- Child support, wage assignment to county or state official: SB 4671
- Children and family services act, avoid out-of-home placement: SB 4252, SSB 4252
- Children and family services act, cost itemization: *SSB 4814, CH 180 (1984)
- Children and family services act, initial plan expanded: *SSB 4814, CH 180 (1984)
- Custodial interference, civil damages, expenses, fees: *SHB 1687, CH 95 (1984)
- Custodial interference, class C felony: SB 4485
- Custodial interference, 1st and 2nd degree: *SHB 1687, CH 95 (1984)
- Custody, interference with is a gross misdemeanor: SSB 3387
- Custody, joint provided for: SB 4485
- Custody, preferences established: SB 4485
- Domestic violence, family conciliation court jurisdiction not exclusive: SB 4480
- Domestic violence, family court has jurisdiction: SB 4485
- Domestic violence prevention act: SB 4541, *SSB 4541, CH 263 (1984)
- Domestic violence, provisions for relief: SB 4541, *SSB 4541, CH 263 (1984)
- Family abandonment, class C felony: *SHB 1627, CH 260 (1984)
- Family abandonment, gross misdemeanor: SB 4373, SSB 4373
- Family abandonment, penalties: SB 4672
- Family conciliation court, domestic violence jurisdiction not exclusive: SB 4480
- Family conciliation courts, procedures modified: SB 4480
- Family court has jurisdiction for domestic violence: SB 4485
- Family court name changed to family conciliation court: SB 4480
- Family nonsupport, class C felony: SB 4373, SSB 4373
- Family nonsupport, gross misdemeanor: *SHB 1627, CH 260 (1984)
- Inmate marriages: SB 4602
- Joint committee on child support created: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373
- Joint custody, presumption for: SB 4485
- Joint custody provided for: SB 4485
- Justice of peace references deleted, replaced with court of limited jurisdiction: SB 3424
- LBC study of children services: *SSB 4814, CH 180 (1984)
- Parentage actions, attorney fees: *SHB 1627, CH 260 (1984)
- Parentage actions, who may be compelled to testify, immunity: *SHB 1627, CH 260 (1984)
- Parentage actions, who may be joined: *SHB 1627, CH 260 (1984)
- Parentage questions, presumption, rebut by preponderance of evidence: *SHB 1627, CH 260 (1984)
- Paternity blood testing: *SHB 1627, CH 260 (1984)
- Paternity blood tests, experts report admissible: *SHB 1627, CH 260 (1984)
- Paternity blood tests, order if reasonable possibility sexual contract: *SHB 1627, CH 260 (1984)
- Paternity, human leukocyte antigen blood test, 95%: SB 4373, SSB 4373, SB 4656
- Paternity, human leukocyte antigen test: *SHB 1627, CH 260 (1984)
- Paternity, presumptions revised, remove certain marriage language: SB 4373, SSB 4373, SB 4656
- Protection orders, domestic violence: SB 4541, *SSB 4541, CH 263 (1984)
- Social service agencies, investigate for competency: SHB 1605, SB 4630
- Social service agencies, minimum licensing requirements: SB 4630
- Support enforcement, DSHS to require fee from nonpayer: SB 4303, SSB 4303
- Support enforcement, judgment liens on real property: SB 4373

FAMILY LAW—cont.

- Support enforcement laws revised: SB 4373, SSB 4373
- Uniform parentage act, updating and clarifying: *SHB 1627, CH 260 (1984)
- Visitation rights, child support withheld if visitation interfered with: SB 4542, SSB 4542
- Visitational interference, gross misdemeanor: SB 4485

FARROW, RICHARD M.

Member, joint select committee on industrial insurance p. 1301

FEDERAL GOVERNMENT

- Abduction of children, Hague convention, ratify: SJM 124
- Balanced federal budget requested: SJM 126
- Boldt decision: SJM 120
- Central America, policy modification requested: SJM 138
- Clean air act, DOE authorized to participate: SB 4573
- Coal mining, federal preemption, procedure: *SHB 480, CH 215 (1984)
- Constitutional convention to prohibit changing scope and object of bills: SJM 132
- Economic equity act, equality for women: *HJM 16 (1984)
- El Salvadoran refugees, grant safe haven: *HJM 37 (1984), SJM 136
- Elections, state to pay a prorated share of cost: SB 4572
- Elections, vacancy procedures: SB 4562
- Elections, vacancy procedures, fill from original party: SB 4317
- Emergency medical care and transportation, standards for federal employees: SHB 1700
- Federal income tax indexation elimination, prevent: SJM 137
- Federal reserve act, repeal: SJM 121
- Federal reserve system, AG to challenge, submit to voters: SSB 4778
- Federal reserve system, challenge in the supreme court: SB 4778, SSB 4778
- Fireworks, alcohol, cigarettes, interstate transportation: SJM 130
- Fireworks, dangerous, restrict interstate transportation: SJM 129
- Fireworks, state jurisdiction on federal enclaves requested: SSJM 130
- Grays Harbor improvement project requested: *HJM 33, (1984)
- Grenada, support expressed for policy: SJM 135
- Guatemalan refugees, grant safe haven: *HJM 37 (1984), SJM 136
- Hague convention, abduction of children, ratify: SJM 124
- High-level radioactive waste, long-term disposal, agreements: *SHB 1637, CH 161 (1984)
- HJM 16, exempted from applicable cutoff date: SCR 124
- Industrial development bonds, per capita limit, do not adopt: SJM 122
- Japanese-Americans, relocated, financial assistance: SJM 125
- Judges, tenure of 6 years except supreme court: SJM 128
- Middle east, support expressed for policy: SJM 134
- Mortgage revenue bond interest tax exemption, reenactment requested: SJM 123
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- Nuclear waste policy, consideration of liability issue: *SJM 131 (1984)
- Radioactive waste sites, review others: *SJM 127 (1984)
- Reagan commended for economic policies: SJM 133
- Redistricting commission, membership criteria: *SB 4304, CH 13 (1984)
- Redistricting commission membership, supreme court duties: *SB 4304, CH 13 (1984)
- Regions, state participation prohibited: SB 4393
- Savings account, 10% interest withheld, eliminate: SJM 104
- Scope and object of bill, change, prohibited: SJM 132
- State participation in federal regions prohibited: SB 4393
- Taxpayer antitrust enforcement act of 1983: *HJM 34 (1984)
- Unanticipated funds, expenditure procedure: SB 4349
- Unemployment compensation, extended benefit eligibility criteria modified: SB 3086, SSB 3086
- Vietnam war, dead or missing honored: *SHB 1266, CH 81 (1984), SB 4586

FENNERTY, FRANK

Member, board of industrial insurance appeals: GA 173 p. 33

FINANCIAL INSTITUTIONS (See also BANKS; CREDIT UNIONS; SAVINGS AND LOAN ASSOCIATIONS)

Activities which may be performed: SB 3813, SSB 3813
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 Bad checks, remedies: SB 4366, SSB 4366
 Banker's bank: SB 3813, SSB 3813
 Deeds of trust, foreclosure provisions modified: SB 4591, SSB 4591
 Department of financial institutions created: SB 4608
 Escrow agents, certification under supreme court's admission to practice rules: SB 4652
 Escrow business, procedures revised: SB 4546, SSB 4546
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 Holding companies, out-of-state, investigation fee increased: SSB 3703
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 Investments, market agricultural loans: SB 4594
 Loans to employees, limits: SB 4594
 Out-of-state holding companies, investigation fee increased: SSB 3703
 Public depositaries, law revised: SB 4332, *SSB 4332, CH 177 (1984)
 Satellite facilities, savings and loan: SSB 3701
 Savings account, 10% interest withheld, eliminate: SJM 104
 Small business assistance coordinating council: *2SHB 689, CH 282 (1984)
 Supervisor of banking, visit banks and trusts every 18 months: SB 4594
 WPPSS financial resolution called for: SCR 107

FIRE PROTECTION (See also STATE FIRE MARSHAL)

Buildings, fire safety director or staff immune from good faith acts: SSB 3057
 Burning permits, issuance: *SB 4650, CH 229 (1984)
 Clean up of hazardous material incidents, liable for extraordinary costs: *SSB 3740, CH 165 (1984)
 Day care registration and safety: SSB 3739
 Disability denied, return to duty allowed: SB 4354
 District reorganization: SB 4711, *SSB 4711, CH 230 (1984)
 Districts, building and property inspections, authority: *SB 4619, CH 238 (1984)
 Districts, burning permits, issuance: *SB 4650, CH 229 (1984)
 Districts, comprehensive statutory modification: SB 3902
 Districts, contracting authority: *SB 4619, CH 238 (1984), SB 4621
 Districts, joint operations, modifications: *SB 4619, CH 238 (1984)
 Districts, powers modified: *SB 4619, CH 238 (1984), SB 4621
 Districts, public works, competitive bids, exceptions: *SB 4619, CH 238 (1984), SB 4646, SSB 4646
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 Districts, service charges, revised: SB 4694
 Explosives, port district destined, not restrictions: SB 4716
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 Hazardous materials incident command agency designation optional: *SSB 3740, CH 165 (1984)
 Hazardous substances in the workplace and community, disclosure: SSB 4831, *2SSB 4831, CH 289 (1984)
 Hazardous waste handlers public disclosure records: SHB 669
 Joint select committee on law enforcement officers' and fire fighters' retirement system: SCR 149
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 LEOFF, disability denied, return to duty allowed: SB 4354
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 Pension liabilities, budget document and appropriation bill to include: SB 4566
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Retirement, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)

Retirement, tax deferral benefits: *SSB 4477, CH 227 (1984)

Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)

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Smoking in public areas restricted: SHB 229

Volunteer firemen's relief and pension fund, PERS membership status: SB 4687, *SB 4731, CH 121 (1984)

FIREWOOD

Sales tax exempt if non-store sales for personal use: SB 4353

FIREWORKS

Common fireworks defined and prohibited: SB 4377

Common fireworks, definition modified: SB 4496

Common fireworks specifically defined: *SHB 1652, CH 249 (1984)

Fines increased: SB 4377

Gross misdemeanor for certain violations: *SHB 1652, CH 249 (1984), SB 3636

Gross misdemeanor for violations: SB 4377

Hours of use, may not discharge after 11 p.m. and before 9 a.m.: *SHB 1652, CH 249 (1984), SB 3636

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Interstate transportation of dangerous, restrict: SJM 129

Jurisdiction of state over federal enclaves requested: SSJM 130

License needed to manufacture, import, possess, or sell at wholesale or retail: *SHB 1652, CH 249 (1984)

Licensing of manufacturers, importers, wholesalers, or retailers: SB 4496

Local option, use permits: SB 4471

Local regulations may be more restrictive: *SHB 1652, CH 249 (1984)

Major modification of regulations: *SHB 1652, CH 249 (1984)

Manufacturers, importers, or wholesalers need designated agents in state: *SHB 1652, CH 249 (1984)

Permits for public display, bond requirements: *SHB 1652, CH 249 (1984)

Safety education money from seized goods sale: SB 4496

Sale, violations, penalties: *SHB 1652, CH 249 (1984)

Seizure, destroy or sell at public auction: *SHB 1652, CH 249 (1984)

Seizure, disposal procedure: SB 4496

Special fireworks defined: *SHB 1652, CH 249 (1984), SB 4377

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State fire marshal to classify: *SHB 1652, CH 249 (1984)

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Aquatic land enhancement account, cooperative fish and game projects: *2SHB 1231, CH 221 (1984)

Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)

Boldt decision: SJM 120

Bottom trawling in parts of Puget Sound prohibited: SHB 1165

Cooperative fish and game projects funded through aquatic land enhancement account: *2SHB 1231, CH 221 (1984)

Cooperative fish and wildlife enhancement projects, volunteers: 2SHB 1231, SB 4367, *SSB 4367, CH 72 (1984)

Dungeness crab, Puget Sound, need license endorsement: SB 3475

Emergency task force on salmon and steelhead trout: SCR 148, SSCR 148

Fish farming exempted from certain taxes: SB 3929, SB 4290

Fishing licenses, steelhead punchcard free if certain conditions met: SSB 3800

Fishing permit for groups from residential facilities: *SB 3379, CH 33 (1984)

Geoduck intensive management plan, geoduck hatchery: *2SHB 1231, CH 221 (1984)

Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)

Hatcheries, sale of surplus salmon: SB 3647

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- Hydraulic projects, plans no longer required, approval by departments to be reasonably given: SSB 3154
- License buy back purchase program modified: *SB 4428, CH 67 (1984)
- License plates, personalized, nongame specie clarified: HB 803
- Prison work programs, fish and game: SB 4411
- Prison work programs, fish, game, shellfish: SSB 4411
- Puget Sound, certain bottom trawling prohibited: SHB 1165
- Salmon and steelhead trout emergency stock force: SCR 148, SSCR 148
- Salmon, barbed hook regulations: SB 3534
- Salmon delivery permits: SB 4174
- Salmon hatchery enhancement program, double current production levels: SB 4697
- Salmon, surplus, sale provided for: SB 3647
- Spear gun fishing regulated: SB 4307
- Steelhead, national game fish, black bass act: SB 4697
- Steelhead punchcard free if certain conditions met: SSB 3800
- Technical corrections in fisheries code: *HB 1162, CH 80 (1984)
- Threatened and endangered species, joint select committee created: *SSB 4788, CH 239 (1984)
- Treaties shall not deny rights based on race, sex, etc.: SB 4697
- Vessel and licenses, purchase program modified: *SB 4428, CH 67 (1984)
- Volunteer fish and wildlife enhancement projects: 2SHB 1231, SB 4367, *SSB 4367, CH 72 (1984)
- Warm water fish stamp, requirement removed: SB 3045, *SSB 3169, CH 240 (1984)
- Water, minimum flows required before permits issued: SB 4664

FLAVEL, CAPTAIN M. R.

- Member, board of pilotage commissioners:
GA 200, confirmed pp. 542,597,780

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- Sugar Ray Seales, benefit p. 99
- Personal privilege, tribute to Dr. Martin Luther King, Jr. p. 140
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FLOOD CONTROL DISTRICTS

- Election and operation procedures simplified: SHB 1134
- Flood control assistance fund: *SHB 1531, CH 212 (1984)
- Flood control maintenance projects: *SHB 1531, CH 212 (1984)

FLOOR RESOLUTIONS - HOUSE

- Debbie Armstrong, gold medal in giant slalom, superb performance congratulated: *SFR 148 (1984)

FLOOR RESOLUTIONS - SENATE

- Accessory apartments, study: SFR 191
- Ad hoc committee to study noncurriculum education services: SFR 130
- Association of Washington Generals, honored: *SFR 154 (1984)
- Bad checks and drafts, remedies for holders, study by committee on financial institutions: SFR 141
- Bellevue High School Wolverines: *SFR 143 (1984)
- Big game resources, study: SFR 185
- Bills, 1983-1984, indefinitely postpone: *SFR 200 (1984)
- Bob Gregson: SFR 180
- Boy Scouts: *SFR 140 (1984)
- Charles Hough: SFR 177
- Christopher Hedrick: SFR 178
- Colleges, governance, study: SFR 173
- Community college students commended: *SFR 134 (1984)

FLOOR RESOLUTIONS - SENATE—cont.

- Community growth, study: SFR 192
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 Debbie Armstrong, gold medal in giant slalom, superb performance congratulated: *SFR 148 (1984)
 Department of game, landowners, study: SFR 196
 Developmental disabilities, residential facilities, study: SFR 167
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 FBLA-PBL, 2/14/84 be declared future business leaders of America-Phi Beta Lamda day: *SFR 145 (1984)
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 Fire protection, senate oversight committee: SFR 172
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 Gordon Hannaford, condolences offered to family: *SFR 132 (1984)
 Grays Harbor deep water port navigation improvement project, proceed: *SFR 129 (1984)
 Health care costs, study: SFR 175
 Henry M. Jackson Parkway, designate SR 500 as: *SFR 144 (1984)
 Henry Rahn paid tribute as chaplain coordinator: *SFR 126 (1984)
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 Hugh J. Rosellini, gratitude for contributions expressed: *SFR 133 (1984)
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 John Fluke, Sr.: *SFR 147 (1984)
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 Life care industry, study: SFR 159
 Lions Clubs: *SFR 152 (1984)
 Malcolm McLellan: *SFR 127 (1984)
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 Matteus Kjelstad, tribute given: *SFR 137 (1984)
 National eye care month, eye health care month, endorsed: *SFR 131 (1984)
 Noncurriculum education services, study: SFR 130
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 Olympic games, all participants lauded: *SFR 149 (1984)
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 Public assistance employment, study: SFR 193
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 Religious freedom, neutrality: *SFR 128 (1984)
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 Seattle University Falcons, soccer champs: *SFR 146 (1984)
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 Senate rule 61 amended: *SFR 142 (1984)

FLOOR RESOLUTIONS - SENATE—cont.

- Sergeant Matt Dryke, unique talents as a world champion skeet shooter lauded:
 *SFR 136 (1984)
- Shell fish habitat, pollution, study: SFR 184
- Sine die, 1984, house notified: *SFR 199 (1984)
- Skagit Valley Cardinals: SFR 171
- State government competition with private industry, study: SFR 190
- State securities act, study: SFR 165
- State-owned living units, study: SFR 168
- Telephone access line charges, immediate action to reverse and redress: *SFR
 138 (1984)
- Unemployment insurance, study: SFR 169
- Violence, labor disputes, study: SFR 198
- Washington, conservation corps, Washington youth employment, study: SFR 194
- Wildlife damage, crops, study: SFR 189

FLORES, RUEBEN A.

- Member, board of trustees, Central Washington University:
 GA 187, confirmed pp. 36.1321.1455

FOOD (See also AGRICULTURE)

- Candy, small amounts of alcohol authorized: SB 4758, *SSB 4758, CH 78 (1984)
- Dietetics practices act: SB 4379, SSB 4379
- Institutional industries, perishable foods, timber, agricultural surpluses may be
 sold or donated: SB 3527
- Meat, in bulk or gross, retail sale information: SB 4420
- Milk and milk product testing laws: SB 4419, *SSB 4419, CH 226 (1984)
- Surplus salmon sales: SB 3647
- Tax, definition for exemption modified: SB 4370
- Tax on food for human consumption prohibited: SJR 131

FORT STELACOOM COMMUNITY COLLEGE DISTRICT 11, BOARD OF TRUSTEES

- Stewart, Rindetta D., member: GA 189, confirmed pp. 36.1321.1455

FUJII, MICHIO

- Member, board of tax appeals: GA 195, confirmed pp. 202.1222.1304

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- Aging, state council on, fund prohibition repealed: SB 4346
- Aquatic land enhancement account: SB 4232, SSB 4232
- Aquatic land enhancement account, cooperative fish and game projects: *2SHB
 1231, CH 221 (1984)
- Aquatic land enhancement account created: *2SHB 1231, CH 221 (1984)
- ASB program fund, donations, use: *SHB 1400, CH 98 (1984)
- Boxing account created for medical expenses: SSB 4459
- Boxing fund created: SB 4459
- Budget stabilization account, appropriation calculation revised: SB 4714
- Capital purchase and development account, fund distribution: SB 4232, SSB 4232
- Cattle security interest fees revolving fund: SB 4487
- Centennial partnership fund: SB 4794, *SSB 4794, CH 231 (1984)
- Children's trust fund: SSB 4408
- Children's trust fund, money received by child abuse and neglect council: SB
 4653, *SSB 4653, CH 261 (1984)
- Cooperative fish and game projects funded through aquatic land enhancement
 account: *2SHB 1231, CH 221 (1984)
- Corrections, impact on communities, appropriation revised: SB 4319, *SB 4798, CH
 246 (1984)
- Criminal justice training account, no parking fine to be deposited: SB 4797
- Double bunking at Shelton, community impact, appropriation revised: SB 4319,
 *SB 4798, CH 246 (1984)
- Drunk driver enforcement impact account: SHB 983
- Employment security automation plan: *SB 4342, CH 16 (1984)

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- Energy account created to receive revenue from petroleum overcharges: SB 4580
- Financial report of all funds and accounts annually: *SB 4504, CH 247 (1984)
- Flood control assistance fund: *SHB 1531, CH 212 (1984)
- Grant county arterial highway construction: SSB 4055
- Hazardous waste control and elimination account: 2SSB 3722
- Higher education supplement retirement fund established: SB 4478
- Hospital fair share trust fund for uncompensated care established: SB 4403
- Industrial insurance fund established as workers' compensation entity: SB 4616
- Industrial insurance fund, numerous funds transferred to: SB 4616
- Legislative facilities fund established: SSB 3622
- Lottery funds for handicapped children education: SB 4786
- Parking fines are not to be deposited in the criminal justice training account: SB 4797
- Parkland acquisition account established: SB 4775, *SSB 4775, CH 87 (1984)
- Public facilities construction loan revolving fund, certain accounts moved to: SB 4564
- Public facilities construction loan revolving fund modified: *SHB 1262, CH 257 (1984), SB 4570
- Public works assistance account established: *SSB 4404, CH 244 (1984)
- Public works revolving fund established: SB 4404
- Resource management cost account created: *2SHB 181, CH 222 (1984)
- Revolving funds, bid procedures for excess contracts: SSB 4063
- School employee suggestion award program: SB 4285
- Shelton, double bunking impact on community, appropriation revised: SB 4319, *SB 4798, CH 246 (1984)
- Supplemental retirement fund established: SB 4478
- Surface mine reclamation account created: *SHB 480, CH 215 (1984)
- Training and employment trust fund: SB 3973, SSB 3973
- Travel trailers, excise tax to the outdoor recreation account: SB 4297
- Unanticipated funds, expenditure procedure: SB 4349
- Veteran's relief fund: SSB 4259
- Worker and community right-to-know fund established: SSB 4831, *2SSB 4831, CH 289 (1984)
- Workers' compensation administrative fund established: SB 4616

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- Public assistance application, up to 10 days after: SB 4330

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- Earley, John A., member: GA 124 p. 25
- Pokornowski, Dick, member: GA 9,
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- Waldt, Lawrence, member: GA 10,
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- Williams, Pat, member: GA 197 p. 287

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- Card games, commercial stimulants, businesses holding liquor licenses, conditions: SB 3114
- Card games, maximum charge and rate of tax raised: SB 4387
- Coin-operated devices, tax modified: *SB 4286, CH 135 (1984)
- Commercial stimulant redefined regarding sales of food and drink: SB 4360
- Contests of chance, grocery outlets: SHB 1169, SB 4517
- Contests of chance, valuable consideration definition modified: SHB 1169, SB 4517
- Food and drink sale minimums imposed: SB 4360
- Fund raising event, gross wagers and bets, ceiling raised: *HB 1149, CH 207 (1984)
- Fund raising event, held jointly, conditions: *HB 1149, CH 207 (1984)
- Grocery outlets, contests of chance: SHB 1169, SB 4517
- Joint fundraising events, conditions: *HB 1149, CH 207 (1984)

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- Member defined, chapters or units within parent organizations: *HB 1149, CH 207 (1984), SB 4516
- Member of nonprofit organization, enlarged to include national membership: SSB 3434, *SB 4300, CH 70 (1984)
- Nonprofit organizations revenue increased: SB 3312
- Nonprofit organizations, winnings, limit increased: SSB 3434
- Political campaign committee, requirements: SB 3114
- Promotional drawings, valuable consideration redefined: SB 3977
- Pull tabs and punchboards, increased fees to replace revenue lost from coin-operated device tax: *SB 4286, CH 135 (1984)
- Pull-tabs, limitation of stakes: SB 3114
- Punch cards and pull-tabs, charge and tax raised: SB 4389
- Racketeering, penalties: SB 4435, *SSB 4435, CH 270 (1984)
- Slot machines, tax modified: *SB 4286, CH 135 (1984)
- Taxation of receipts: SB 3114
- Valuable consideration definition modified: SHB 1169, SB 4517

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- Aquatic land enhancement account, cooperative fish and game projects: *2SHB 1231, CH 221 (1984)
- Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)
- Bow and arrow, state-wide season: SSB 4084
- Cooperative fish and game projects funded through aquatic land enhancement account: *2SHB 1231, CH 221 (1984)
- Cooperative fish and wildlife enhancement projects, volunteers: 2SHB 1231, SB 4367, *SSB 4367, CH 72 (1984)
- Director, authority to adopt emergency rules: SB 3169
- Duck blinds, shall not vandalize if intend to make them unusable: SB 4640
- Duck stamp required: SHB 1309
- Emergency rule adoption by director, housekeeping change: *SSB 3169, CH 240 (1984)
- Emergency task force on salmon and steelhead trout: SCR 148, SSCR 148
- Firearms pamphlet to be published: SSB 4859
- Fishing licenses, steelhead punchcard free if certain conditions met: SSB 3800
- Fishing permits for groups of elderly and handicapped: *SB 3379, CH 33 (1984)
- Geese, migratory waterfowl stamp required: SHB 1309
- Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)
- Harassment of a hunter is unlawful: SB 4640
- Hunter orange may be required: SB 4315, SSB 4315
- Hunting license, increase of fees: SB 3169
- Hydraulic projects, plans no longer required, approval by departments to be reasonably given: SSB 3154
- In lieu of taxes: *SHB 105, CH 214 (1984)
- Intent to hunt, prerequisite to license purchase: SB 4640
- Interference with hunting, unlawful on public lands: SB 4640
- Intimidation of a hunter is unlawful: SB 4640
- License plates, personalized, nongame specie clarified: HB 803
- Licenses, tags, permits, need intent to hunt for purchase: SB 4640
- Luring game with intent to prevent their being hunted, unlawful: SB 4640
- Migratory waterfowl art committee: SHB 1309
- Migratory waterfowl stamp required: SHB 1309
- Moose, requirement of supplemental stamp: SB 3169
- Noise devices on public lands unlawful if intend to stampede game: SB 4640
- Prison work programs, fish and game: SB 4411
- Prison work programs, fish, game, shellfish: SSB 4411
- Salmon and steelhead trout emergency task force: SCR 148, SSCR 148
- Salmon, barbed hook regulations: SB 3534
- Spear gun fishing regulated: SB 4307
- Special hunting season defined: *SSB 3169, CH 240 (1984)
- Steelhead, national game fish, black bass act: SB 4697
- Steelhead punchcard free if certain conditions met: SSB 3800

GAME, DEPARTMENT OF—cont.

- Supplemental stamps, refund if not selected: *SSB 3169, CH 240 (1984)
- Threatened and endangered species, joint select committee created: *SSB 4788, CH 239 (1984)
- Unlawful to purchase tags, etc. with no intent to hunt: SB 4640
- Vandalism of duck blinds with specific intent outlawed: SB 4640
- Volunteer fish and wildlife enhancement projects: 2SHB 1231, SB 4367, *SSB 4367, CH 72 (1984)
- Warm water fish stamp, requirement removed: SB 3045, *SSB 3169, CH 240 (1984)

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- Alcohol in motor vehicle fuel, label dispensing device: *SHB 1668, CH 61 (1984)

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- Point of order p. 876

GENERAL ADMINISTRATION (See also BANKS; CREDIT UNIONS; SAVINGS AND LOAN ASSOCIATIONS)

- Child care demonstration project for state employees: *SHB 1655, CH 162 (1984)
- Comparable worth, committee to study established: *HCR 34 (1984)
- Computer-based economic analysis for procurement: SB 3769, SSB 3769
- Emergency purchasing, legislative oversight: *HB 1119, CH 102 (1984)
- Financial institutions department created: SB 4608
- Legislative buildings, removed from control of Dept. of Gen. Admin.: SSB 3622
- Life-cycle cost, expand beyond energy analysis: SB 4292
- Minority and women-owned businesses, participation enhanced: SB 4328
- Motor pool, school director's association may use: SB 3773
- Purchasing, adding premium to bids of out of state vendors with preferences: SB 3422
- Purchasing and material control policies, submit to legislature: SB 3769, SSB 3769
- Purchasing, consider return on investment, lease versus purchase, present value theories, life-cycle costing: SB 3769, SSB 3769
- Purchasing, emergency, legislative oversight: *HB 1119, CH 102 (1984)
- Purchasing, outside continental USA, competitive bid procedures repealed: SB 3417
- State agencies and higher education, purchasing limits: SB 3412
- Supply management advisory board membership increased: SB 3769, SSB 3769
- Uniform procurement system to be developed: SB 3769, SSB 3769
- Veterans' loan insurance program repealed: *HB 1108, CH 29 (1984), SB 4291

GIRL SCOUTS OF AMERICA

- Introduced p. 1233

GOLTZ, SENATOR H. A. "BARNEY" (See also PRESIDENT PRO TEMPORE, RULINGS BY PRESIDENT PRO TEMPORE, also PARLIAMEN-TARY INQUIRIES)

- Point of order p. 438
- Introduction of artist Dr. Avarad Fairbanks and son,
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GOTLIEB, ALAN E.

- Ambassador of Canada, message to joint session pp. 252-256

GOVERNOR (See also SPELLMAN, GOVERNOR JOHN)

- Boards and commissions, uniform compensation: *HB 1159, CH 287 (1984)
- Child abuse and neglect council name changed to prevention of child abuse and neglect: SB 4653, *SSB 4653, CH 261 (1984)
- Compensation made uniform for boards and commissions: *HB 1159, CH 287 (1984)
- Criminal justice advisory commission established: SB 3429
- Criminal justice council repealed: *HB 1110, CH 30 (1984), SB 4293
- Economic and revenue forecasting council created: *SHB 1083, CH 138 (1984)
- Financial report of all funds and accounts annually: *SB 4504, CH 247 (1984)
- Gubernatorial appointments, need confirmation by next regular session: SB 3507
- Jail capacity emergency: *SHB 1247, CH 209 (1984), SB 4472

GOVERNOR—cont.

- Medal of merit created for deceased: HB 1369
- Medal of merit for exceptionally meritorious conduct: HB 1369
- Notify governor that legislature is ready, state of the state message: *HCR 31, (1984)
- Nutrition, temporary commission on childhood nutrition established: SB 3228
- Regional strategy for tourism promotion: SB 4511
- Remarks regarding signing of SSB 4274. p. 653
- Salary increase: SB 4767
- Salary increase, then 7% per year to 1990: SSB 4767
- Salary, other state employees must be lower: SB 3427
- Supplemental 1984 budget adopted: *SHB 1156, CH 285 (1984)
- Supplemental 1984 capital budget adopted: *SHB 1157, CH 182 (1984)
- Supplemental 1984 transportation budget adopted: *SHB 1200, CH 2 (1984)
- Tourism promotion, regional strategy: SB 4511
- Tourism, public nonprofit corporation authorized: SB 4511
- Unanticipated funds, expenditure procedure: SB 4349
- World expo of 1986, state participation: SB 3229

GRANGER, RICHARD A.

- Member, export assistance center board:
GA 174, confirmed pp. 34,222,642

GRANLUND, SENATOR BARBARA

- Statement for journal, vote on SSB 4402 p. 484
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GRANT, SHAUNA BERGESON

- Miss Moses Lake, introduced p. 1413

GRAYS HARBOR

- Deep water port, navigation improvement project, proceed: *SFR 129 (1984)
- Navigation improvement project requested: *HJM 33, (1984)

GRENADA

- Policy, support of expressed: SJM 135

GUATEMALA

- Refugees, grant safe haven: *HJM 37 (1984), SJM 136

GUBERNATORIAL APPOINTMENTS (See also individual names)

- Alden, Christenia L., member, commission for vocational education: SGA 169, confirmed
- Alverson, Robert D., member, Pacific marine fisheries commission: SGA 142, confirmed
- Anderson, Deanna, member, Washington high-technology coordinating board: SGA 176, confirmed
- Baker, Donald M., member, Washington high-technology coordinating board: SGA 177, confirmed
- Banks, Cherry A. McGee, member, board of trustees, Shoreline community college district no. 7: SGA 93, confirmed
- Berry, C. Michael, member, WPPSS executive board of directors: SGA 67, withdrawn
- Blosser, J.H. "Jack", member, export assistance center board of directors: SGA 115, confirmed
- Borth, Judith J., member, board of trustees for Wenatchee community college district no. 15: SGA 164
- Bradford, Robert W., member, Washington high-technology coordinating board: SGA 178, confirmed
- Brock, Marilu M., member, board of trustees for Highline community college district no. 9: SGA 204
- Brockett, Donald C., member, sentencing guidelines commission: SGA 152, confirmed
- Bruland, Margaret, member, board of trustees for Everett community college district no. 5: SGA 161

GUBERNATORIAL APPOINTMENTS—cont.

- Cable, Thomas, member, council for postsecondary education: SGA 184
- Clarke, Harold D., member, sentencing guidelines commission: SGA 153, confirmed
- Coan, Michael D., member, council for postsecondary education: SGA 146
- Colligan, Chief Bernard, member, juvenile disposition standards commission: SGA 137, confirmed
- Collins, Charles T., member, Pacific Northwest electric power and conservation planning council: SGA 203, confirmed
- Costa, Manuel, E., member, sentencing guidelines commission: SGA 186, confirmed
- Doub, James A., member, Washington high-technology coordinating board: SGA 180, confirmed
- Duff, Brian R., member, export assistance center board of directors: SGA 116, confirmed
- Dziedzic, Paul, director, department of services for the blind: SGA 111, confirmed
- Earley, John A., member, gambling commission: SGA 124
- Edmondson, Betty L., member, board of trustees for Yakima community college district no. 16: SGA 192
- Endresen, Mark C., member, public employment relations commission: SGA 147, confirmed
- Enlow, Fred C., member, board of trustees, Eastern Washington University: SGA 95, withdrawn
- Evans, Daniel J., member, Pacific Northwest electric power and conservation planning council: SGA 107, withdrawn
- Fennerty, Frank, member, board of industrial insurance appeals: SGA 173
- Flavel, Captain M.R., member, board of pilotage commissioners: SGA 200, confirmed
- Flores, Rueben A., member, board of trustees for Central Washington University: SGA 187, confirmed
- Fujii, Michiko, member, board of tax appeals: SGA 195, confirmed
- Granger, Richard A., member, export assistance center board of directors: SGA 174, confirmed
- Haas, Catherine May, member, human rights commission: SGA 134, confirmed
- Hall, Mary D., member, utilities and transportation commission: SGA 63
- Hancock, Robert L., member, Washington high-technology coordinating board: SGA 179, confirmed
- Haworth, David P., member, marine employees' commission: SGA 140, confirmed
- Hendricks, D.G. "Jerry", member, export assistance center board of directors: SGA 117, confirmed
- Hennum, Lars, member, state board of pharmacy: SGA 97, confirmed
- Herman, Michael Kim, member, housing finance commission: SGA 126, withdrawn
- Hirai, Paul, member, board of trustees for Big Bend community college district no. 18: SGA 165
- Hume, Frederick R., member, Washington high-technology coordinating board: SGA 181, confirmed
- Hyslop, Thomas, member, board of regents for Washington State University: SGA 150
- Ikeda, Tsuguo "Ike", member, commission for vocational education: SGA 170, confirmed
- James, Carol B., member, board of trustees for Bellevue community college district no. 8: SGA 163
- Johnson, Charles V., member, sentencing guidelines commission: SGA 154, confirmed
- Jones, John D., member, board of tax appeals: SGA 155, confirmed
- Justice, David, member, board of trustees, Walla Walla community college district no. 20: SGA 85, confirmed
- Keach, Kenneth L., member, export assistance center board of directors: SGA 118, confirmed
- Kirschbaum, James L., chair, housing finance commission: SGA 127

GUBERNATORIAL APPOINTMENTS—cont.

- Kokjer, Donald E., member, marine employees' commission: SGA 141, confirmed
- Lamb, Isabelle, member, export assistance center board of directors: SGA 119, confirmed
- Laxton, H. Dean, member, board of trustees, Big Bend community college district no. 18: SGA 58, confirmed
- LeCocq, Irwin J., member, board of trustees, Western Washington University: SGA 39, confirmed
- Lee, Kai N., member, Pacific Northwest electric power and conservation planning council: SGA 144, confirmed
- Lekstrum, J. Marvin, member, export assistance center board of directors: SGA 120, confirmed
- Little, Carol C., member, housing finance commission: SGA 128
- Little, Stanley M. Jr., member, export assistance center board of directors: SGA 121, confirmed
- Littlejohn, Marilyn J., member, housing finance commission: SGA 129
- Lobe, Ludwig, member, health care facilities authority: SGA 91, confirmed
- Loposer, Avery K., member, board of trustees for Olympic community college district no. 3: SGA 160, confirmed
- Mack, Paul, member, state lottery commission: SGA 20, withdrawn
- Mackey, Ralph E., member, interagency committee for outdoor recreation: SGA 135, confirmed
- Maleng, Judith T., member, board of trustees for Western Washington University: SGA 159
- Massart, James E., member, board of trustees for Shoreline community college district no. 7: SGA 162
- Matson, Jim, member, export assistance center board of directors: SGA 175, confirmed
- Mayo, Ronald D., member, WPPSS executive board of directors: SGA 171
- Metz, Elizabeth N., member, board of trustees for Highline community college district no. 9: SGA 202
- McCormmach, Jane M., member, higher education personnel board: SGA 125
- McGough, Hugh R., member, public disclosure commission: SGA 198, confirmed
- McHenry, Darlene C., member, human rights commission: SGA 68, confirmed
- Moldstad, W. Kelley, member, board of trustees for Skagit community college district no. 4: SGA 188
- Moriguchi, Tomio, member, board of trustees, Seattle community college district no. 6: SGA 73, confirmed
- Novak, Vanna H., member, state lottery commission: SGA 138
- Olesen, Douglas E., member, Washington high-technology coordinating board: SGA 182, confirmed
- Olsen, Jeanne Rounds, member, board of regents for Washington State University: SGA 151
- Olson, Donald L., member, board of trustees for Spokane community college district no. 17: SGA 193, confirmed
- O'Neil, William J., member, board of trustees for Whatcom community college district no. 21: SGA 166, confirmed
- Owen, Brad, member, pacific marine fisheries commission: SGA 143, confirmed
- Patton, Carolyn, member, state lottery commission: SGA 18, withdrawn
- Patton, Carolyn V., director, office of minority and women's business enterprises: SGA 113
- Pokornowski, Dick, member, gambling commission: SGA 9, withdrawn
- Primley, Nanci C., member, housing finance commission: SGA 130
- Rahm, Karen, secretary, department of social and health services: SGA 194, confirmed
- Rice, C. Thomas, member, board of trustees for Clark community college district no. 14: SGA 191
- Richmond, Charles R., member, housing finance commission: SGA 131
- Roberts, Mabel E. "Mickey", member, board of trustees, Whatcom community college district no. 21: SGA 80, withdrawn

GUBERNATORIAL APPOINTMENTS—cont.

- Robinson, William T., member, board of trustees for The Evergreen State College: SGA 158, confirmed
- Rose, Anne H., member, housing finance commission: SGA 132
- Runstad, Adair F., member, board of trustees, Walla Walla community college district no. 20: SGA 60, confirmed
- Sanford, Larry, member, state board for community college education: SGA 114, confirmed
- Sarkowsky, Herman, member, board of regents for the University of Washington: SGA 148
- Schrock, Richard T., member, export assistance center board of directors: SGA 122
- Semerad, David C., member, commission for vocational education: SGA 64, confirmed
- Shearer, Burt A., member, board of pilotage commissioners: SGA 201, confirmed
- Sherman, Vaughn A., member, board of trustees for Edmonds community college district no. 23: SGA 168, confirmed
- Skadan, Janet, member, board of regents for the University of Washington: SGA 149
- Smith, Orphalee, member, board of trustees for Whatcom community college district no. 21: SGA 167
- Steinborn, Sydney, member, WPPSS executive board of directors: SGA 172
- Stern, Bernice, member, state transportation commission: SGA 156, confirmed
- Stevens, Vincent L., chairman, state health coordinating council: SGA 96, confirmed
- Stewart, Louis O., member, marine employees' commission: SGA 183, confirmed
- Stewart, Rindetta D., member, board of trustees for Fort Steilacoom community college district no. 11: SGA 189, confirmed
- Sweeney, Leo B., member, state transportation commission: SGA 157, confirmed
- Swift, Earlyse Allen, member, board of trustees for Centralia community college district no. 12: SGA 190, confirmed
- Taha, Shani, member, council for postsecondary education: SGA 185
- Thomas, Joe E., Ph.D., member, Washington high-technology coordinating board: SGA 199, confirmed
- Waldt, Lawrence G., member, gambling commission: SGA 10, withdrawn
- Waldt, Lawrence, member, state lottery commission: SGA 139
- Wall, William E., member, WPPSS executive board of directors: SGA 66, withdrawn
- Warden, Virginia W., member, interagency committee for outdoor recreation: SGA 136, confirmed
- Warren, F. George, member, state board for community college education: SGA 75, confirmed
- Watson, Richard H., director, state energy office: SGA 112, confirmed
- Wheeler, Marc, member, board of trustees, Centralia community college district no. 12: SGA 109, confirmed
- White, Walter E., member, personnel appeals board: SGA 145, confirmed
- Wick, Donald R., member, housing finance commission: SGA 133
- Williams, Nancy, member, export assistance center board of directors: SGA 123, confirmed
- Williams, Pat, member, gambling commission: SGA 197
- Zimmerman, Lynda, member, hospital commission: SGA 196, confirmed
- Zoloth, Arthur M., member, state board of pharmacy: SGA 90, confirmed

GUESS, SENATOR SAM

- Point of order pp. 1242, 1246
- Personal privilege, denying employment with U.S.G.S. p. 794

GUNS

- Ammunition, use of restricted types, penalties: SSB 4859
- Armor-piercing ammunition senate subcommittee: SSB 4859
- Bullets, coating regulated: SB 4280, SB 4284
- Civil disorders, firearms prohibited: SHB 1558

GUNS—cont.

- Courtrooms, prohibited in: SB 4284
- Courtrooms, unlawful to possess on premise: SSB 4859
- Game department to publish firearm pamphlet: SSB 4859
- Gifts, regulated: SB 4283
- Handgun safety course: SB 4282, SB 4284
- Higher education, may not possess on campus: SB 4284
- Hunter orange may be required: SB 4315, SSB 4315
- Inherited, regulated: SB 4283
- Jail facility, unlawful to possess on premise: SSB 4859
- Jails, prohibited in: SB 4284
- Liquor stores, prohibited in: SB 4284
- Machine gun regulation modified: SSB 4859
- Mental health facilities, unlawful to possess on premises: SSB 4859
- Minors to be supervised: SB 4281, SB 4284, SSB 4859
- Private sellers regulated: SB 4283, SB 4284
- Sales, private sellers regulated: SB 4283, SB 4284
- Sergeant Matt Dryke, unique talents as a world champion skeet shooter lauded:
*SFR 136 (1984)
- Spear gun fishing regulated: SB 4307
- State regulation preempts all else: SSB 4859
- Tavern-type businesses, prohibited in: SB 4284
- Teaching or demonstrating use for civil disorders prohibited: SHB 1558
- Teflon-type coating regulated: SB 4280, SB 4284

HAAS, CATHERINE MAY

- Member, human rights commission: GA 134, confirmed pp. 26,561,765

HAIRSTYLING (See also COSMETOLOGY)

- Barbers, cosmetologists, and manicurists regulated: *SHB 1187, CH 208 (1984)
- Cosmetology, barbering, and manicuring advisory board established: *SHB
1187, CH 208 (1984)
- Cosmetology, barbering, manicuring, regulated: *SHB 1187, CH 208 (1984)

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- Personal privilege, spoke to Senator Benitz' recuperation p. 496
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HALL, MARY D.

- Member, utilities and transportation commission: GA 63 p. 39

HANCOCK, ROBERT L.

- Member, Washington high-technology coordinating board:
GA 179, confirmed pp. 34,684,1474

HANDICAPPED

- Abuse, DSHS investigate any person for suitability of care: SHB 1605, SB 4630
- Abuse, reports of abused dependent adults: SB 3060
- Adults, disabled, respite care demonstration project: *2SHB 1137, CH 158 (1984),
SB 4585
- Adults, disabled, respite care for caregiver and disabled adult: *2SHB 1137, CH
158 (1984), SB 4743
- Blind changed to visually impaired: SHB 1238, SB 4733
- Child abuse and neglect, investigate social service agencies: SHB 1605, SB 4630
- Costs of operating state institutions, methods of determining: SB 4708, *SSB 4708,
CH 200 (1984)
- Custody, interference is a gross misdemeanor or felony: SSB 3387

HANDICAPPED—cont.

- Deaf changed to hearing impaired: SHB 1238, SB 4733
- Developmentally disadvantaged, standards for residential facilities: SB 4488, SSB 4488
- Disabled parking, cardiovascular disease may qualify: *2SHB 448, CH 154 (1984)
- Disabled parking, disabilities that substantially impair mobility: *2SHB 448, CH 154 (1984)
- Disabled parking, illegal use of special stalls, penalties: *2SHB 448, CH 154 (1984)
- Disabled parking, out of states have same privileges: *SHB 1390, CH 51 (1984)
- Disabled parking, penalties increased: SB 3222
- Disabled parking, respiratory problems may qualify: *2SHB 448, CH 154 (1984), SB 3222
- Disabled parking, surrender decal or plate when transfer vehicle: *2SHB 448, CH 154 (1984)
- Disabled parking, unauthorized use of decal, penalties: *2SHB 448, CH 154 (1984)
- Disabled parking, vehicle parking for organizations who transport: SB 4766
- Disabled persons and their service dogs, revisions: SB 4661
- Education, eligibility modified: SB 3778
- Education, public schools, appropriations, categorical programs to be specifically designated: SB 4093
- Education, training programs for children under 3: SB 3778
- Fishing permits for groups of facility residents: *SB 3379, CH 33 (1984)
- Hearing and visually impaired, phrase incorporated: SHB 1238, SB 4733
- Institutions, costs of operating, methods of determining: SB 4708, SSB 4708
- Lottery funds for handicapped children education: SB 4786
- Malicious harassment, includes mental, physical, or sensory handicap: *SB 4228, CH 268 (1984)
- Motor vehicle fuel tax exemption for nonprofit corporations: SB 3835, SSB 3835
- Preschool education required for handicapped children: *SHB 1311, CH 160 (1984)
- Residential facilities, standards established: SB 4488, SSB 4488
- Respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585
- Respite care for disabled adults and caregiver: *2SHB 1137, CH 158 (1984), SB 4743
- Schools, categorical programs, specific designation when appropriations made: SB 4093
- Service dogs defined, etc.: SB 4661
- Social service agencies, investigate for competency: SHB 1605, SB 4630
- Social service agencies, minimum licensing requirements: SB 4630
- Social service agencies, violations, injunctive relief: SB 4544
- Social service agencies, violations, toll-free hotline: SB 4544
- Students, eligibility period for education modified: SB 3778
- Training programs for children under 3: SB 3778
- Uniform resident assessment methodology task force: SB 4488, SSB 4488
- Utility rate reduction, low-income: SB 4347

HANSEN, SENATOR FRANK "TUB"

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- University of Washington basketball coach, introduction of p. 262

HAWORTH, DAVID P.

- Member, marine employees commission: GA 140, confirmed pp. 27,557

HAYNER, SENATOR JEANNETTE

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HAZARDOUS SUBSTANCES

- Acid rain, alpine lake monitoring by DOE: *2SHB 1174, CH 277 (1984)
- Acid rain, develop potential regulatory strategies: *2SHB 1174, CH 277 (1984)
- Acid rain study: SB 4565
- Acid rain study by 1/1/85: *2SHB 1174, CH 277 (1984)
- Birth defects, information and surveillance: *SHB 1105, CH 156 (1984)
- Brokers, packagers, transport of low-level radioactive waste: SB 4689
- Clean up of hazardous material incidents, liable for extraordinary costs: *SSB 3740, CH 165 (1984)
- Command agency designation optional: *SSB 3740, CH 165 (1984)
- Dangerous waste disposal violations, every day a separate offense: *SB 4607, CH 237 (1984)
- Dangerous waste land disposal, final permit conditions: *SHB 1438, CH 254 (1984)
- Dangerous wastes from energy facilities, apply dangerous waste law: *SB 4607, CH 237 (1984)
- Dangerous wastes, regulated, fees: 2SSB 3722
- Department of ecology, resource conservation and recovery act responsibilities:
 - *SB 4607, CH 237 (1984)
- Disposal permit conditions: *SHB 1438, CH 254 (1984)
- Endrin, 3 year phase out: SB 4079
- Glue, toxic vapors or fumes, category broadened for glue sniffing crime: *SB 3117, CH 68 (1984)
- Handlers, public disclosure records: SHB 669
- Hanford reservation, a National Energy Center: *HJM 30 (1984)
- Hanford, state leased land, long-range plan: SSB 3152
- Hazardous substances in the workplace and community, disclosure: SSB 4831, *2SSB 4831, CH 289 (1984)
- Hazardous waste disposal violations, every day a separate offense: *SB 4607, CH 237 (1984)
- Hazardous wastes, regulated, fees: 2SSB 3722
- High-level nuclear waste storage, legislature to convene for siting decisions: SB 4558
- High-level radioactive waste, long-term disposal, agreements: *SHB 1637, CH 161 (1984)
- High-level waste, nuclear waste board, duties: *SHB 1637, CH 161 (1984)
- Inspection by 3rd-party, low-level radioactive waste: SB 4689
- Legislature to convene for high-level nuclear waste storage siting decisions: SB 4558
- License to possess, etc. nuclear material, modifications: *SHB 1153, CH 96 (1984)
- Low-level radioactive waste, site use permits: SB 4689
- Low-level radioactive waste sites, user permit system: SB 4689
- Low-level radioactive waste transport, brokers, packagers: SB 4689
- Low-level radioactive waste, 3rd-party inspection for all out-of-state: SB 4689
- Notice to city or county of license to use, etc. nuclear material: *SHB 1153, CH 96 (1984)
- Nuclear attack, evacuation plan by political subdivisions optional: HB 1129
- Nuclear material, license to possess, etc., modifications: *SHB 1153, CH 96 (1984)
- Nuclear material, notice to city or county of license to use, etc.: *SHB 1153, CH 96 (1984)
- Nuclear project contract amendments, competitive bid process modified: SB 4524
- Nuclear waste board, entity responsible for federal policy participation: *SHB 1637, CH 161 (1984)
- Nuclear waste disposal sites, legislative approval: SCR 142
- Nuclear waste policy and review board chair's salary: SB 4534
- Nuclear waste policy and review board changed to nuclear waste board: *SHB 1637, CH 161 (1984)

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- Nuclear waste policy, consideration of liability issue: *SJM 131 (1984)
- Off-site dangerous waste land disposal, final permit conditions: *SHB 1438, CH 254 (1984)
- Pesticide application act, violations, \$1,000 per violation: SB 4677
- Pesticide control act, violations, \$1,000 per violation: SB 4677
- Pesticides, endrin prohibited: SB 4079
- Radioactive waste, environmental impact statement regarding Hanford waste site: SB 3027
- Radioactive waste sites, review others: *SJM 127 (1984)
- Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)
- Select science advisory council on acid rain: SB 4565
- Site use permit for low-level radioactive waste: SB 4689
- Transport of low-level radioactive waste, brokers, packagers: SB 4689
- User permit system for low-level waste sites: SB 4689
- Violations, every day a separate and distinct offense: *SB 4607, CH 237 (1984)
- Waste production, fees: 2SSB 3722
- Wastes, handler records: SHB 669
- Worker and community right to know act: SSB 4831, *2SSB 4831, CH 289 (1984)
- Workplace, employer duties: SSB 4831, *2SSB 4831, CH 289 (1984)

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- Abortions, parental consent, unemancipated minors: SB 4607
- Acupuncture, optional supplemental group insurance coverage: SB 4444, SSB 4444
- Acupuncturist board created: SB 4643
- Acupuncturists licensed: SB 4643
- Athletic health care and training council created: SB 4484, *SSB 4484, CH 286 (1984)
- Birth defects, information and surveillance: *SHB 1105, CH 156 (1984)
- Blood withdrawal, skin tests, etc., minor services, health care assistants: SB 4448, *SSB 4448, CH 281 (1984)
- Boxers, full health care insurance coverage required: SSB 4459
- Boxers, protection and regulation of: SB 4459
- Boxing account created for medical expenses: SSB 4459
- Cancer research, excise tax from cigarettes: SB 3309
- Child support orders, health insurance coverage, conditions: SB 4730, *SSB 4730, CH 201 (1984)
- Children, newly born, sixty day notice period: *HB 1103, CH 4 (1984)
- Consolidation of disciplinary procedures for the licensed professional and businesses: *SHB 1178, CH 279 (1984)
- Cost containment study: SSCR 112
- Costs and rates, containment: SB 4403, *SSB 4403, CH 288 (1984)
- County, health department, director qualifications: *2SHB 713, CH 25 (1984)
- Dental hygienists, disciplinary procedure consolidation with other professions: *SHB 1178, CH 279 (1984)
- Dietetics practices act: SB 4379, SSB 4379
- Direct payment to health care providers: SB 4682
- Disabled adults, respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585
- Disabled adults, respite care for disabled adult and care giver: *2SHB 1137, CH 158 (1984), SB 4743
- Disciplinary procedures, consolidation of various health care professions: *SHB 1178, CH 279 (1984)
- Discriminatory practices by HMO's prohibited: *SHB 1418, CH 32 (1984)
- Dispensing opticians, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Drugless healers, naturopathic physician, draw blood and give injections: SB 4757, SSB 4757
- Drugless healing, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Group insurance, acupuncture, optional supplemental: SB 4444, SSB 4444
- Healing through prayer, nursing homes, exemption: SB 4660, SSB 4660

HEALTH CARE AND SERVICES—cont.

- Health care assistants, minor services, blood drawing etc., licensure: SB 4448, *SSB 4448, CH 281 (1984)
- Health care providers, payment procedures: *HB 880, CH 283 (1984)
- Health maintenance organizations, discriminatory practices prohibited: *SHB 1418, CH 32 (1984)
- Hearing aid, rebates for referrals prohibited: SB 4461, SSB 4461
- Hearing aid referrals, must refer back to referee: SB 4461, SSB 4461
- Hearing aids, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Hearing aids exempt from sales and use tax: SB 4521
- Hearing aids, fitters and dispensers, need medical clearance from users' doctor: SB 4521
- Home health aid defined: *SB 4787, CH 22 (1984)
- Home health care for abused or dependent adults: *HB 1328, CH 97 (1984), SB 4644
- Home health care, insurance coverage, internal maximums, no duplication: *SB 4787, CH 22 (1984)
- Home health care provisions revised: *SB 4787, CH 22 (1984)
- Hospice care, insurance coverage, internal maximums, no duplication: *SB 4787, CH 22 (1984)
- Hospice care provisions revised: *SB 4787, CH 22 (1984)
- Hospital commission purpose modified: SB 4403, *SSB 4403, CH 288 (1984)
- Hot water heater thermostat setback: SSB 3277
- Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
- Hot water heater thermostat setback, solar reservoir exception: SB 4589
- Informed consent, side effects as element of proof: SB 4599
- Inhalation therapy systems, sales and use exempt: SB 4412
- Insurance benefits, survivors eligible until claim closed: SB 4206
- Insurance coverage, conversion rights: SSB 3741
- Insurance coverage may be paid by laid-off employee: SSB 3741
- Insurance, loss of, conversion and continuation provided for: *SHB 1564, CH 190 (1984)
- Insurance, new participant entry period: SB 4682
- Insurance, preferred provider arrangements: SHB 1177
- Joint committee on financing: SCR 121
- Joint select committee on public health created: SB 4306, *SSB 4306, CH 243 (1984)
- Lawsuits, 8 year statute of limitations removed: SB 4501
- Mandated benefits, legislative proposals, cost assessment report: *SHB 1179, CH 56 (1984)
- Midwives, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Minor health services, health care assistants, licensure: SB 4448, *SSB 4448, CH 281 (1984)
- National eye care month, eye health care month, endorsed: *SFR 131 (1984)
- Occupational disease, workers' compensation, claim filing: *HB 1142, CH 159 (1984)
- Occupational therapy, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Occupational therapy practice act enacted: *SSB 3074, CH 9 (1984)
- Ocularists, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Payment procedures, health care providers: *HB 880, CH 283 (1984)
- Podiatry, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Preferred provider arrangements: SHB 1177
- Public health director, qualifications: *2SHB 713, CH 25 (1984)
- Public health, joint select committee created: SB 4306, *SSB 4306, CH 243 (1984)
- Reports of abused dependent adults: *HB 1328, CH 97 (1984), SB 3060
- Respite care demonstration project: *2SHB 1137, CH 158 (1984), SB 4585
- Respite care for disabled adults and caregiver: *2SHB 1137, CH 158 (1984), SB 4743
- Scene of emergency, duties of persons on the scene: SB 4361
- Smoking in public areas restricted: SHB 229

HEALTH CARE AND SERVICES—cont.

Smoking prohibited in public places, except designated areas: SB 4584

Statute of limitations, 8 year limitation removed: SB 4501

Uniform disciplinary act enacted, health care professionals: *SHB 1178, CH 279 (1984)

Washington clean indoor air act: SB 4584

HEALTH COORDINATING COUNCIL

Stevens, Vincent L., member: GA 96, confirmed p. 310

HEALTH, STATE BOARD OF

Board membership modified to include local representation: SB 4306, *SSB 4306, CH 243 (1984)

Board powers and duties: SHB 509

Certain duties transferred to DSHS: SHB 509

Certificate of need review: SHB 509

Consumer representative defined: SB 4306, *SSB 4306, CH 243 (1984)

Public health reform: SHB 509

Water quality tests, public supply systems: *SHB 1191, CH 187 (1984)

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HENDRICKS, D. G. "JERRY"

Member, export assistance center board:

GA 117, confirmed pp. 23,221,573

HENNUM, LARS

Member, state pharmacy board: GA 97, confirmed p. 310

HERMAN, MICHAEL KIM

Member, housing finance commission:

GA 126, withdrawn and returned to Governor's office pp. 25,334

HILL, RAY

Member, joint select committee on industrial insurance p. 1301

HIRAI, PAUL

Member, board of trustees,

Big Bend community college district 18: GA 165 pp. 32,1588

HIGHER EDUCATION PERSONNEL BOARD

McCormmach, Jane M., member: GA 125 p. 25

HIGHLINE COMMUNITY COLLEGE DISTRICT 9, BOARD OF TRUSTEES

Brock, Marilu, member: GA 204 p. 685

Metz, Elizabeth N., member: GA 202 p. 551

HIGH-TECHNOLOGY COORDINATING BOARD

Anderson, Deanna, member: GA 176, confirmed pp. 34,684,1474

Baker, Donald M., member: GA 177, confirmed pp. 34,684,1474

Bradford, Robert W., member: GA 178, confirmed pp. 34,684,1474

Doub, James A., member: GA 180, confirmed pp. 35,684,1493

Hancock, Robert L., member: GA 179, confirmed pp. 34,684,1474

Hume, Frederick R., member: GA 181, confirmed pp. 35,685,1496

Olesen, Douglas E., member: GA 182, confirmed pp. 35,685,1496

Thomas, Joe, member: GA 199, confirmed pp. 334,685,1499

HIGHER EDUCATION PERSONNEL BOARD

Career executive program established: SHB 1170

Civil service laws modified: HB 1378, SB 4441

Classified positions, preferences for reemployment: HB 1378, SB 4441

Direct service positions, maintain: HB 1378, SB 4441

Employee exchange agreements, public/public, private/public: HB 1253

HIGHER EDUCATION PERSONNEL BOARD—cont.

- Increment increases definition modified: HB 1378, SB 4441
- Layoffs, rule adoption: HB 1378, SB 4441
- Management, do not favor in employment practices: HB 1378, SB 4441
- Management employees, definition removed: HB 1378, SB 4441
- Merit increases deleted: HB 1378, SB 4441
- Supervisors, remove if tolerate inadequate performance: HB 1378, SB 4441
- Terminate employment, inadequate performance: HB 1378, SB 4441

HISTORICAL CONSERVATION

- Archaeological materials from cairns and graves: SB 4710, SSB 4710
- Building destruction prohibited unless approved, conditions: SB 4235, SSB 4235
- Cities may acquire title, etc., to real and personal property: *HB 392, CH 203 (1984)
- Cities may fund historic preservation activities: HB 1408
- Counties may acquire title, etc., to real and personal property: *HB 392, CH 203 (1984)
- Directors, historical societies, six-year terms: SB 4529, SSB 4529
- Graves, cairns, funds for reburial and examination: SB 4710, SSB 4710
- Historical societies, directors, six-year terms: SB 4529, SSB 4529
- Public development authority, historical property, tax exemption: *SB 4374, CH 116 (1984)
- State historic preservation officer, funds for reburial and examination of human remains: SB 4710, SSB 4710

HORSE RACING COMMISSION

- Racketeering, penalties: SB 4435, *SSB 4435, CH 270 (1984)

HOSPITAL COMMISSION

- Zimmerman, Lynda, member: GA 196, confirmed pp. 238,589,1333

HOSPITALS (See also HEALTH CARE AND SERVICES)

- Absentee ballots, hospital patients: *SHB 1101, CH 27 (1984)
- Commission duties enlarged: SB 4467
- Commission membership altered: SB 4403, *SSB 4403, CH 288 (1984)
- Commission membership modified: SB 4467
- Commission purpose revised: SB 4403, *SSB 4403, CH 288 (1984)
- Commission, sunset provisions modified: SB 4403, *SSB 4403, CH 288 (1984)
- Costs and rates, containment: SB 4403, *SSB 4403, CH 288 (1984)
- County, authority to establish, etc., revised: *SHB 791, CH 26 (1984)
- Definitions modified for hospital commission law: SB 4403, *SSB 4403, CH 288 (1984)
- Dentists may use: SB 4674
- Districts, boundaries: *HB 392, CH 203 (1984)
- Districts, territory removal procedures: *SHB 571, CH 100 (1984)
- Districts, withdrawal of territory, hearings, petition: *HB 392, CH 203 (1984)
- Health care systems, recommendations on comprehensive cost-effective management: *SSB 4403, CH 288 (1984)
- Hospital fair share trust fund for uncompensated care established: SB 4403
- Prospective payment plan to be developed: SB 4467
- Sale of district property, appraisal by professionally designated real estate appraiser: *SHB 1666, CH 103 (1984)
- Select committee recommendations on comprehensive cost-effective managed health care systems: *SSB 4403, CH 288 (1984)
- State, costs of operating, methods of determining: SHB 1365, SB 4708, *SSB 4708, CH 200 (1984)
- Technical advisory committee membership modified: SB 4467
- Uncompensated care, rules regarding: SB 4403

HOTEL-MOTEL

- Bed and breakfast, permit to serve beer or wine without charge: *HB 1147, CH 45 (1984)
- Convention and trade center excise tax repealed: *SB 4358, CH 115 (1984)
- Highway information panels, more motels listed: SB 4417

HOTEL-MOTEL—cont.

Liquor permits to serve beer or wine without charge: *HB 1147, CH 45 (1984)

HOUSING FINANCE COMMISSION

Herman, Michael Kim, member:

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Kirchman, James L., chairman: GA 127	p. 25
Little, Carol C., member: GA 128	p. 25
Littlejohn, Marilyn A., member: GA 129	p. 25
Primley, Nanci C., member: GA 130	p. 26
Richmond, Charles R., member: GA 131	p. 26
Rose, Anne H., member: GA 132	p. 26
Wick, Donald R., member: GA 133	p. 26

HOUSEBOATS

Floating home defined: SB 4536
 New purchases, sales tax: *SHB 1275, CH 192 (1984)
 Real estate excise tax imposed: SB 4536
 Used floating homes, real estate excise tax: *SHB 1275, CH 192 (1984)

HOUSING

Hot water heater thermostat setback: SSB 3277
 Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
 Hot water heater thermostat setback, solar reservoir exceptions: SB 4589
 Mobile home landlord and tenants, rights and duties modified: *SHB 1270, CH 58 (1984), SB 4316
 Model conservation standards for new structures: SB 3231
 Sexual orientation, may not discriminate: SB 3289
 Shelters, homeless persons, exempt from taxation: SB 3438
 Single family residences, separate living quarters for relatives: SB 3777
 Uninhabitable dwellings, enforcement procedures: *HB 939, CH 213 (1984)

HOUSING FINANCE COMMISSION

Discount points on loans, excessive prohibited: SB 4759
 Excessive discount points on loans prohibited: SB 4759
 IRS, tax exempt bond ceiling, 1983 - 1986 allocation: *HB 1107, CH 28 (1984)
 Loans, excessive discount points prohibited: SB 4759
 Tax exempt bond ceiling, 1983 - 1986 allocation for IRS: *HB 1107, CH 28 (1984)

HUMAN RIGHTS COMMISSION (See also DISCRIMINATION)

Age, defined as being between 40 and 70: SB 4623, SSB 4623
 Creed defined: SB 4623, SSB 4623
 Employment agencies, shall not discriminate based on marital status: SSB 4623
 Haas, Catherine May, member: GA 134 p. 26
 McHenry, Darlene E., member: GA 68, confirmed p. 127
 Marital status, shall not discriminate in employment based on: SSB 4623
 Powers of commission enlarged: SB 4623, SSB 4623
 Religious or sectarian distinctions, certain not unfair practices: SB 4623, SSB 4623
 Sexual orientation, may not discriminate: SB 3289
 Unfair practice, does not include certain distinctions by religious or sectarian organizations: SB 4623, SSB 4623
 Unfair practice, law applies to persons as well as members or employees: SB 4623, SSB 4623
 Unfair practice, petition, procedure: SB 4623, SSB 4623

HUME, FREDERICK R.

Member, Washington high-technology coordinating board:
 GA 181, confirmed pp. 35,685,1496

HURLEY, SENATOR MARGARET

Personal privilege, St. Valentine's day p. 578

HYSLOP, THOMAS

Member, board of regents, Washington State University p. 29

IKEDA, TSUGUO "IKE"

Member, commission for vocational education:

GA 169, confirmed pp. 33.1321.1448

IMMUNITY

Aircraft pilot disabilities, reporting by physicians: SB 4335

Faculty peer review committees: *SHB 915, CH 137 (1984)

Fires, fire safety director and staff, good faith acts: SSB 3057

Physicians reporting aircraft pilot disabilities: SB 4335

Pilots, limitation of liability: *SSB 3133, CH 69 (1984)

Reports of abuse of dependent adults: *HB 1328, CH 97 (1984), SB 4644

Scene of emergency, duties of persons on the scene: SB 4361

INDUSTRIAL INSURANCE APPEALS, BOARD OF

Fennerty, Frank, member: GA 173 p. 33

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Abstracts, speed limits, energy resource restrictions excluded: SSB 4793

Acupuncture, optional supplemental group insurance coverage: SB 4444, SSB 4444

Adult and juvenile offenders, community service, medical aid: SB 4334

Adult offender community service, liability insurance: SB 4334

Amusement rides, coverage required: SSB 3003

Automobile, antique vehicles, rate limits: SSB 3694

Bond to be posted by plaintiff in SEPA actions: SB 4324

Boxers, full health care insurance coverage required: SSB 4459

Carnival ride operators to possess liability insurance: HB 517

Children, newly born, sixty day notice period: *HB 1103, CH 4 (1984)

Cities, health care, retirees and dependents: SHB 1367

Convention and trade center health insurance and vacations exempt: *SHB 1279, CH 210 (1984)

Conversion rights: SSB 3741

Counties, health care, retirees and dependents: SHB 1367

Credit life insurance, group policy limitations: SB 4018

Dental assistance plan act of 1984: SB 4702

Dental care, free to select dentist of choice: SB 4682

DWI offenders doing community service, liability insurance: SB 4795, SSB 4795

Group insurance, acupuncture, optional supplemental: SB 4444, SSB 4444

Health care, conversion rights: SSB 3741

Health care coverage, child support, when: SB 4730, *SSB 4730, CH 201 (1984)

Health care, coverage may be paid by laid-off employee: SSB 3741

Health care, legislative proposals, mandated benefits, cost assessment report: *SHB 1179, CH 56 (1984)

Health care, loss of, conversion and continuation provided for: *SHB 1564, CH 190 (1984)

Health care, preferred provider arrangements: SHB 1177

Health care providers, direct payment provided for: SB 4682

Health care service contractor, new participant entry period: SB 4682

Health care, survivors eligible until claim closed: SB 4206

Health insurance coverage for retirees and dependents: SHB 1367

Health maintenance organizations, discriminatory practices prohibited: *SHB 1418, CH 32 (1984)

Home health aid defined: *SB 4787, CH 22 (1984)

Home health care, insurance coverage, internal maximums, no duplication: *SB 4787, CH 22 (1984)

Home health care provisions revised: *SB 4787, CH 22 (1984)

Hospice care, insurance coverage, internal maximums, no duplication: *SB 4787, CH 22 (1984)

Hospice care provisions revised: *SB 4787, CH 22 (1984)

Information and privacy protection act: SB 4507, SSB 4507

Juveniles, community service liability insurance: SB 4334

Laid-off employees may continue health coverage by paying themselves: SSB 3741

INSURANCE—cont.

- Life, credit, group policy limitations: SB 4018
- Local government risk exposure studies funding: HB 531
- Loss of, health care, conversion and continuation provided for: *SHB 1564, CH 190 (1984)
- Marital status, discrimination prohibited: SB 4365
- Mutual insurers, liquidation: *SB 4642, CH 23 (1984)
- Mutual insurers, reinsurance agreement, approval conditions, etc.: *SB 4642, CH 23 (1984)
- Mutual insurers, reorganization plan, approval conditions, etc.: *SB 4642, CH 23 (1984)
- Offenders, community service liability insurance: *SSB 4334, CH 24 (1984)
- Overinsurance requirement prohibited: *HB 1423, CH 6 (1984)
- Pilots, limitation of liability: *SSB 3133, CH 69 (1984)
- Preferred provider arrangements: SHB 1177
- Privacy protection act: SB 4507, SSB 4507
- Public utility district, group insurance for employees: *SB 4341, CH 15 (1984)
- Rate service organizations regulated: SB 4170
- Rates may be raised prior to approval: SB 4170
- Rates regulated: SB 4170
- Replacement, health care, conversion and continuation provided for: *SHB 1564, CH 190 (1984)
- Self-insurance, local government risk exposure studies: HB 531
- SEPA, bond to be posted by party bringing action: SB 4324
- Sex equity insurance study commission created: SSB 4365
- Sex-based discrimination prohibited: SB 4365
- Sexual orientation, may not discriminate: SB 3289
- Speed limits, energy resource use restrictions, violations excluded from insurance abstracts: SSB 4793
- State employee group insurance programs, average employer contributions: *HB 1419, CH 107 (1984), SB 4523
- State employees insurance board, expansion of capabilities: SHB 1123
- Surety bond to be deposited with L&I by theatrical enterprise business: *SSB 4220, CH 89 (1984)
- Theatrical enterprise business, surety bond to be deposited: *SSB 4220, CH 89 (1984)
- Veteran loan insurance program repealed: *HB 1108, CH 29 (1984), SB 4291

INVESTMENTS AND SECURITIES

- Broker-dealer, 1% gross income business tax: SSB 4069
- Cheap stock, defined: SB 4598
- Cheap stock, regulations shall not distinguish: SB 4597
- High-technology, cheap stock does not include high-technology securities: SB 4598
- Honorary commercial attache program for international investment established: *SSB 4849, CH 175 (1984)
- International investment, honorary commercial attache program established: *SSB 4849, CH 175 (1984)
- International investments, office established: *SB 4852, CH 176 (1984)
- Securities registration fee limitation: SB 3075
- State advisory committee on securities modified: SB 4593

IRRIGATION AND IRRIGATION DISTRICTS

- Assessment deed, before title conveyed, certain legal action: SB 4723
- Directors, salaries and fees not subject to electors review: *SSB 3868, CH 168 (1984)
- Districts may create joint separate legal authority: *SSB 3868, CH 168 (1984)
- Elections, polling places: *SSB 3868, CH 168 (1984)
- Lighting of public streets authorized: *SSB 3868, CH 168 (1984)
- Sale or lease of property, notice if value over \$25,000: SB 4723
- Yakima-Tieton irrigation district funds: SB 4483

ISLANDS

Burial of human remains on, conditions: *SSB 4110, CH 53 (1984)

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Adult offender community service, liability insurance: SB 4334

Alternatives to total confinement, study: SB 4299, *SB 4798, CH 246 (1984)

Capacity emergency, sentence and confinement modifications: *SHB 1247, CH 209 (1984), SB 4472

Choke holds: SSB 3766

Construction and improvements, general obligation bond amount increased: SSB 3539

Drunk drivers special detention facilities: SSB 3107

Felons, sentences more than 365 days, commit to a state institution: SB 3815, SSB 3815, *2SSB 3815, CH 235 (1984)

Financial responsibility of city or county: SB 3815, SSB 3815, *2SSB 3815, CH 235 (1984)

Guns, unlawful to possess on premise: SSB 4859

Juveniles in detention facilities, special circumstances: *SHB 1514, CH 272 (1984)

Juveniles, remove from adult jails: SB 4538

Offenders, community service liability insurance: *SSB 4334, CH 24 (1984)

Parole hold, financial responsibility of city or county: SB 3815, SSB 3815, *2SSB 3815, CH 235 (1984)

Probation, conditions: *HB 1166, CH 46 (1984)

Reimbursement to local government, housing state prisoners: *2SSB 3815, CH 235 (1984)

Release and admission, prompt reporting by jails: SSB 4380, *2SSB 4380, CH 17 (1984)

Strip searches, all persons except bail, personal recognizance release or immediate release: SHB 1565

Strip searches, special task force to examine searches at booking time : HCR 44

Task force to examine strip searches at booking time: HCR 44

JAMES, CAROL B.

Member, board of trustees, Bellevue community college

district 8: GA 163 p. 31

JANITORS

Employees, minors, may enter liquor establishments: *SB 4320, CH 136 (1984)

Liquor establishments, minors may perform janitorial services: *SB 4320, CH 136 (1984)

JEFFERSON COUNTY

Olympic county created: SB 3264

JOHNSON, CHARLES V.

Member, sentencing guidelines commission:

GA 154, confirmed pp. 30,562,983

JOINT MEMORIALS

Abduction of children, Hague convention, ratify: SJM 124

Balanced federal budget requested: SJM 126

Boldt decision: SJM 120

Central America, policy modification requested: SJM 138

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Constitutional convention to prohibit changing scope and object of bills: SJM 132

Economic equity act, equality for women: *HJM 16 (1984)

El Salvadoran refugees, grant safe haven: *HJM 37 (1984), SJM 136

Federal income tax indexation elimination, prevent: SJM 137

Fireworks, alcohol, cigarettes, interstate transportation: SJM 130

Fireworks, dangerous, restrict interstate transportation: SJM 129

Fireworks, state jurisdiction on federal enclaves requested: SSJM 130

Grays Harbor improvement project requested: *HJM 33, (1984)

Grenada, support expressed for policy: SJM 135

Guatemalan refugees, grant safe haven: *HJM 37 (1984), SJM 136

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- Hague convention, abduction of children, ratify: SJM 124
- Hanford reservation, a National Energy Center: *HJM 30 (1984)
- HJM 16, exempted from applicable cutoff date: SCR 124
- Industrial development bonds, per capita limit, do not adopt: SJM 122
- Japanese-Americans, relocated, financial assistance: SJM 125
- Judges, tenure of 6 years except supreme court: SJM 128
- Middle east, support expressed for policy: SJM 134
- Mortgage revenue bond interest tax exemption, reenactment requested: SJM 123
- National academy of peace and conflict resolution: HJM 42
- Nuclear waste policy, consideration of liability issue: *SJM 131 (1984)
- Radioactive waste sites, review others: *SJM 127 (1984)
- Reagan commended for economic policies: SJM 133
- Savings account, 10% interest withheld, eliminate: SJM 104
- Scope and object of bill, change, prohibited: SJM 132
- Taxpayer antitrust enforcement act of 1983: *HJM 34 (1984)

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- Bond authorization elections, eligibility for voting expanded: SB 3001
- Contract amendments, competitive bid process modified: SB 4524
- Dangerous wastes from energy facilities, apply dangerous waste law: *SB 4607, CH 237 (1984)
- Executive boards must file public disclosure reports: SSB 3259
- Legal counsel expenses, narrative billing statements to be provided: SB 4528
- Major public energy project, agreement for completion is deemed new project: SB 4789
- Narrative billing statements of legal counsel expenses: SB 4528
- Nuclear project contract amendments, competitive bid process modified: SB 4524
- Voter approval needed for agreement to complete major project: SB 4789

JOINT SESSIONS

- Governor's message, state of the state pp. 40-45
- Canadian dignitaries, address by Alan Gottlieb,
Canadian ambassador to U.S. pp. 251-256

JONES, JOHN D.

- Member, board of tax appeals: GA 155, confirmed pp. 30,1222,1304

JUDGES (See also COURTS)

- Court improvement act of 1984: SB 4430, *SSB 4430, CH 258 (1984)
- Federal, tenure of 6 years except supreme court: SJM 128
- Full time, definition by salary: SB 3143
- Joint interim committee on the judicial retirement system: SCR 150
- Judgment lien, 10 year period: SB 4357, *SSB 4357, CH 21 (1984)
- Judicial retirement system, joint interim committee: SCR 150
- Justice of the peace courts, attorney fees, fixed percentage: SB 4355
- Justice of the peace, reference in marriage law removed: SB 3424
- Justice of the peace statutes repealed: SB 4430, *SSB 4430, CH 258 (1984)
- Mandatory arbitration programs: SB 4430, *SSB 4430, CH 258 (1984)
- Retirement, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)
- Retirement, excess compensation: *SHB 843, CH 184 (1984)
- Retirement, partial: SSB 3226
- Retirement, spouse marriage requirement reduced to 2 years: *SB 4506, CH 37 (1984)
- Retirement, tax deferral benefits: *SSB 4477, CH 227 (1984)
- Retirement, transfer from public system to judicial system, time limit: *SB 4506, CH 37 (1984)
- Salaries increased: *SB 3208, CH 64 (1984), SB 4563
- Salaries, repealer of certain sections: SB 4430, *SSB 4430, CH 258 (1984)
- Salaries set in biennial omnibus appropriations act: SB 4430, *SSB 4430, CH 258 (1984)

JUSTICE, DAVID

Member, board of trustees, Walla Walla community college
district 20: GA 85, confirmed p. 195

JUVENILE DISPOSITION STANDARDS COMMISSION

Colligan, Chief Bernard, member: GA 137, confirmed pp. 27,561.687

KEACH, KENNETH L.

Member, export assistance center board:
GA 118, confirmed pp. 24,221.582

KENNEWICK

Consolidation of Pasco, Kennewick, Richland: *SHB 1435, CH 8 (1984), SB 4638

KING COUNTY

Henry M. Jackson International airport, include Seattle-Tacoma in name: SB 4769
Sea-Tac airport name changed, input required from contributors: SB 4734

KIRCHBAUM, JAMES L.

Chairman, housing finance commission: GA 127 p. 25

KOKJER, DONALD E.

Member, marine employees commission:
GA 141, confirmed pp. 28,297.337

LABOR AND INDUSTRIES, DEPARTMENT OF

Amusement rides, regulation by permits and inspections: SSB 3003
Antique boiler regulations: *HB 739, CH 93 (1984)
Apprenticeship training, nontraditional: SB 3980
Boilers run strictly for public exhibition: *HB 739, CH 93 (1984)
Community right-to-know state-wide telephone number, hazardous substances:
SSB 4831, *2SSB 4831, CH 289 (1984)
Forest industry groups may form self-insurance groups: SB 4547
Funds, numerous transferred to the industrial insurance fund: SB 4616
Group self-insurance, authorized for any two or more employers: SB 4658
Hazardous substances, employer duties: SSB 4831, *2SSB 4831, CH 289 (1984)
Hazardous substances in the workplace and community, disclosure: SSB 4831,
2SSB 4831
Industrial injuries or death, 3rd-party actions: *HB 1386, CH 218 (1984), SB 4568
Industrial insurance adjustments every 3 years: SB 4553
Industrial insurance, certain manual labor not covered: SB 4539
Industrial insurance, compensation application, physician's duties altered: SB
4553
Industrial insurance coverage by state terminated: SB 4659
Industrial insurance, employers may utilize private insurers: SB 4400
Industrial insurance, enhanced injury, present employer has duties regardless of
whether aware of pre-existing condition: *SB 3118, CH 63 (1984)
Industrial insurance fund established as workers' compensation entity: SB 4616
Industrial insurance fund, numerous funds transferred to: SB 4616
Industrial insurance, injury defined, violent and external means: SB 4553
Industrial insurance, interest payments on awards, defined: HB 1493
Industrial insurance, joint select committee to review system: *HCR 35, (1984), SCR
144
Industrial insurance, occupational disease, claim filing: *HB 1142, CH 159 (1984)
Industrial insurance, occupational diseases: HB 1142
Industrial insurance, offenders, community service: SB 4334, *SSB 4334, CH 24
(1984)
Industrial insurance, rule adoption for fair competition: SB 4400
Industrial insurance, special AG's, 3rd party actions: SB 4595
Industrial insurance, taxi cab drivers, certain exempt: SB 4601
Industrial insurance through private carriers authorized: SB 4659
Industrial insurance transferred from L&I to the state industrial insurance fund: SB
4616
Industrial insurance, who is a worker: SB 4539

LABOR AND INDUSTRIES, DEPARTMENT OF—cont.

- Industrial insurance, work, income-producing activity on a regular basis: SB 4553
- Industrial insurance, worker impedes recovery, suspend benefits: SB 4553
- Industrial insurance, 3rd-person suits against U.S. contractors limited: SB 4765
- Industrial insurance, 3-way authorized: SB 4400
- Injured workers, lay-off, suspend, discharge, limitations: HB 724
- Manual labor, certain not covered by industrial insurance: SB 4539
- Olympia area offices consolidation: SCR 133
- Right-to-know advisory council established: SSB 4831, 2SSB 4831
- Self-insurance, group, authorized for any two or more employers: SB 4658
- Self-insurers, financial ability requirement modified: SB 4724
- Self-insurers, forest industry groups may form: SB 4547
- Self-insurers, occupational disease, claim filing: *HB 1142, CH 159 (1984)
- Smoking in public areas restricted: SHB 229
- Special AG's, 3rd-party actions, industrial insurance: SB 4595
- Theatrical enterprises, wage claim against bond: *SSB 4220, CH 89 (1984)
- Theatrical enterprises, wages, violation a misdemeanor: SB 4220
- Third-party actions, industrial injuries or death: *HB 1386, CH 218 (1984), SB 4568
- Third-party actions, industrial insurance claims against U.S. contractors: SB 4765
- Third-party actions, industrial insurance, special AG's: SB 4595
- Training and employment program established: SB 3973, SSB 3973
- Worker and community right-to-know fund established: SSB 4831, *2SSB 4831, CH 289 (1984)
- Workers' compensation administrative fund established: SB 4616
- Workers' compensation transferred from L&I to the state industrial insurance fund: SB 4616

LABOR RELATIONS

- Age discrimination, 40 to 70 years, unfair practice to refuse employment: SB 3196
- Collective bargaining for community colleges authorized: HB 1219
- Collective bargaining includes teacher excellence plan: SB 4402, SSB 4402
- Collective bargaining, period covered by agreement is not an unemployed period for unemployment compensation: *SSB 3561, CH 134 (1984)
- Collective bargaining, uniformed personnel definition modified: *2SHB 85, CH 150 (1984)
- Community colleges, collective bargaining: HB 1219
- Comparable worth, committee to study established: *HCR 34 (1984)
- Economic equity act, equality for women: *HJM 16 (1984)
- Economic stabilization task force, plant closures, layoffs: SB 4709, SSB 4709
- Employment agencies, shall not discriminate based on marital status: SSB 4623
- LEOFF, collective bargaining, uniformed personnel definition modified: *2SHB 85, CH 150 (1984)
- Marital status, shall not discriminate in employment based on: SSB 4623
- Minority and women-owned businesses, participation enhanced: SB 4328
- Negotiation process, part of basic education goals: SB 4509
- Persons reporting official misconduct, discrimination, unfair practice: SB 4533
- Schools, negotiation process part of basic education: SB 4509
- Sexual orientation, may not discriminate: SB 3289
- Teachers, collective bargaining includes teacher excellence plan: SB 4402, SSB 4402
- Unemployed, does not include period covered by a collective bargaining agreement: *SSB 3561, CH 134 (1984)
- Unemployment compensation and labor disputes: SB 4416
- Unfair practice, does not include certain distinctions by religious or sectarian organizations: SB 4623, SSB 4623
- Unfair practice, law applies to persons as well as members or employees: SB 4623, SSB 4623
- Unfair practice, petition, procedure: SB 4623, SSB 4623

LAKEFAIR QUEEN

- Welcomes senators to Olympia p. 1

LAMB, ISABELLE

Member, export assistance center board:

GA 119, confirmed pp. 24,221,612

LAND USE PLANNING

Appearance of fairness, ex parte conversations, when allowed: *HB 1649, CH 191 (1984), SB 4626, SSB 4626

Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)

Beneficial use reduction through government action, tax exemption: SB 4729

Boundary review board, provisions revised: SHB 1380

Burial of human remains on islands, conditions: *SSB 4110, CH 53 (1984)

Community corporation, land use authority: SHB 879

Community councils, may establish by resolution, advisory only: *HB 392, CH 203 (1984)

Comprehensive plan, ground water supply as an element: *HB 1138, CH 253 (1984)

Conservation easements authorized: SB 3310

Conservation futures, certain holdings exempt from ad valorem taxation: *SSB 3178, CH 131 (1984)

Endangered and threatened species, habitat buffer zones: SB 4788, *SSB 4788, CH 239 (1984)

Enterprise zone act, local zoning displaced: SB 4600

Ex parte communications, appearance of fairness, when allowed: *HB 1649, CH 191 (1984), SB 4626, SSB 4626

Forest lands, DNR to consider local plans before selling or purchasing: *2SHB 181, CH 222 (1984)

Ground water used for public water supplies, planning element: *HB 1138, CH 253 (1984)

Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)

Habitat buffer zones to protect certain species: SB 4788, *SSB 4788, CH 239 (1984)

Hearings, notice at least 10 days before by newspaper: 2SSB 3019

Hearings, seller to forward notice: 2SSB 3019

Islands, human remains may be buried on, conditions: *SSB 4110, CH 53 (1984)

Permits, adverse impacts not regulated by ordinance, etc., mitigation conditions: SSB 4752

Permits, denial or approval, base on adopted regulatory ordinances: SB 4752

Plat approval, final approval authority may be delegated: SB 4752, SSB 4752

Plat approval, hearing, when required: SB 4752, SSB 4752

Port districts, exempt from prohibition against short subdivisions: SB 3586

SEPA, land use cases, industrial expansion, decisions within 120 days: SB 4790

Short plats, notice of proposal of adjacent land owners: *HB 1192, CH 47 (1984)

Single family residences, separate living quarters for relatives: SB 3777

Solid waste management, comprehensive county plans: *SHB 1164, CH 123 (1984), SB 4617

Yakima river basin hydroelectric development: SSB 3873

Zoning, mental health facilities exempted: SB 4464

LANDLORD TENANT

Apartment sales, notice procedures: HB 860

Hot water heater thermostat setback: SSB 3277

Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589

Hot water heater thermostat setback, solar reservoir exceptions: SB 4589

Mobile home landlord and tenants, rights and duties modified: *SHB 1270, CH 58 (1984), SB 4316

Rent assistance by landlords receiving recipients' money directly: 2SSB 3104

Uninhabitable dwellings, enforcement procedures: *HB 939, CH 213 (1984)

LAW ENFORCEMENT (See also STATE PATROL)

Choke holds: SSB 3766

Collective bargaining, uniformed personnel definition modified: *2SHB 85, CH 150 (1984)

Criminal justice advisory commission established: SB 3429

LAW ENFORCEMENT—cont.

- Criminal justice system, joint legislative committee: *SSB 3429, CH 234 (1984)
 Disability denied, return to duty allowed: SB 4354
 Disabled cars, reflectorized warning devices: *SB 4527, CH 119 (1984)
 Domestic violence prevention act: SB 4541, *SSB 4541, CH 263 (1984)
 Execution and redemption, personal property, real property: *SSB 4111, CH 276 (1984)
 Hazardous substances in the workplace and community, disclosure: SSB 4831, *2SSB 4831, CH 289 (1984)
 Hazardous waste handlers public disclosure records: SHB 669
 Joint select committee on law enforcement officers and fire fighters retirement system: SCR 149
 LEOFF, children tuition benefit age lowered: SHB 856
 LEOFF, disability denied, return to duty allowed: SB 4354
 LEOFF, joint select committee on: SCR 149
 LEOFF retirement system, select review committee: SB 4583
 LEOFF system to be reviewed: SSB 3226
 Notice to law enforcement, victims, witnesses, 10 days prior to release or escape: 2SHB 307
 Peace officer act of 1983: SB 4080
 Pension liabilities, budget document and appropriation bill to include: SB 4566
 Protection orders, domestic violence: SB 4541, *SSB 4541, CH 263 (1984)
 Psychologist fees paid for by retirement system: SSB 3226
 Reflectorized warning devices on disabled cars: *SB 4527, CH 119 (1984)
 Retirement, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)
 Retirement, excess compensation: *SHB 843, CH 184 (1984)
 Retirement, tax deferral benefits: *SSB 4477, CH 227 (1984)
 Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)
 Scene of emergency, duties of persons on the scene: SB 4361
 Sheriff, annual training program required: SB 4784
 Sheriff, office of, qualifications modified: SB 4722, SSB 4722
 Sheriff qualifications established: SB 4784
 Sheriffs, discharged, civil service protection: SB 4436
 Sheriffs, vacancies in offices, fill by laid-off employees: SB 4628, *SSB 4628, CH 199 (1984)
 Washington peace officer act of 1983: SB 4080

LAXTON, H. DEAN

- Member, board of trustees, Big Bend community college
 district 18: GA 58, confirmed pp. 1498,1501

LeCOCQ, IRWIN J.

- Member, board of trustees, Western Washington University:
 GA 39, confirmed p. 602

LEE, KAI N.

- Member, Pacific Northwest electric power and conservation
 planning council: GA 194, confirmed pp. 28,209,642,1319

LEE, SENATOR ELEANOR

- Personal privilege, clarifying position on bill p. 1411
 Personal privilege, clarifying position on bill p. 1434
 Personal privilege, women gubernatorial appointees p. 1510

LEGAL MESSENGERS

- Exempted from WUTC regulations: *SSB 4050, CH 171 (1984)

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- Armour-piercing ammunition senate subcommittee: SSB 4859
 Bad checks and drafts, remedies for holders, study by committee on financial institutions: SFR 141
 Biennial 60 day session, return to: SJR 132

LEGISLATURE—cont.

- Boards and commissions, uniform compensation: *HB 1159, CH 287 (1984)
- Budget stabilization account established: SJR 135
- Capital projects review committee: SB 4392
- Child protective service system, joint select committee on to examine : SCR 152
- Child protective services, joint select committee created: SB 4639
- Child support joint committee created: *SHB 1627, CH 260 (1984), SB 4373, SSB 4373
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Aquatic lands, public benefits listed and prioritized: *2SHB 1231, CH 221 (1984)

Aquatic lands, rental rate determination: *2SHB 1231, CH 221 (1984)

Bald eagles, habitat buffer zones: *SSB 4788, CH 239 (1984)

Capital purchase and development account, fund distribution: SB 4232, SSB 4232

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Coal mining, federal preemption, procedure: *SHB 480, CH 215 (1984)

Cooperative fish and game projects funded through aquatic land enhancement account: *2SHB 1231, CH 221 (1984)

Endangered and threatened species, habitat buffer zones: SB 4788, *SSB 4788, CH 239 (1984)

Exchange of school district or higher education land: SSB 3787

Forest industry groups may form self-insurance groups: SB 4547

Forest land base, do not reduce: *2SHB 181, CH 222 (1984)

Forest lands, sales and purchases, consider local land use: *2SHB 181, CH 222 (1984)

Forest product storage and transportation on state waters: *SHB 1407, CH 60 (1984), SSB 3432

Forest products, brands, catch brands, renewals, assignments: *SHB 1407, CH 60 (1984), SSB 3432

Forest products, processor liens: SB 4518

Forest products, provisional center for international trade, UW: *SHB 1205, CH 139 (1984), SB 4514

Future farmers of america recognized: *SCR 143, (1984)

Geoduck intensive management plan, geoduck hatchery: *2SHB 1231, CH 221 (1984)

Habitat buffer zones, bald eagles: *SSB 4788, CH 239 (1984)

Habitat buffer zones to protect certain species: SB 4788, *SSB 4788, CH 239 (1984)

Identification of products, registered mark or brand: SB 3423, SSB 3423

Industrial, commercial, residential, in-lieu property tax: *2SHB 181, CH 222 (1984)

In-lieu property tax, commercial, industrial, residential land: *2SHB 181, CH 222 (1984)

Land bank created: *2SHB 181, CH 222 (1984)

Land bank, in-lieu payments: *2SHB 181, CH 222 (1984)

NATURAL RESOURCES, DEPARTMENT OF—cont.

- Land bank, not to exceed 1,500 acres: *2SHB 181, CH 222 (1984)
 Land bank technical advisory committee created: *2SHB 181, CH 222 (1984)
 Land sales, market conditions, contract or cash: *2SHB 181, CH 222 (1984)
 Leasing state land, provisions: *2SHB 181, CH 222 (1984)
 Log patrol account created: SB 3432
 Log patrol fund: SB 3423, SSB 3423
 Log patrol licenses and procedures: *SHB 1407, CH 60 (1984), SSB 3432
 Log patrol licensing procedures: SB 3432, SSB 3432
 Log patrols, defined: SB 3432, SSB 3432
 Milwaukee Road advisory committee created in DNR: SSB 4244
 Milwaukee Road, corridor designated as a state park: SB 4779
 Milwaukee Road, DNR authority over majority of corridor: *SSB 4329, CH 174 (1984)
 Milwaukee Road DNR responsibility, plan to be prepared: SSB 4251
 Milwaukee Road, lease by adjoining owners: SB 4329
 Milwaukee Road, parks and recreation advisory committee to plan: SB 4244
 Milwaukee Road, parks and recreation authority over 25 mile section: *SSB 4329, CH 174 (1984)
 Milwaukee Road title transferred to parks and recreation: SB 4779
 Milwaukee Road to be managed as a recreation trail: SB 4779
 Mineral interests, procedures to extinguish claims: SB 4443, *SSB 4443, CH 252 (1984)
 Oil and gas severance and conservation act: 2SSB 3187
 Oregon, log patrol agreement with Washington: SB 3432, SSB 3432
 Parks, state parks timber policy: *SHB 1227, CH 82 (1984), SB 4666, SSB 4666
 Primary processing: SB 3293
 Primary processing, domestic processing of public timber, formula: SB 4497
 Provisional center for international trade in forest products, UW: *SHB 1205, CH 139 (1984), SB 4514
 Public land management, consider local plans: *2SHB 181, CH 222 (1984)
 Public land, timber valuation for excise tax purposes: SB 4575
 Public lands, purchase, lease, or sale: SB 4108
 Reclassified reforestation land means land for which the classification has been terminated: *SB 4421, CH 204 (1984)
 Resource management cost account created: *2SHB 181, CH 222 (1984)
 Resource management land bank changed to land bank: *2SHB 181, CH 222 (1984)
 Resources, may not deny access to based on race, sex, etc.: SB 4697
 Resources of state are state's domain: SB 4697
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 Seaweed aquaculture program, evaluate progress: *2SHB 1231, CH 221 (1984)
 Small business mill survival act: SB 3293
 State land sale terms: *2SHB 181, CH 222 (1984)
 Stumpage value, timber on publicly owned land: SB 4575
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 Surface mines, regulation: *SHB 480, CH 215 (1984)
 Timber land, current use assessment: *SSB 3504, CH 111 (1984)
 Timber sale contracts, defaults: SB 3605
 Timber sold on public lands, small mill criteria: SB 3293
 Timber valuation on publicly owned land: SB 4575
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- Blood drawing and nutritional injections allowed: SB 4757, SSB 4757

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- Boating safety provisions revised: SB 4578, *SSB 4578, CH 183 (1984)
 Grays Harbor improvement project requested: *HJM 33, (1984)

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- Pilots, limitation of liability: SSB 3133
- Watercraft tax, exempt if under 16 feet and without machine propulsion: *SHB 255, CH 250 (1984)
- Watercraft tax, imposed but not collected for 1980 through 1982, cannot collect: *SHB 255, CH 250 (1984)

NEWHOUSE, SENATOR IRVING

- Point of order p. 493
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- Member, joint select committee on industrial insurance p. 1301
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NEWS (See also TELEVISIONS)

- Counties, increases contract period for official newspapers: SB 4522, SSB 4522
- Newspapers, increases contract period for official county newspapers: SB 4522, SSB 4522

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- Management program required for river system: HB 1250

NONPROFIT CORPORATIONS AND ORGANIZATIONS

- Artistic or cultural organizations, B&O tax deduction modified: SB 4525, SSB 4525
- B&O tax deduction modified, artistic or cultural organizations: SB 4525, SSB 4525
- B&O tax deduction modified, artistic or cultural organizations: SB 4525
- Centennial partnership corporation: SB 4794, *SSB 4794, CH 231 (1984)
- Class K liquor licenses modified: *SB 4348, CH 71 (1984)
- Conservation futures, certain holdings exempt from ad valorem taxation: *SSB 3178, CH 131 (1984)
- County and city participation with economic programs is a public purpose: SSB 3276
- Gambling, member to include national membership: SSB 3434, *SB 4300, CH 70 (1984)
- Gambling revenue increased: SB 3312
- Gambling, winning, limit increased: SSB 3434
- Higher education, nonprofit educational corporations: SHB 1197
- Higher education, nonprofit foundations and nonprofit corporations: SB 4625
- Shelters, homeless persons, exempt from taxation: SB 3438
- Transportation for elderly or handicapped, motor vehicle fuel tax exemption: SB 3835, SSB 3835

NOTARY PUBLIC

- Seal reference, deleted: SB 4720

NOVAK, VANNA H.

- Member, state lottery commission: GA 138 p. 27

NUCLEAR WEAPONS

- Nuclear attack emergency evacuation plan not mandatory: SB 4561
- Nuclear attack, evacuation plan by political subdivisions optional: HB 1129

NURSERY SCHOOLS

- School districts may equip: SB 4645

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- Disciplinary procedure consolidation with various health professions: *SHB 1178, CH 279 (1984)
- Drug delivery to users or research subject authorized: SB 4465
- Reports of abused dependent adults: *HB 1328, CH 97 (1984), SB 3060

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- Administrators, if absent delegate in writing a person in charge: SB 4660, SSB 4660
- Administrators, license criteria: SB 4660, SSB 4660

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- Administrators, license revocation or suspension, criteria: SB 4660, SSB 4660
- Board members, good faith immunity: SB 4660, SSB 4660
- Cost reimbursement, energy retrofit, allowable cost: SHB 1341, SB 4462
- Cost reimbursement, rates may be adjusted for energy retrofits: SSB 4462
- Disciplinary procedures, consolidation of various health care professions: *SHB 1178, CH 279 (1984)
- Energy retrofits, allowable cost for reimbursement: SHB 1341, SB 4462
- Energy retrofits, reimbursement rates may be adjusted for: SSB 4462
- Industrial insurance dividend or premium discount, contractor retains: SB 4715
- Pets, may live in or visit facilities: *SB 3059, CH 127 (1984)
- Rate adjustments for increases in fringe benefits or payroll taxes: SB 4725
- Reimbursement, disputed items, when resolved set rates retroactively: SB 4715
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- Reimbursement, extend one year the rates determined prospectively: SB 4715
- Religious or spiritual means alone for healing through prayer, exempt: SB 4660, SSB 4660
- Unallowable costs, list revised: SB 4715

OFFICE OF FINANCIAL MANAGEMENT

- Comprehensive state budgeting, accounting, and reporting system required: *SB 4504, CH 247 (1984)
- Drunk driving cost impact, grants to enhance prosecution, adjudication: *SHB 1582, CH 110 (1984)
- Economic and revenue forecast council created: *SHB 1083, CH 138 (1984)
- Estimated revenues defined: SB 4577
- Estimated revenues, forecasts: *SHB 1083, CH 138 (1984)
- Estimates of revenue collections all agencies: SB 4577
- Financial report of all funds and accounts annually: *SB 4504, CH 247 (1984)
- Full time equivalent student definition, review: SB 4509
- Goals and objectives included in estimates for budget proposal: *SB 4504, CH 247 (1984)
- Life-cycle cost, expand beyond energy analysis: SB 4292
- Prisons, alternatives to total confinement, study: SB 4299, *SB 4798, CH 246 (1984)
- Revolving funds, bid procedures for excess contracts: SSB 4063
- Serious traffic infractions, OFM, grant money to enhance prosecution and adjudication: SB 4691
- Traffic infractions, serious, OFM, grant money to enhance prosecution and adjudication: SB 4691

OIL AND GAS

- Alternative fuels, vehicles to bear reflective placards: *HB 1427, CH 145 (1984)
- Energy account created to receive revenue from petroleum overcharges: SB 4580
- Mineral interests, procedures to extinguish claims: SB 4443, *SSB 4443, CH 252 (1984)
- Motor vehicle fuel containing alcohol, label dispensing device: *SHB 1668, CH 61 (1984)
- Motor vehicles using alternative fuels to bear reflective placards: *HB 1427, CH 145 (1984)
- Oil and gas severance and conservation act: 2SSB 3187

OLESEN, DOUGLAS E.

- Member, Washington high-technology coordinating board:
GA 182, confirmed pp. 35,685,1496

OLSEN, JEANNE ROUNDS

- Member, Washington State University board of regents: GA 151 p. 29

OLSON, DONALD L.

- Member, board of trustees, Spokane community college
district 17: GA 193, confirmed pp. 37,1499,1599

OLYMPIC COUNTY

Created, subject to voter approval: SB 3264

OLYMPIC COMMUNITY COLLEGE DISTRICT 3, BOARD OF TRUSTEES

Loposer, Avery K., member: GA 160, confirmed pp. 31,1498,1589

O'NEIL, WILLIAM J.

Member, board of trustees, Whatcom community college
district 21: GA 166, confirmed pp. 32,1498,1577

OREGON

Income tax changes, attorney general to challenge: *HCR 40, (1984), *SCR 147,
(1984)

Income tax changes, repeal: *SCR 147, (1984)

Nonresidents, county tax authorized on those employed in county: *HB 1509, CH
248 (1984)

Repeal of 1983 Oregon income tax changes: *SCR 147, (1984)

OSTEOPATHIC MEDICINE

Compact-authorized programs, select students, in addition to optometry students:
SHB 1181

Disciplinary procedure consolidation with other health care professions: *SHB
1178, CH 279 (1984)

OUTDOOR RECREATION, INTERAGENCY COMMITTEE ON

Mackey, Ralph E., member: GA 135, confirmed pp. 26,1127,1493

Warden, Virginia, member: GA 136, confirmed pp. 27,1127,1513

OWEN, SENATOR BRAD

Member, Pacific marine fisheries commission:

GA 143, confirmed pp. 28,197,336

Point of order pp. 842,974

PACIFIC MARINE FISHERIES COMMISSION

Alverson, Robert D., member: GA 142, confirmed pp. 28,601,983

Owen, Brad, member: GA 143, confirmed pp. 28,197,336

**PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLAN-
NING COUNCIL**

Collins, Charles T., member: GA 202, confirmed pp. 551,608,1319

Evans, Daniel J., member: GA 107, returned to Governor's
office p. 214

Lee, Kai N., member: GA 144, confirmed pp. 28,208,642,1319

PARKS AND RECREATION

Acquisition and management policy: *SHB 1227, CH 82 (1984), SB 4666, SSB 4666

Aquatic land recreation purposes, grants: *2SHB 1231, CH 221 (1984)

Athletic health care and training council created: SB 4484, *SSB 4484, CH 286
(1984)

Boating registration and safety act: SB 3249, SSB 3249

Boating safety provisions revised: SB 4578, *SSB 4578, CH 183 (1984)

Bonds, outdoor recreational facilities: SSB 3806

Camping club contracts exempt from sales and use tax: SB 4695

Deed restriction clause of conveyed land, revert to state: SB 4775, *SSB 4775, CH
87 (1984)

General obligation bonds, limit increased, outdoor recreational areas and facili-
ties: SSB 3806

John Wayne trail: SB 4244

Land exchanges to be accompanied by a transfer fee: *SSB 4775, CH 87 (1984)

Management plan for each park: *SHB 1227, CH 82 (1984), SB 4666, SSB 4666

Milwaukee Road advisory committee created in DNR: SSB 4244

Milwaukee Road, corridor designated as a state park: SB 4779

Milwaukee Road, DNR authority over majority of corridor: *SSB 4329, CH 174
(1984)

Milwaukee Road DNR responsibility, plan to be prepared: SSB 4251

Milwaukee Road, lease by adjoining owners required: SB 4329

PARKS AND RECREATION—cont.

- Milwaukee Road, parks and recreation advisory committee to plan: SB 4244
 Milwaukee Road, parks and recreation authority over 25 mile section: *SSB 4329, CH 174 (1984)
 Milwaukee Road title transferred to parks and recreation: SB 4779
 Milwaukee Road to be managed as a recreation trail: SB 4779
 Natural area designation of certain forests: *SHB 1227, CH 82 (1984), SB 4666, SSB 4666
 Numerous fund money derived from fines and forfeitures transferred to counties: SB 4430
 Outdoor recreation account money from travel trailer excise tax: SB 4297
 Outdoor recreational facilities, bonds: SSB 3806
 Parkland acquisition account established: SB 4775, *SSB 4775, CH 87 (1984)
 River outfitting and guide services regulated: SB 4431, SSB 4431
 River rafting advisory committee created: SB 4431, SSB 4431
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 Surplus land, disposal procedures, reversionary clause: SB 4775, *SSB 4775, CH 87 (1984)
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 Trees or timber may not be sold: SB 4666
 Urban area parks, acquisition, development, renovation, etc.: SSB 4823

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PATTON, CAROLYN V.

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Deferred compensation, state employees given opportunity to participate in agreements: *SSB 3926, CH 242 (1984)
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Excess compensation, employer financial duties: *SHB 843, CH 184 (1984)
Firefighters psychologist fees paid for by retirement system: SSB 3226
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Higher education, benefit computation, best 5 years: SB 4385
Higher education, post-1984 employment, modifications: SB 4478
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- Preretirement counseling program: SB 3195
- Public retirement, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)
- Public retirement, joint interim committee: SCR 134
- Public retirement, \$.74 increase for each year of creditable service: SB 3910
- Restoration of credit lost while incapacitated: SSB 3287
- Restoration of withdrawn contributions on reentry, have until June 30, 1985: SB 3287, SSB 3287, SB 4442
- Retirement system, appeals: SSB 3226
- School employees, tax deferred annuities: *SB 4500, CH 228 (1984)
- State patrol, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)
- State patrol, excess compensation: *SHB 843, CH 184 (1984)
- State patrol, survivor's benefits: *SHB 271, CH 206 (1984)
- Tax deferral benefits: *SSB 4477, CH 227 (1984)
- Tax deferred annuities for school employees: *SB 4500, CH 228 (1984)
- Teacher retirement, contributions to defray cost: *SB 4275, CH 236 (1984)
- Teacher retirement, educational staff associates: *HB 1304, CH 256 (1984)
- Teacher retirement, employer may pay all contributions: SB 4477, *SSB 4477, CH 227 (1984)
- Teacher retirement, tax deferral benefits: *SSB 4477, CH 227 (1984)
- Teacher retirement, tax deferred annuities: *SB 4500, CH 228 (1984)
- Teacher retirement, teacher definition expanded: *HB 1304, CH 256 (1984)
- Teachers retirement, excess compensation: *SHB 843, CH 184 (1984)
- Teachers retirement, part-time, earnable compensation defined: *HB 1254, CH 5 (1984)
- Teachers, \$.74 increase for each year of creditable service: SB 3910
- Trust fund investment earnings used to pay legal expenses: *SHB 843, CH 184 (1984)
- Vacation leave, employment terminated, when paid for accrued leave: *SHB 843, CH 184 (1984)
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PERSONAL PROPERTY (See also TAXES - PERSONAL PROPERTY)

- Assessments, average assessment levels may be used in equalizing: HB 1209, SB 4368
- Attachment and execution, exempt amount increased: SB 3408
- Automobiles, abandoned junk, when authority to dispose of is effective: SHB 1136
- Inhalation therapy systems, sales and use exempt: SB 4412
- Lease, tax excluded from price for sales tax: SB 4473
- Overinsurance requirement prohibited: *HB 1423, CH 6 (1984)

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- Trusts, revisions: *SHB 1213, CH 149 (1984)

PERSONNEL APPEALS BOARD

- White, Walter E., member: GA 145, confirmed pp. 28,197,552

PERSONNEL, DEPARTMENT OF

- Board member compensation increased: HB 1378, SB 4441
- Child care demonstration project for state employees: *SHB 1655, CH 162 (1984)
- Civil service examinations, veterans' preference, claim within 8 years: SB 4683
- Civil service examinations, veterans' preference revised: SB 4620, *SSB 4620, CH 36 (1984)
- Civil service examinations, Vietnam veterans entitled until 1990: SSB 4683
- Civil service exemption for convention and trade center: *SHB 1279, CH 210 (1984), SB 4458
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- Classified positions, preferences for reemployment: HB 1378, SB 4441

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- Correction employees injured by assault on job, paid leave: *HB 1378, CH 284 (1984), *SB 4798, CH 246 (1984)
- Direct service positions, maintain: HB 1378, SB 4441
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- Management, do not favor in employment practices: HB 1378, SB 4441
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- Productivity board employee suggestion program award recipients: *SFR 135 (1984)
- Supervisors, remove if tolerate inadequate performance: HB 1378, SB 4441
- Terminate employment, inadequate performance: HB 1378, SB 4441
- Vacation leave, employment terminated, when paid for accrued leave: *SHB 843, CH 184 (1984)
- Veterans' preference in civil service exams, claim within 8 years: SB 4683
- Veterans' preference in civil service exams revised: SB 4620, *SSB 4620, CH 36 (1984)
- Veterans' preference, Vietnam vets, claim by 1990: SSB 4683

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- Nursing homes, pets may live in or visit: *SB 3059, CH 127 (1984)

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- Board duties re licensure modified: SB 4302, *SSB 4302, CH 153 (1984)
- Board membership increased: SB 4302, *SSB 4302, CH 153 (1984)
- Board, sunset termination: SB 4302, *SSB 4302, CH 153 (1984)
- Combination drugs, label requirements: SB 4302, *SSB 4302, CH 153 (1984)
- Delivery defined: *SSB 4302, CH 153 (1984)
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- Intern certificates for new or reinstated license: SB 4302, *SSB 4302, CH 153 (1984)
- Itinerant or peddler law modified: *SSB 4302, CH 153 (1984)
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- Licensure modified: SB 4302, *SSB 4302, CH 153 (1984)
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- Reports of abused dependent adults: *HB 1328, CH 97 (1984), SB 3060
- Shopkeeper law modified: *SSB 4302, CH 153 (1984)
- Shopkeeper law repealed: SB 4302

PHARMACY BOARD, STATE

- Hennum, Lars, member: GA 97, confirmed p. 311
- Zoloth, Arthur M, member: GA 90, confirmed p. 214

PHYSICAL THERAPISTS

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- Hearing aids, fitter and dispensers, need medical clearance from users' doctor:
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- Informed consent, side effects as element of proof: SB 4599
- Naturopathic physicians, draw blood and give injections: SB 4757, SSB 4757
- Optometrists, disciplinary procedure consolidation: *SHB 1178, CH 279 (1984)
- Optometry to include topical pharmaceutical agents: SB 4440
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- Reports of abused dependent adults: *HB 1328, CH 97 (1984), SB 3060

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- Henry M. Jackson International airport, include Seattle-Tacoma in name: SB 4769
- Sea-Tac airport name changed, input required from contributors: SB 4734

PILOTAGE COMMISSIONERS, BOARD OF

- Flavel, Captain M. R., member: GA 200, confirmed pp. 542,597,780
- Shearer, Burt A., member: GA 201, confirmed pp. 542,597,780

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- Member, board of trustees, Clark community college
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Member, housing finance commission: GA 131 p. 26

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ROBERTS, MABEL E. "MICKEY"

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ROBINSON, WILLIAM T.

Member, board of trustees, the evergreen state college:

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Member, housing finance commission: GA 132 p. 26

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SANFORD, LARRY

- Member, state board for community college education:
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- Member, University of Washington board of regents: GA 148..... p. 29

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- Member, joint select committee on industrial insurance p. 1301

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- Committees to be in ESD's instead of each county: SB 4649
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- Educational excellence, offer courses for skills, graduation, college entrance: *SHB 1246, CH 278 (1984)
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- Transitional bilingual instruction, enrichment programs authorized, but not part of basic education: *SHB 1456, CH 124 (1984)
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- Vocational education, outstanding scholars, tuition and fee waivers: SB 4576
- Vocational excellence award program: *SHB 1613, CH 267 (1984), SB 4615
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SCHROCK, RICHARD T.

- Member, export assistance center board: GA 122 pp. 24.222

SCHWAB, JOE

- Member, joint select committee
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SEREMAD, DAVID

Member, commission for vocational education:

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Brockett, Donald C., member: GA 152, confirmed pp. 30,562,814

Clarke, Harold D., member: GA 153, confirmed pp. 30,562,983

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SHEARER, BERT A.

- Member, board of pilotage commissioners:
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SHERMAN, VAUGHN A.

- Member, board of trustees for Edmonds community college
 district 23: GA 168, confirmed pp. 32,1321,1448

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- Banks, Cherry A., member: GA 93, confirmed p. 202

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SKADAN, JANET

- Member, board of regents, University of Washington: GA 149 p. 29

SKAGIT COMMUNITY COLLEGE DISTRICT 4, BOARD OF TRUSTEES

- Moldstad, W. Kelley, member: GA 188 pp. 36,1589

SMITH, ORPHALEE

- Member, board of trustees for Whatcom community college
 district 21: GA 167 pp. 32,1588

SMITH, DR. ROBERT F.

- Member, joint select committee on industrial insurance p. 1301

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- Deferrals modified: *HB 1201, CH 220 (1984)
- Delinquencies, notice to persons having recorded interest in or lien: *SSB 4489, CH 179 (1984)
- Delinquency penalties, waived, certain filing and notice circumstances: *HB 706, CH 185 (1984)
- Delinquency procedures: *SSB 3178, CH 130 (1984)
- Equalization board, delinquencies, schedule: *SB 3262, CH 132 (1984)
- Exemptions and special assessments modified: *HB 1201, CH 220 (1984)
- Foreclosure, notify mortgagee and lienholders: SB 4489
- Foreclosure, notify persons having recorded interest in or lien: *SSB 4489, CH 179 (1984)
- Game department in lieu of taxes: *SHB 105, CH 214 (1984)
- Houseboats, new, sales tax: *SHB 1275, CH 192 (1984)
- Houseboats, real estate excise tax imposed: SB 4536
- Houseboats, used, real estate excise tax: *SHB 1275, CH 192 (1984)
- Installment payments of taxes and assessments authorized: SB 4742
- Leasehold excise tax, computed as if private: SB 4331
- Levies, voter authorization classified, ballot proposition forms: *SSB 3178, CH 131 (1984)
- Lienholders, notified in foreclosure: SB 4489, *SSB 4489, CH 179 (1984)
- Mobile homes, special assessment or tax deferral, liens: *HB 1201, CH 220 (1984)
- Mortgage revenue bond interest tax exemption, reenactment requested: SJM 123
- Mortgagee notified in foreclosures: SB 4489
- New construction means also increase in assessed value of reforestation lands: *SB 4421, CH 204 (1984)
- Nonprofit businesses and organizations, exemption criteria modified: *HB 1201, CH 220 (1984)
- Nonprofit businesses and organizations, rent of exempt property, exemption criteria modified: *HB 1201, CH 220 (1984)
- Nonprofit organizations, deferrals and exemptions modified: SSB 3267, 2SSB 3267
- Open space land, interest rate upon reclassification: SB 3099
- Park and recreation service area, levies: SSB 4015, 2SSB 4015
- Public development authority, historical property, tax exemption: *SB 4374, CH 116 (1984)
- Public development authority, special review districts, modified: *SB 4374, CH 116 (1984)
- Public improvement financing, property tax increases: SSJR 119
- Public improvements, indebtedness payment from related tax increases: SJR 133
- Real estate excise and conveyance tax consolidated: SB 4386
- Senior citizen deferral modified: *HB 1201, CH 220 (1984)
- Senior citizen tax exemption, eligibility requirements made uniform: SB 4747

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- Shelters for homeless persons, exempt from taxation: SB 3438
- Special assessments, deferrals, liens: *HB 1201, CH 220 (1984)
- Special assessments modified: *HB 1201, CH 220 (1984)
- Timber, certain exempt from property tax: SB 4359, SSB 4359
- Voter approval of increases: SSJR 120
- Voter, authorization of regular tax levies, clarified: *SSB 3178, CH 131 (1984)

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- Alcohol advertisements may include price plus tax: SB 4311
- Basic cost of cigarettes, cost of doing business computation: *SSB 4325, CH 173 (1984)
- Border counties, motor vehicle fuels, B&O surtax reduced: SB 4457
- Camping club contracts exempt from sales and use tax: SB 4695
- Cigarette tax stamp, basic cost of cigarettes computation: SB 4325
- Cigarette tax stamp, cost of doing business computation: SB 4325
- Cigarettes, excise tax proceeds for cancer research: SB 3309
- Controlled substance possession, sale or use, tax: SB 4340, SSB 4340
- Deferrals, investment projects: SB 4564
- Donations, nonprofit public or private higher education institutions: SSB 4576
- Donations, nonprofit teaching and research institutions, use tax exemption: SB 4657
- Drug administration devices exempt: SB 4427
- Duty free shops on state ferries: SHB 861
- Equalization fund distribution to cities and towns: *SB 4376, CH 225 (1984)
- Exemption, inhalation therapy systems: SB 4412
- Exemptions, drug administration devices: SB 4427
- Exemptions, food, definition modified: SB 4370
- Ferries, duty free shops: SHB 861
- Firewood, non-store sales for personal use, exempt: SB 4353
- Fish farming exempted from certain taxes: SB 3929, SB 4290
- Food, definition for exemption modified: SB 4370
- Food purchased for public school lunch programs, tax eliminated: SB 3015
- Food tax prohibited: SJR 131
- Gold and silver: SB 3385
- Hearing aids exempt: SB 4521
- Houseboats, new, sales tax: *SHB 1275, CH 192 (1984)
- Houseboats, real estate excise tax imposed: SHB 1275, SB 4536
- Houseboats, used, real estate excise tax: *SHB 1275, CH 192 (1984)
- Inhalation therapy systems, exempt: SB 4412
- Investment projects, sales tax deferrals: SB 4564
- Marijuana possession for sale or use tax: SB 4340, SSB 4340
- Metal bullion, excluded from use tax: SB 3385, SSB 3385, SB 3929
- Monetized bullion, excluded from use tax: SB 3385, SSB 3385, SB 3929
- Nonprofit teaching and research institutions, use tax exemption for donations: SB 4657
- Nonresident sales for use outside state, permit fee reduced: SB 3192
- Nonresidents, county tax authorized on those employed in county: *HB 1509, CH 248 (1984)
- Prototypes, value of the article used redefined: SB 4618
- Public transportation, sales and use tax authority equalized: *SB 3834, CH 112 (1984)
- Rented or leased personal property, tax excluded from price: SB 4473
- Research institutions, use tax exemptions for donations: SB 4657
- Retail sale, site of, predominant selling activity occurred: SB 4678
- South African Krugerrands, sales and use tax exemption does not apply: SSB 3385, SB 3929
- Tax reduction of 1% when revenue projections exceed fixed amount: SB 4692
- Trade in allowance, deducted from sales price: SB 4693
- Voter approval for increases: SSJR 120

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- Comprehensive timber tax system covering all timber harvests: SSB 4359
- Counties may impose an excise tax: SSB 4158
- Counties may impose tax: SSB 4359, *SB 4421, CH 204 (1984)
- County harvester tax, expires 6/30/84: SB 4359
- Current use assessment, timber land: *SSB 3504, CH 111 (1984)
- Distribution determinations and calculations: SSB 4158
- Distribution of all money in the timber tax distribution guarantee account, 5/1/85: SSB 4359, *SB 4421, CH 204 (1984)
- Distribution of all money in the timber tax distribution guarantee account, 5/20/84: SB 4359
- Distribution of money to state, counties, and school districts: *SB 4421, CH 204 (1984)
- Excess levy rate raising computation, add timber assessed value, school land exception: SSB 4359, *SB 4421, CH 204 (1984)
- Excise tax of 6 1/2% until 6/30/85, 6 1/8% through 6/30/86, 5 3/4% through 6/30/87, 5 3/8% through 6/30/88, 5% thereafter: *SB 4421, CH 204 (1984)
- Excise tax of 6.5%, expires 6/30/84: SB 4359, SSB 4359
- Exempt from property taxes, certain classifications: SB 4359, SSB 4359
- Exemption threshold for harvesters increased: SB 4363
- Forest lands classified, department of revenue to audit counties: *SB 4421, CH 204 (1984)
- Harvesters, tax liability threshold for exemption increased: SB 4363
- New construction, means also increase in assessed value of reforestation lands: *SB 4421, CH 204 (1984)
- Phase out of 1931 law and integrate to 1971: *SB 4421, CH 204 (1984)
- Publicly owned land, timber valuation for excise tax purposes: SB 4575
- Rates modified over 5 year period: SB 3750
- Reclassified reforestation land, excise tax rate established: *SB 4421, CH 204 (1984)
- Reclassified reforestation land means land for which the classification has been terminated: *SB 4421, CH 204 (1984)
- Reforestation land classification terminated, procedures: *SB 4421, CH 204 (1984)
- Simplifying the distribution system at existing rates: SB 4359, SSB 4359
- Small harvester definition modified: SB 4363
- Small harvesters, if qualify tax rate is 4%: SB 4421
- Small harvesters, tax liability different from other harvesters: *SB 4421, CH 204 (1984)
- Stumpage value, timber on publicly owned land: SB 4575
- Taxes due under repealed statutes, deposit for common schools: SB 4359
- Timber tax distribution account established for harvester tax deposits: SSB 4359, *SB 4421, CH 204 (1984)
- Timber valuation on publicly owned land: SB 4575
- Value of taxable property includes timber assessed value: *SB 4421, CH 204 (1984)

TAXICABS

- Industrial insurance, certain exempt: SB 4601
- Regulating taxicab companies: SB 3064, *SB 3064, CH 126 (1984)

TECHNOLOGY

- Ad hoc committee on science and technology: SCR 101
- Cheap stock does not include high-technology securities: SB 4598
- High-technology, cheap stock does not include high-technology securities: SB 4598
- High-technology coordinating board, member modification: *SB 4351, CH 66 (1984)
- Math and science, recommended state course of study: SHB 954
- Math and science skills, teach women and minorities: *SB 4432, CH 265 (1984)
- Math, engineering, and science achievement program for underrepresented groups: *SB 4432, CH 265 (1984)
- Partnership for innovation act: SHB 1691

TECHNOLOGY—cont.

- Public corporations to provide capital funds: SJR 113
- Small business innovators' opportunity program extended: *SB 4773, CH 79 (1984)
- Women and minorities, teach special skills needed to study: *SB 4432, CH 265 (1984)

TELECOMMUNICATIONS

- Competitive market, laws revised accordingly: SB 4356
- Detariffing of certain services: SB 4519
- WUTC definition provided: SB 4552
- WUTC membership increased to cover: SB 4556

TELEPHONES

- Access charges, limitations: SB 4535
- Automatic dialing devices, use conditions: SHB 1234
- Competitive market, laws revised accordingly: SB 4356
- Detariffing of certain services: SB 4519
- Disclosure of information to buyers: SB 4560, *SSB 4560, CH 275 (1984)
- Mandatory local measured telephone service rates, study: SB 4667
- Mandatory local measured telephone service rates, WUTC to study: *SHB 1625, CH 3 (1984), SSB 4667
- Mandatory measured telephone service rates prohibited: *SHB 1625, CH 3 (1984), SB 4667, SSB 4667
- Surcharges on intrastate toll calling rate or carrier access fees: SB 4535
- Telephone access line charges, immediate action to reverse and redress: *SFR 138 (1984)
- Telephone buyers' protection act: SB 4560, *SSB 4560, CH 275 (1984)
- WUTC definition revised: SB 4552

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- Robinson, William T., member: GA 158, confirmed pp. 31,1320,1333

THEATER

- Surety bond to be deposited with L&I by theatrical enterprise business: *SSB 4220, CH 89 (1984)
- Wage claim for theatrical enterprises, action against bond: *SSB 4220, CH 89 (1984)
- Wages for theatrical enterprises, violation a misdemeanor: SB 4220

THOMAS, JOE E.

- Member, Washington high-technology coordinating board: GA 199, confirmed pp. 334,685,1499

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- Adult corrections: SB 4799, SB 4811, SB 4863, SB 4864
- Annexation simplification: SB 4847
- Capital budget process, impacts on future costs: SB 4866
- Child abuse and neglect: SB 4855
- Child molestation, abuse, pornography: SB 4810
- Child support: SB 4826
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- Competitive telecommunications services, separate subsidiaries required: SB 4835
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 Residency requirements for managers of collection agencies: SB 4818
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- Tourism programs: SB 4453, SB 4454
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- Basic cost of cigarettes, cost of doing business computation: *SSB 4325, CH 173 (1984)
- Cancer research funded by excise tax: SB 3309
- Cigarette sales, definitions modified: SB 4596, SB 4748
- Cigarette tax stamp, basic cost of cigarettes computation: SB 4325
- Cigarette tax stamp, cost of doing business computation: SB 4325
- LBC, do performance audit regarding basic cost of cigarettes: *SSB 4325, CH 173 (1984)
- Smoking in public areas restricted: SHB 229
- Smoking, nonsmoking, segregation of jurors: SB 4783
- Smoking prohibited in public places, except designated areas: SB 4584
- Unfair cigarette sales below cost act, certain provisions repealed: SB 4596
- Unfair cigarette sales below cost act, portions repealed: SB 4748
- Washington clean indoor air act: SB 4584

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- Community right-to-know state-wide telephone number, hazardous substances: SSB 4831, 2SSB 4831
- Domestic violence, inform victim of availability: SB 4541, *SSB 4541, CH 263 (1984)
- Drunk driving, reporting of: SSB 3107
- Social service agencies, violations: SB 4544
- Social service agencies, violations, toll-free hotline: SB 4544

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- Coupons, distributed through newspaper or attached or in packages, regulation: SB 3082

TRANSPORTATION COMMISSION, STATE

- Stern, Bernice, member: GA 156, confirmed pp. 30,198,557
- Sweeney, Leo B., member: GA 157, confirmed pp. 30,198,557

TRANSPORTATION, DEPARTMENT OF

- Building code, state highways and certain facilities exceptions, procedures revised: SB 4530
- Car pooling vehicles, tax modified: SB 4545
- Civil service exemptions for ferry management: *SHB 1210, CH 48 (1984)
- Columbia river highway, develop alternative: SCR 141
- Driver license fee, highway safety fund: SB 4470
- Duty free shops on state ferries: SHB 861
- East Wenatchee to Rocky Reach, develop alternative to shoreline route: SCR 141
- Ferries, duty free shops: SHB 861
- Ferries, remove Hood Canal bridge from ferry system: SB 4706
- Ferries, sale and lease back for tax purposes allowed: *SB 4460, CH 18 (1984)
- Ferry management, increase civil service exemptions: *SHB 1210, CH 48 (1984)
- Forest product storage and transportation on state waters: *SHB 1407, CH 60 (1984), SSB 3432
- Freeland excluded from the scenic highway act: SB 4701
- Grant county arterial highway construction: SSB 4055
- Henry M. Jackson Parkway, designate SR 500 as: *SFR 144 (1984)
- High occupancy vehicle lanes, preferential treatment, reduce pollution: SB 4550

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- Highway information panels, more motels listed: SB 4417
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 Hood canal bridge, remove from Puget Sound ferry system: SB 4706
 Hood Canal bridge, transportation commission to set rates, 1986-2002: SSB 4706
 McNeil Island ferry, acquisition and system, general obligation bonds: *HB 1190, CH 271 (1984)
 Mobile homes in transit, display decal, penalty: SB 4574, SSB 4574
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 Motel listings on highway information panels: SB 4417
 Obsolete references corrected regarding consolidated agencies: *SHB 1146, CH 7 (1984)
 Plan, state-wide, to be long-range: SB 4327
 Public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
 Railroad properties, public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
 Rest areas, agricultural commodities sales authorized: SB 4424
 Right of way, notice of short plats of adjacent land: *HB 1192, CH 47 (1984)
 Rural arterial program funding, sixth class counties and larger: SB 4288
 Rural arterial program funding, 7th class counties exempt from eligibility restriction: *SSB 4288, CH 113 (1984)
 Scenic highway act, Freeland excluded: SB 4701
 Short plats, notice of proposal of adjacent land owners: *HB 1192, CH 47 (1984)
 Six-year state-wide plan: SB 4327
 Speed limit increased to 60 MPH: SB 4793
 Speed limits, local regulation, not less than 12: SB 3191
 Speed limits, refer to 10/1/73: SSB 4793
 SR 291, Tumtum to Little Falls dam: SB 3639
 State highways and certain facilities, building code exceptions, procedures revised: SB 4530
 State route 102, Corrections Center to Shelton: *SB 4532, CH 197 (1984)
 State route 540, Haxton Way to I-5, transferred to Whatcom County: *SB 4532, CH 197 (1984)
 State route 547, Kendall to Sumas: *SB 4532, CH 197 (1984)
 State route 823, Selah to Fasset Avenue: *SB 4532, CH 197 (1984)
 State-wide transportation plan to be long-range: SB 4327
 Supplemental 1984 transportation budget adopted: *SHB 1200, CH 2 (1984)
 Training work, state forces limitation does not apply: SB 4343, SSB 4343
 Tumtum to Little Falls dam, SR 291: SB 3639
 Two-way left turn lanes, clarifications: *SB 4289, CH 12 (1984)
 Work done by state forces, limit increased: SB 4343, *SSB 4343, CH 194 (1984)
 Work done by state forces, shall not divide projects to meet monetary limits: *SB 4343, CH 194 (1984)

TRAVEL

- Credit cards for municipal corporations or political subdivisions for expenses: *HB 392, CH 203 (1984), SB 4510, SSB 4510

TRI-CITIES

- Consolidation of Pasco, Kennewick, Richland: *SHB 1435, CH 8 (1984), SB 4638

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- Investments, market agricultural loans: SB 4594
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 Supervisor of banking, visit banks and trusts every 18 months: SB 4594
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- Automation plan, appropriation: *SB 4342, CH 16 (1984)
 Benefit ratio computation: SB 4333, *SSB 4416, CH 205 (1984)
 Benefit ratio computed, 1985 and on: SB 4416, *SSB 4416, CH 205 (1984)

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- Benefits limited by wages earned, certain individuals: SB 4416
- Benefits, maximum weekly amount: SB 4333, *SSB 4416, CH 205 (1984)
- Benefits, 26 times weekly amount versus 30: SB 4333
- Computation of average weekly wage ratio: SB 4416, *SSB 4416, CH 205 (1984)
- Contribution rate, 1984 and on: SB 4416, *SSB 4416, CH 205 (1984)
- Crime victims compensation, temporary total disability: *SB 4345, CH 65 (1984)
- Dislocated worker defined: *SSB 4829, CH 181 (1984)
- Dislocated worker eligibility: *SSB 4829, CH 181 (1984)
- Disqualification from benefits, failure to attend job workshop: SB 4333, *SSB 4416, CH 205 (1984)
- Disqualification from benefits, sexual harassment, leave job: HB 1462
- Educational employees, reasonable assurance defined, contract services: *SHB 1439, CH 140 (1984)
- Employer experience rating, repealed: SB 4337
- Employment security automation plan: *SB 4342, CH 16 (1984)
- Experience rating account, which benefits are to be charged to: *SSB 4416, CH 205 (1984)
- Extended benefits, eligibility criteria modified for federal compliance: SB 3086, *SSB 3086
- Fund balance ratio computation: *SSB 4416, CH 205 (1984)
- Good faith estimates of hours worked: SB 4333
- Labor disputes and unemployment benefits: SB 4416
- Marginal labor force attachment: *SSB 4416, CH 205 (1984)
- On economic indicator, tax relief: SB 4333, SB 4336
- Predecessor and successor employer contribution rate computation: *SSB 4416, CH 205 (1984)
- Rate year defined: SB 4337
- Rate year instead of calendar year: SB 4337
- Reasonable assurance, defined for educational employees, contract services: *SHB 1439, CH 140 (1984)
- Remuneration, previously accrued compensation, when not considered: *SSB 3561, CH 134 (1984)
- Sexual harassment, leave job, no disqualification from benefits, circumstances: HB 1462
- Suitable work, acceptable salary reduced as time progresses: *SSB 4416, CH 205 (1984)
- Surplus definition removed: *SSB 4416, CH 205 (1984)
- Training, failure to attend, benefits cease: SB 4333, *SSB 4416, CH 205 (1984)
- Unemployed, does not include period covered by collective bargaining agreement: *SSB 3561, CH 134 (1984)
- Wages, remuneration includes tips reported to Uncle Sam: HB 1462
- Wages subject to tax: SB 4336
- Wages subject to tax, 115% of previous year: SB 4333, SB 4416, *SSB 4416, CH 205 (1984)
- Weekly benefit amount payable ratio: SB 4336
- Weekly benefit amount, 7/7/85, not to exceed \$185: *SSB 4416, CH 205 (1984)
- Weekly benefit amounts payable, based on ratio of unemployment compensation fund to total remuneration paid: *SSB 4416, CH 205 (1984)

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- Uniform conservation easement act: SB 3310
- Uniform disciplinary act enacted, health care professions: *SHB 1178, CH 279 (1984)
- Uniform parentage act, updating and clarifying: *SHB 1627, CH 260 (1984)

UNIVERSITY OF WASHINGTON

- Forest products, provisional center for international trade, UW: *SHB 1205, CH 139 (1984), SB 4514
- General obligation bonds authorized for capital improvements: *SSB 3942, CH 264 (1984)

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- Math, engineering, and science achievement program for underrepresented groups: *SB 4432, CH 265 (1984)
- Provisional center for international trade in forest products, UW: *SHB 1205, CH 139 (1984), SB 4514
- Special self-sustaining educational courses and programs authorized: SB 4717
- Tuition and fees, formula for increases: SSB 3882

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- Skadan, Janet, member: GA 149 p. 29

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- Detariffing of certain services: SB 4519
- District heating, operating permits for heat supplier: SSB 3225
- Electrical rate structure, inverted structure to be adopted: SB 3265, SSB 3265
- Excursion service companies regulated: *SSB 3758, CH 166 (1984)
- Hail, Mary D., member: GA 63 p. 39
- Legal messengers exempted from WUTC regulation: *SSB 4050, CH 171 (1984)
- Mandatory local measured telephone service rates, not approve any under suspension: *SHB 1625, CH 3 (1984), SSB 4667
- Mandatory local measured telephone service rates, study: *SHB 1625, CH 3 (1984), SSB 4667
- Membership of commission increased, telecommunications issues: SB 4556
- Public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
- Railroad contracts to be filed: *HB 1413, CH 143 (1984)
- Railroad crossings, reflectorized whistle post: HB 96
- Railroad properties, public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
- Railroad rate review revised: *HB 1413, CH 143 (1984)
- Taxicab companies, regulated: SB 3064, *SSB 3064, CH 126 (1984)
- Telecommunications defined, transmission of information: SB 4552
- Telecommunications issues, commission membership increased to cover: SB 4556
- Telephone access charges, limitations: SB 4535
- Telephone access line charges, immediate action to reverse and redress: *SFR 138 (1984)
- Telephone company definition revised, distinguishes the resale of services: SB 4552
- Telephone company laws revised re competitive market: SB 4356
- Telephone services, detariffing of certain: SB 4519
- Telephones, report to legislature on lowering cost on local exchange service: SB 4535
- Telephones, surcharges on intrastate toll calling rates or carrier access fees: SB 4535
- Water company redefined for jurisdiction purposes: SB 4551

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- Conservation analyses and financing authorized by electricity providers: SSB 3256
- Electric heat conversion standards: SSB 3890
- Electric space heating termination restricted: SB 4490, *SSB 4490, CH 251 (1984)
- Electrical rate structure, inverted structure to be adopted: SB 3265, SSB 3265
- Electricity, low-income, voluntary contributions: *HB 1361, CH 59 (1984)
- Excavations near underground facilities, notice requirements: SB 4707
- Group insurance for employees: SB 4341
- Heating service termination restricted: SB 4490, *SSB 4490, CH 251 (1984)
- Hot water heater thermostat setback: SSB 3277
- Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
- Hot water heater thermostat setback, solar reservoir exceptions: SB 4589
- Installment payments of taxes and assessments authorized: SB 4742
- Low-income customers, voluntary contributions to assist: *HB 1361, CH 59 (1984)

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- Low-income rates to blind, handicapped, or veterans: SB 4347
- Major public energy project, agreement for completion is deemed new project: SB 4789
- Poles, regulation of attachments: SSB 3183
- Public improvement boundaries for tax purposes: SSJR 119
- Public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
- Railroad properties, public utilities and transportation corridors: *HB 1413, CH 143 (1984), SB 4391, SSB 4391
- Small power production, electric utility to interconnect on request: SB 3491, SSB 3491
- Steam energy businesses, maximum rate for fees and taxes: SB 4627, SSB 4627
- Taxation and assessment, report due date extension, penalties: *SB 3262, CH 132 (1984)
- Termination of heating service restricted: SB 4490, *SSB 4490, CH 251 (1984)
- Transportation corridors, retain character after cessation of utility use: *HB 1413, CH 143 (1984)
- Treaty authorized, Canada, PUD'S, cities, agreements for recreation and environmental protection: *SHB 1778, CH 1 (1984), SB 4785, SSB 4785
- Underground utilities, damage procedures: *SHB 857, CH 144 (1984)
- Voluntary low-income assistance contributions for PUD customers: *HB 1361, CH 59 (1984)
- Voter approval needed for agreement to complete major project: SB 4789
- Water company redefined for jurisdiction purposes: SB 4551
- WPPSS financial resolution called for: SCR 107

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- Aid and attendants fund, deposit income in excess of allowable income: 2SHB 1600
- Allowable income for veterans' home members: 2SHB 1600
- Allowable income study by LBC: 2SHB 1600
- Benefits, qualifying class expanded: HB 1258
- Civil service examinations, veteran preference, claim within 8 years: SB 4683
- Civil service examinations, veteran preference revised: SB 4620, *SSB 4620, CH 36 (1984)
- Civil service examinations, Vietnam veterans entitled to preference until 1990: SSB 4683
- County auditor, marital status documents, certain without charge: *HB 1395, CH 84 (1984)
- Dedicated fund, aid and attendants fund, Eastern Washington: 2SHB 1600
- Dedicated fund, aid and attendants fund, eastside home: 2SHB 1600
- Eastern Washington facility, aid and attendants dedicated fund: 2SHB 1600
- Income in excess of allowable income, deposit in aid and attendants fund: 2SHB 1600
- Law school credits for WWII survivors eliminated: HB 1292, *SB 4437, CH 117 (1984)
- Loan insurance program repealed: *HB 1108, CH 29 (1984), SB 4291
- Relief fund: SSB 4259
- Utility rate reduction, low-income: SB 4347
- Veteran, definition enlarged, active duty, medals, foreign soil: SB 4620, *SSB 4620, CH 36 (1984)
- Veteran preference in civil service exams, claim within 8 years: SB 4683
- Veteran preference in civil service exams, Vietnam vets, entitled until 1990: SSB 4683
- Veterans' preference in civil service exams revised: SB 4620, *SSB 4620, CH 36 (1984)
- Vietnam war, dead or missing honored: *SHB 1266, CH 81 (1984), SB 4586

VETERINARIANS

- Disciplinary procedure consolidation with various health professions: *SHB 1178, CH 279 (1984)

VICE PRESIDENT PRO TEMPORE, OF THE SENATE (See also SENATOR A. L. "SLIM" RASMUSSEN)

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VOCATIONAL EDUCATION

Correctional program products, auction provision removed: SB 3528

FBLA-PBL, 2/14/84 be declared future business leaders of America-Phi Beta Lambda day: *SFR 145 (1984)

Outstanding scholars recognition program: SB 4576

Vocational excellence award program: *SHB 1613, CH 267 (1984), SB 4615

VOCATIONAL EDUCATION, COMMISSION

Alden, Christenia L., member: GA 169, confirmed pp. 33,1321,1333

Ikeda, Tsuguo "Ike", member: GA 170, confirmed pp. 33,1321,1448

Semerad, David C., member: GA 64, confirmed pp. 1498,1576

VOGNILD, SENATOR LARRY

Member, joint select committee on industrial insurance p. 1301

Personal privilege, request use of senate chambers
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Parliamentary inquiry, questioning amendments
discussed on SSB 4325 pp. 488,491

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VOLUNTEERS

Child exploitation, volunteer groups to help prevent: SB 4718

Cooperative fish and game projects funded through aquatic land enhancement
account: *2SHB 1231, CH 221 (1984)

Cooperative fish and wildlife enhancement projects, volunteers: 2SHB 1231, SB
4367, *SSB 4367, CH 72 (1984)

School children, absent or taken out, use volunteers to notify or identify: SB 4719
Sexual abuse of children, volunteer groups to help prevent: SB 4718

WALDT, LAWRENCE

Member, state lottery commission: GA 139 p. 27

Member, state gambling commission:
GA 10, returned to Governor's office p. 244

WALL, WILLIAM

Member, WPPSS executive board of directors:
GA 66, returned to Governor's office p. 244

WALLA WALLA COMMUNITY COLLEGE DISTRICT 20, BOARD OF DIRECTORS

Justice, David, member: GA 85, confirmed p. 195

Runstad, Adair F., member: GA 60, confirmed p. 127

WARDEN, VIRGINIA W.

Member, interagency committee for outdoor education:
GA 136, confirmed pp. 26,1127,1513

WARREN, F. GEORGE

Member, state board for community college education:
GA 75, confirmed p. 143

WASHINGTON STATE UNIVERSITY

Commodities trade (impact) center, provisional international marketing pro-
gram: *SHB 1207, CH 57 (1984), SB 4398

Coordination with EWU: SHB 1363

Endrin alternative study: SB 4079

Provisional international market program for agricultural commodities and trade
center: *SHB 1207, CH 57 (1984), SB 4398

Small business assistance coordinating council: *2SHB 689, CH 282 (1984)

Small business development center: *SB 4668, CH 77 (1984)

Spokane higher education consortium: SB 4625

Tuition and fees, formula for increases: SSB 3882

WASHINGTON STATE UNIVERSITY, BOARD OF REGENTS

- Hyslop, Thomas, member: GA 150 p. 29
 Olsen, Jeanne Rounds, member: GA 151 p. 29

WASTE DISPOSAL (See also HAZARDOUS SUBSTANCES)

- Electric generation by municipal corporations: SHB 710
 Private industry assisted by municipalities in financing of plants and facilities: SB 4540
 Revenue bonds issued to finance private industry waste disposal: SB 4540
 Solid waste advisory committee: 2SSB 3722
 Solid waste disposal facilities, cities and counties site review: *SHB 1164, CH 123 (1984)
 Solid waste disposal, funds to local governments: SHB 1164
 Solid waste disposal permits, minimum functional standards: *SHB 1164, CH 123 (1984), SB 4617
 Solid waste management, comprehensive county plans: *SHB 1164, CH 123 (1984), SB 4617
 Solid waste management, minimum functional standards: *SHB 1164, CH 123 (1984)
 Solid waste management priorities established and defined: *SHB 1164, CH 123 (1984)
 Solid waste management, standards and factors to address: *SHB 1164, CH 123 (1984), SB 4617
 Solid waste storage and disposal facilities, siting criteria: *SHB 1164, CH 123 (1984), SB 4617
 Waste disposal and management facilities defined: HB 1171, SB 4740

WATER

- Acid rain, alpine lake monitoring by DOE: *2SHB 1174, CH 277 (1984)
 Acid rain, develop potential regulatory strategies: *2SHB 1174, CH 277 (1984)
 Acid rain study: SB 4565
 Acid rain study by 1/1/85: *2SHB 1174, CH 277 (1984)
 Agricultural water use commission established: SB 4703
 Aquifer, protection and regulation: SB 3415, SSB 3415
 Aquifer systems, protection of rights, saltwater intrusion: SHB 1139
 Aquifers, ground water management areas, established: SB 4700
 Artificial diversion, must make just compensation: SB 4673
 City to supply free to certain property owners: SB 4369
 Comprehensive plan, ground water supply as an element: *HB 1138, CH 253 (1984)
 Comprehensive water resource management, emergency commission established: HCR 46
 Facility does not include property constructed with the industrial revenue bonds: *SHB 1118, CH 42 (1984), SB 4476, SSB 4476
 Forest product storage and transportation on state waters: *SHB 1407, CH 60 (1984), SSB 3432
 Ground water, aquifer protection and regulation: SB 3415, SSB 3415
 Ground water, civil actions, attorneys fees: SHB 1139
 Ground water code revised: SHB 1139
 Ground water management areas and programs to be established: SB 4700
 Ground water management committee to be formed: SB 4700
 Ground water management study authority: SB 4474, SSB 4474
 Ground water used for public water supplies, planning element: *HB 1138, CH 253 (1984)
 Hazardous systems, DSHS may shut down: SHB 1365
 Hot water heater thermostat setback: SSB 3277
 Hot water heater thermostat setback, multiple-unit residences, central system exception: SSB 4589
 Hot water heater thermostat setback, solar reservoir exception: SB 4589
 Hydraulic projects, plans no longer required, approval by departments to be reasonably given: SSB 3154
 Marine, waste water effluent discharge regulated: SB 4390, SSB 4390

WATER—cont.

- Minimum flows required before permits issued: SB 4664
- Multi-aquifer system, permit conditions: SHB 1139
- Municipalities, water supplies, access restrictions authorized: SHB 1584, SB 4613
- Permits, conditions, multi-aquifer systems: SHB 1139
- Permits for hydroelectric power generation: SB 4236, SSB 4236
- Permits, obtaining does not relieve grantee of liability: SHB 1139
- Pollution, public supply systems, tests: *SHB 1191, CH 187 (1984)
- Protections for property buyers if unpotable: SHB 1241
- Public supply systems, water quality tests: *SHB 1191, CH 187 (1984)
- Public systems, access restrictions authorized: SHB 1584, SB 4613
- Public systems, DSHS may shut down hazardous: SHB 1365
- Saltwater intrusion of aquifers: SHB 1139
- Select science advisory council on acid rain: SB 4565
- Senior rights protection remedies: SHB 1139
- Surface water, artificial diversion, must make just compensation: SB 4673
- Tax credits for facilities, modifications: *SHB 1118, CH 42 (1984), SB 4476, SSB 4476
- Waste water effluent discharge into marine waters regulated: SB 4390, SSB 4390
- Water quality tests, public supply systems: *SHB 1191, CH 187 (1984)
- Water resources commission created: SB 4654
- Water supply operators, certification changes: SSB 3395
- Yakima river basin hydroelectric development: SSB 3873
- Yakima-Tieton irrigation district funds: SB 4483

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- Agricultural water supply projects, general obligation bonds: SB 4422
- Boundaries within city excluded from district: HB 1346
- Districts authorized to alter status to a sewer district: SB 4378
- Electric generation by municipal corporations: SHB 710
- Hook up fees, cities may charge property owners equitable share: SHB 79
- Name change procedure modification: SB 4433, SSB 4433
- Sale of district property, appraisal by professionally designated real estate appraiser: *SHB 1666, CH 103 (1984)
- Transfer of system from county to municipal corporation: *SHB 1127, CH 147 (1984)
- Water company redefined for WUTC jurisdiction purposes: SB 4551
- Water supply operators, certification changes: SSB 3395

WATSON, RICHARD H.

- Director, state energy office: GA 112, confirmed pp. 22,209,259

WENATCHEE COMMUNITY COLLEGE DISTRICT 15, BOARD OF TRUSTEES

- Borth, Judith J., member: GA 164 p. 32

WESTERN WASHINGTON UNIVERSITY, BOARD OF TRUSTEES

- LeCocq, Irwin J., member: GA 39 p. 602
- Maleny, Judith T., member: GA 159 p. 31

WHATCOM COMMUNITY COLLEGE DISTRICT 21, BOARD OF TRUSTEES

- O'Neil, William J., member: GA 166, confirmed pp. 32,1498,1577
- Roberts, Mable E. "Mickey", member: GA 21, withdrawn p. 214
- Smith, Orphalee, member: GA 167 pp. 32,1588

WHEAT QUEEN

- Hemmer, Lennae, introduced p. 766

WHEELER, MARC

- Member, board of trustees, Centralia community college
district 12: GA 109, confirmed p. 1320,1334

WHITE, WALTER E.

- Member, personnel appeals board: GA 145, confirmed pp. 28,197,552

WICK, DONALD R.

- Member, housing finance commission: GA 133 p. 26

WILLIAMS, SENATOR AL

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WILLIAMS, CAROL

Member, joint select committee on industrial insurance p. 1301

WILLIAMS, NANCY

Member, export assistance center board:
GA 123, confirmed pp. 24,222,629

WILLIAMS, PAT

Member, gambling commission: GA 197 p. 287

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Parliamentary inquiry, questions two motions on SB 4519 p. 460
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WORK

Apprenticeship training, nontraditional: SB 3980
Community right-to-know statewide telephone number, hazardous substances:
SSB 4831
Comparable worth, committee to study established: *HCR 34 (1984)
Comparable worth negotiating team established: SCR 140
Comparable worth special legislative team to be established: *SSCR 140 (1984)
Dislocated worker defined: *SSB 4829, CH 181 (1984)
Economic equity act, equality for women: *HJM 16 (1984)
Economic stabilization task force, plant closures, layoffs: SB 4709, SSB 4709
Economically lagging area designation: SB 4709
Employee exchange agreements, public/public, private/public: HB 1253
Employment agencies, shall not discriminate based on marital status: SSB 4623
Hazardous substances, employer duties: SSB 4831, *2SSB 4831, CH 289 (1984)
Hazardous substances in the workplace and community, disclosure: SSB 4831,
*2SSB 4831, CH 289 (1984)
Industrial insurance, certain manual labor not covered: SB 4539
Injured workers, lay-off, suspend, discharge, limitations: HB 724
Job search services, layoffs, closures: SB 4709
Job training partnership act agency, coordinate with work incentive program:
SHB 1589
Jobs again council: SB 3850, SSB 3850, SB 3981
Joint job training partnership act oversight committee: SCR 135
Marital status, shall not discriminate in employment based on: SSB 4623
Minority and women-owned businesses, participation enhanced: SB 4328
Nonresidents, county tax authorized on those employed in county: *HB 1509, CH
248 (1984)
Occupational disease, workers' compensation, claim filing: *HB 1142, CH 159
(1984)
Prison work programs, fish and game: SB 4411
Prison work programs, fish, game, shellfish: SSB 4411
Private sector job placement program: SB 3850, SSB 3850
Public assistance employment training and demonstration project: SB 4611
Relocation assistance, layoffs, closures: SB 4709
Right-to-know advisory council established: SSB 4831, *2SSB 4831, CH 289 (1984)
Sexual orientation, may not discriminate: SB 3289
Small business improvement council: SSB 3982, 2SSB 3982
Small business innovators' opportunity program extended: *SB 4773, CH 79 (1984)
Theatrical enterprises, wage claim against bond: *SSB 4220, CH 89 (1984)
Theatrical enterprises, wages, violation a misdemeanor: SB 4220
Training and employment program established: SB 3973, SSB 3973
Training programs retraining for similar wages: SB 4709

WORK—cont.

Work incentive demonstration project proposal: SHB 1589

Work incentive demonstration proposal for the employment training project: SB 4611

Worker and community right to know act: SSB 4831, *2SSB 4831, CH 289 (1984)

Youth jobs program established: SB 3375, SSB 3375

WORTHINGTON, WYONA

Member, joint select committee on industrial insurance p. 1301

WPPSS (See also JOINT OPERATING AGENCIES)

Bond authorization elections, eligibility for voting expanded: SB 3001

Contract amendments, competitive bid process modified: SB 4524

Dangerous wastes from energy facilities, apply dangerous waste law: *SB 4607, CH 237 (1984)

Financial resolution called for: SCR 107

Legal counsel expenses, narrative billing statements to be provided: SB 4528

Major public energy project, agreement for completion is deemed new project: SB 4789

Narrative billing statements of legal counsel expenses: SB 4528

Nuclear project contract amendments, competitive bid process modified: SB 4524

Voter approval needed for agreement to complete major project: SB 4789

WPPSS EXECUTIVE BOARD OF DIRECTORS

Berry, Michael, member: GA 67, returned to Governor's office p. 244

Mayo, Ronald D., member: GA 171 p. 33

Steinborn, Sydney, member: GA 172 p. 33

Wall, William, member: GA 66, returned to Governor's office p. 244

YAKIMA COMMUNITY COLLEGE DISTRICT 16, BOARD OF TRUSTEES

Edmondson, Betty L, member: GA 192 pp. 37,1589

YAKIMA RIVER

Hydroelectric development: SSB 3873

ZIMMERMAN, SENATOR HAROLD S. "HAL"

Statement for journal, opposed to passage of 2ReSB 3309 p. 150

Statement for journal, missed floor action due to illness p. 337

Statement for journal, regarding vote on ESHB 1456 p. 870

ZIMMERMAN, LYNDA

Member, hospital commission: GA 196, confirmed pp. 238,589,1333

ZLOTH, ARTHUR M.

Member, state pharmacy board: GA 90, confirmed p. 214

ZOOS AND AQUARIUMS

Financing and development of zoos and aquariums: SB 4097